

Judgment 14, 1968

JUDICIAL COMMITTEE OF THE
IN THE PRIVY COUNCIL

No. 20 of 1967

ON APPEAL FROM THE FEDERAL COURT
OF MALAYSIA HOLDEN IN SINGAPORE
(APPELLATE JURISDICTION)

B E T W E E N :

(1) OSMAN BIN HAJI MOHAMED ALI

and

(2) HARUN BIN SAID alias TAHIR Appellants

- and -

THE PUBLIC PROSECUTOR

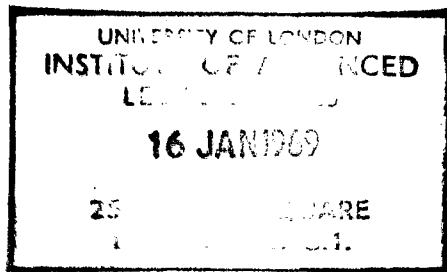
Respondent

RECORD OF PROCEEDINGS

VOLUME II

(pages 390 to 656)

Exhibits 657 to 723



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(i)

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VOLUME II

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NO. 61DONALD YEOIn the High
Court in
SingaporeDONALD YEO (Examination-in-Chief by Crown
Counsel) (Sworn in English)

No.61

Donald Yeo
14th October
1965
Examination

- Q. Your name is Donald Yeo? A. Yes.
- Q. You are the Third District Judge? A. Yes.
- Q. In March of this year, were you the 4th Magistrate? A. Yes, I was.
- Q. Now on the 13th March this year at about 6.15 p.m. were you in your chambers? A. Yes, I was.
- 10 Q. And with you at the time was one Osman bin Haji Mohamed Ali? A. Yes.
- Q. And an interpreter in Malay, or a Malay interpreter by the name of Ishak bin Haji Nawawi? A. Yes.
- Q. Can you identify Ishak Nawawi? A. Yes.
- Q. Is this the gentleman in question? A. Yes, this is the gentleman. (Ishak bin Haji Nawawi produced and identified in Court)
- Q. Can you identify this man Osman bin Haji Mohamed Ali? A. I cannot.
- 20 Q. Were there any persons other than you three in your chambers at the time? A. No, sir.
- Q. Now, did you speak to this Osman bin Haji Mohamed Ali? A. I did.
- Q. Through the interpreter Ishak bin Haji Nawawi? A. Yes.
- Q. You put to him certain questions? A. Yes, I did.
- Q. And did he make any replies to your questions? A. He did.
- 30 Q. Which questions and answers you recorded? A. I recorded these questions and answers.

In the High
Court in
Singapore

No.61

Donald Yeo

14th October
1965

Examination
(contd.)

- Q. Will you tell his Lordship why did you ask him these questions? A. The reason being I have to find out, first of all, what he was there for, and, secondly, what he wanted with me. And also having learnt what he was there for, I wanted to find out if he was brought there either by force from the Police, or from anybody in authority.
- Q. When you say he was brought there, you mean brought to you? A. Brought to me in the chambers. 10
- Q. Yes? A. Then when I found out that he went there of his own accord - I am sorry - he came to me of his own accord I cautioned him.
- Q. You cautioned him. What do you mean by that? What did you tell him? A. I told him that he need not say anything if he did not wish to do so, but if he says anything it will be recorded, to be taken down in writing, and may be used at his trial. 20
- Q. May be used as evidence? A. May be used as evidence at his trial.
- Q. After you had cautioned him, did he say anything, or indicate to you what he wished? A. Yes, he told me he wanted to give me a statement.
- Q. And were you satisfied that he wished to give a statement to you voluntarily? A. Yes, I was.
- Q. And you then proceeded to record a statement from him? A. Yes. 30
- Q. Now, at the end of the statement to you, could you tell this Court what you did? A. I read back the statement I recorded to him, and I asked him if he wished to make any correction. He said he wanted to make a correction regarding --
- Q. He made a correction? A. He made a correction.
- Q. You read back his statement to him through the Interpreter? A. Yes, through the interpreter. 40

Q. At the end of which, did the accused sign the statement? A. He did.

In the High Court in Singapore

His Lordship: That is the first accused Osman?

Crown Counsel: That is correct, my Lord.

—
No.61

Donald Yeo

Q. And then you and the interpreter also signed after that? A. Yes, we did.

14th October 1965

10

Q. One other point: At the end of it all, did you have a memorandum prepared justifying the effect that the statement was made voluntarily before you? A. Yes.

Examination (contd.)

Q. And taken in your presence and hearing? A. Yes.

Q. Did the memorandum say that the statement was voluntarily made and that it had been taken in your presence and hearing? A. Yes.

Q. That it was read over to the person making it and admitted by him to be correct. Is that right? A. Yes, my Lord.

20

Q. And that it contains a full and true account of what he said to you? A. Yes.

Q. And then you signed your name underneath it? A. Yes, I did.

Q. And your interpreter signed beneath you to the effect that the document had been read, interpreted and explained by him? A. Yes, he did.

30

Q. In Indonesian Malay language to the accused who admitted it to be true and correct statement? A. Yes.

Q. One other question: Before, after, or during his statement to you, did the accused make any complaints to you? A. No, sir, he did not.

Q. Can you produce the statement in question which you recorded under your hand? A. Yes, sir.

In the High
Court in
Singapore

—
No.61

Donald Yeo

14th October
1965

Examination
(contd.)

Cross-
examination

Q. Through the interpretation of Inche Ishak?
A. Yes. (Witness produces statement) This
is the statement.

Q. Is that the statement in question? A. Yes.

His Lordship: Mark it P.90 for
identification. You have got a
copy of this, Mr. Kamil?

Mr. Kamil: I have. I object to its
admission.

Q. You identify your signature, the signature
of Osman bin Haji Mohamed Ali as well as
the signature of your interpreter? 10
A. Yes, I do.

(Cross-examination by Mr. Kamil)

Q. Mr. Yeo, your normal hours of working are from
which time to which time? A. 9 o'clock in
the morning to 4.30 during the week days
in the afternoon, and on Saturdays from 9 a.m.
to 1 p.m.

Q. You said that the accused was brought to you
at 6.15 p.m.? A. Yes. 20

His Lordship: Q. Osman? A. Osman.

Q. At? A. 6.15 p.m.

Q. At your office? A. In my chambers.

Q. Do you agree that 6.15 is not your normal
working hour? A. Yes, sir.

Q. Can you tell the Court why was the person
brought to you at 6.15 and you were in your
chambers at 6.15? A. At about 5.30 that
afternoon, I received a telephone call at my
house from Inspector Hubert Hill. I was
told that an accused person wanted to see
me, and I instructed Inspector Hill to arrange
for the 4th Court chambers to be opened, and I
went there and arrived at about 6.10, or
6 o'clock I am not so sure about that. 30

Q. Where do you stay? A. My house is at Binjai
Rise, 6¼ milestone off Dunearn Road.

Q. How far is it from your chambers? A. Well, I normally take around 30 minutes to get to Court.

In the High Court in Singapore

Q. I think you had better give the approximate mile? A. I am sorry I just can't tell you.

No.61

Q. Your car goes at what speed? A. Normally I keep within the speed limit of 30 miles an hour.

Donald Yeo
14th October
1965

10 Q. That means, according to calculation, about 15 miles from your house? A. My house is 6 $\frac{1}{4}$ miles from the city centre.

Cross-examination
(contd.)

Q. Why is it necessary for you to come back to the Court that evening?

Crown Counsel: Mr. Yeo has already explained that he received a 'phone call.

20 His Lordship: Do you want to find out why he did not want to see the person in his house?

Mr. Kamil: Yes.

A. Because I normally do my work in my Court, I do not wish to see anyone in relation to my work in my house, and besides all my books, my stationery and the memorandum of inquiry - the forms - are all in the Court.

Q. Is it not better that you wait until the next day in the morning during your working hours? A. No, sir.

30 Q. What makes you think that it is not better to wait? A. Because it is my usual practice to attend to any person as best as I can and as quickly as possible, attend to any person in the course of my work as quickly as possible.

Q. Who is this interpreter of yours - Ishak? A. He is the Court interpreter.

His Lordship: Q. Attached to your Court?

In the High
Court in
Singapore

—
No.61

Donald Yeo
14th October
1965

Cross-
examination
(contd.)

A. No, my Lord, he is attached to the Courts. I don't really know where he is attached to.

Q. Attached to the lower Courts?

A. Yes, lower Courts.

Q. Is it possible for you to inform us how did you or anyone contact the interpreter to come to the Court? A. I don't know, my Lord.

His Lordship: Q. You don't know who contacted Ishak? A. Yes.

10

Q. You never contacted him? A. I did not contact the interpreter.

Q. May it mean that when you came to your chambers he was already there? A. Yes, sir.

Q. Waiting for you? A. Yes.

Q. What is his specialisation - his language? A. I don't know, sir.

Q. Did you know that the accused was an Indonesian? A. When I first saw him, I did not know he was an Indonesian.

20

Q. During the conversation? A. Having questioned him, I discovered that he was an Indonesian.

Q. Did you make sure that what he spoke was understood by the interpreter? A. Yes, sir.

Q. You know him to be speaking Indonesian? A. I was told that he was speaking Indonesian Malay.

Q. And that the interpreter was conversant in Indonesian Malay? A. He spoke Indonesian Malay to the accused. That is what I understood it to be.

30

Q. But you could not know whether he spoke Indonesian Malay, or ordinary Malay, or other language? A. I don't know.

Q. One last question: Did he tell you that he was a soldier, this accused person?

A. He said he took orders from a certain person. I think he mentioned the name of Pawa, or some sort.

In the High Court in Singapore

Q. His occupation - whether he is a soldier or not? A. As best as I can recollect, he did not mention the word, "Soldier".

No.61

Donald Yeo

Q. Something like a soldier? A. I don't know what you mean by "Something like a soldier". I am sorry.

14th October 1965

10 Q. In soldiery there are names. Like in Malaya we may have commando, red beret, or something? A. I can't remember exactly what he said. He said he was serving, he was taking orders, instructions, from someone.

Cross-examination (contd.)

(Re-examination by Crown Counsel)

Re-examination

20 Q. Mr. Yeo, would you be able to tell this Court whether there is any such thing as a roster for Magistrates for such duties? A. Yes, there is a roster for Magistrates to record confessions out of duty hours, outside duty hours.

Q. And in that connection do you know whether there is such a roster for interpreters? A. I don't know.

(Witness stands down and is released)

In the High
Court in
Singapore

NO. 62

ISHAK BIN HAJI NAWAWI

No.62

ISHAK BIN HAJI NAWAWI (Examination-in-chief
by Crown Counsel) (Affirmed in English)

Ishak Bin Haji
Nawawi

14th October
1965

Examination

- Q. Your name is Ishak bin Haji Nawawa?
A. Yes.
- Q. You are an interpreter attached to the
Criminal District and Magistrate Courts?
A. That is so.
- Q. In South Bridge Road, Singapore? A. Yes. 10
- Q. On the 13th of March this year at about 6.10
p.m. did Inspector Tan Eng Bok hand over to
you a male Indonesian by the name of Osman bin
Haji Mohamed Ali? A. That is so.
- Q. At about that time? A. Yes.
- Q. Can you identify that man if you were to see him
again? A. I am afraid I cannot.
- Q. And later did you act as interpreter for Mr.
Donald Yeo, the last witness? A. That is so.
- Q. That is to say between Osman bin Haji Mohamed
Ali and Mr. Donald Yeo? A. Yes. 20
- Q. In the chambers of Mr. Yeo? A. Yes.
- Q. Now, at the time that you acted as Interpreter,
were there any persons other than you three in
the Chambers? A. No, my Lord.
- Q. Where was Inspector Tan Eng Bock? A. If I
remember correctly, he was outside the Court.
- Q. He was not in with you? A. No.
- Q. Now, do you remember Mr. Yeo asking these
accused persons any questions? A. Yes, my Lord. 30
- Q. Which you interpreted? A. Yes.
- Q. In what language? A. In Javanese, my Lord.

- Q. You spoke Javanese? A. I spoke Javanese.
- Q. And did that accused person understand you?
A. Yes, my Lord.
- Q. And in what language - or, before that, did he make any reply to those questions which you interpreted? A. Yes, my Lord.
- Q. And in what language was that? A. When I asked him in which language he preferred to speak, that was put in Malay. Then he replied he wished to speak Javanese.
- Q. Javanese? A. Yes.
- Q. Did you understand him? A. I do, my Lord.
- Q. Could he understand you? A. He did, my Lord.
- Q. At the end of questions and answers put by Mr. Yeo, can you tell us what happened next?
A. I read over the confession to the said ---

His Lordship: I do not want to hear the word "confession".

- Q. At the end of questions and answers do you know what happened next? Don't jump the gun.
A. I beg your pardon, at the end of the?
- Q. Questions and answers by Mr. Yeo, can you remember what happened next? A. Well, I interpreted the answer by the said Osman to Mr. Donald Yeo.
- Q. Well, let me put it this way: did the accused person make any statement? A. He did my Lord.
- Q. Which you interpreted to Mr. Yeo? A. I did.
- Q. Who recorded it down? A. I did.
- Q. Now, at the end of the statement given by the accused person, what did you do? A. I read the statement over to the accused.
- Q. I see. And did he understand you? A. He did, my Lord.

In the High Court in Singapore

No.62

Ishak bin Haji Nawawi

14th October 1965

Examination (contd.)

10

20

30

In the High
Court in
Singapore

No.62

Ishak bin
Haji Nawawi

14th October
1965

Examination
(contd.)

Q. Do you remember whether he made any correction of his statement? A. I can't remember, my Lord.

Q. But if he did it would be in the statement?
A. It would be in the statement.

Q. After that, did he sign? A. He signed the statement.

Q. After which both you and Mr. Yeo signed it? A. That is so.

Q. Then do you remember Mr. Yeo making a memorandum, signing beneath it? A. I do, my Lord. 10

Q. And after which ---

His Lordship: You do or you don't?
A. I do.

Q. After which you signed beneath this memorandum to the effect that the document had been read, interpreted and explained by you in Indonesian Malay language/dialect to the accused, who admitted it to be a true and correct statement? Do you remember signing beneath that? A. I remember signing beneath that. 20

Q. Right, I want you to look at P.90.

(Exhibit is shown to witness)

Do you recognise that document?

A. I do, my Lord.

Q. You identify the accused person's signatures as well as your own? A. I do.

Q. During the time the accused person was with you and Mr. Yeo, did he make any complaint to you, or to Mr. Yeo through you? A. No, my Lord. 30

Q. Now, at about 7.10 p.m. that same day, do you remember acting as interpreter for the Third Magistrate, Mr. Dalip Singh? A. I do, my Lord.

Q. For one person by the name of Harun bin Said, alias Tahir? A. That is so.

In the High Court in Singapore

His Lordship: Acted as interpreter for whom?

Cr. Counsel: Harun bin Said, alias Tahir.

No.62

Ishak bin Haji Nawawi

Q. Can you identify that person if you were to see him again? A. I can't, my Lord.

14th October 1965

10 Q. Now, do you remember Mr. Dalip Singh making an initial inquiry of that person? A. I do, my Lord.

Examination (contd.)

Q. Who did not make any statement to him? A. That is correct.

Q. Now, what I want to know from you, you were there - did that second accused person make any complaint to Mr. Dalip Singh through you? A. No, my Lord.

20 Q. One last question: is there a roster of duties for Interpreters outside office hours in case accused persons wish to see a Magistrate? A. No, my Lord. There is no such roster.

Q. Do you know, or --- A. I do not know, but as far as from what I know there is no such roster.

(Cross-examination) (By Mr. Kamil)

Cross-examination

Q. Mr. Ishak, you spoke to Osman in Javanese? A. In Javanese as well as Malay, Indonesian Malay.

30 Q. Indonesian Malay. I take it that he understood more Javanese? A. I am a qualified Javanese Interpreter.

His Lordship: No, the question is whether this man Osman understood more Javanese. I think that was the question, is it?

In the High
Court in
Singapore

—
No.62

Ishak bin
Haji Nawawi

14th October
1965

Cross-
examination
(contd.)

Mr. Kamil: Yes. A. I cannot say, my Lord, but he understood me.

Q. What I mean is during the time when you were interpreting to him, was he speaking to you mostly in Javanese, or was he speaking to you mixed Javanese and ---

A. Mixture of Javanese and Indonesian Malay.

Q. Are you also qualified as interpreter for Indonesian Malay? A. No, my Lord. 10

Q. But you do know some Indonesian Malay? A. I do, my Lord.

His Lordship: When you say "qualified", what do you mean by that? That you don't know the language at all, or rather you do not know the language well, or do you mean that you had not taken any exam? A. What I meant was I did not sit for any Indonesian Malay Examinations. 20

Cr. Counsel: You did not sit?

His Lordship: You have not sat?
A. I have not sat.

Q. Is there such an exam? A. Not to my knowledge. It has not been---

Q. It has not been set by Government, is it? A. It has not been incorporated into our Scheme of Service.

Q. Is there any other person who can speak Indonesian assigned as Indonesian Interpreter? 30

His Lordship: You mean in the local court?

Mr. Kamil: In the local court.

A. No, not to my knowledge.

Q. You told him that Donald Yeo was the Magistrate? A. I did, my Lord.

Q. How did you do so? Magistrate?

A. He is not Magistrate - "Jaksa".

In the High
Court in
Singapore

His Lordship: Was he Judge or Magistrate?
A. A Magistrate.

His Lordship: The next question is -
what was your question?

No.62

Q. Whether you used the word "Magistrate"?
A. I used two words, my Lord. One was
"Jaksa"; the other one was "Hakim".

Ishak bin
Haji Nawawi

14th October
1965

Cross-
examination
(contd.)

10

His Lordship: "Jaksa"? A. "Jaksa"
(spelt) J-A-K-S-A. The other
one was "Hakim" (spelt) H-A-K-I-M.

Q. Do you know whether these words can be
understood by ordinary Indonesians? A. I
do, my Lord.

Q. How do you know? A. In the course of
conversation with other Indonesian
Malays.

Q. But you have not been to Indonesia?
A. No, my Lord.

20

Q. You know that in Indonesia, even in
Indonesia, even if they speak Malay, this
Malay - Indonesian Malay - some words are
used in Sumatra which are not used in
Java? A. That is so.

Q. So some words are familiar in one island
which are not familiar with the other
island? A. That is correct.

30

Q. How did you come to that court that day?
A. I was asked to go and report for duty
at the Criminal District Magistrate's
Court building, South Bridge Road.

His Lordship: At what court?
A. At the Criminal District
Magistrate Court building, South
Bridge Road.

Q. Who contacted you? A. An Inspector contacted
me.

In the High Court in Singapore

No.62

Ishak bin Haji Nawawi

14th October 1965

Cross-examination (contd.)

Q. Do you know him? A. I did not know him before that.

His Lordship: Tell us which Inspector it was. Can you give his name?
A. I can't.

Q. Did he tell you his name or not?
A. He told me his name, but I can't remember now.

Q. Where did he contact you? A. At my house.

Q. How? By phone or he came to your house?
A. He came to my house.

10

Q. At what time? A. It was about 5 p.m.

Q. Where is your house? A. At 123 Tanglin Road.

Q. You do not know the Inspector, you say. Is it proper to get instruction from a policeman?

His Lordship: Pardon?

Q. Proper to get instruction from a policeman to go to Court?

His Lordship: I do not understand the question.

20

Q. Now, he told you to go to the Court? A. I was asked to go to the Court, report for duty in connection with a certain case.

Q. Is it normal for a policeman to come to your house? A. Not a policeman; he was a Police Inspector, a police officer.

Q. Was it normal for a Police Inspector to come to your house? A. Well, in the case of ---

30

His Lordship: Mr. Kamil, is there anything sinister in this? Because you see, Magistrates, one of the Magistrates' duties is to record statements from accused persons who want to make a statement. If he does not speak the language

that the accused person speaks, then he would require an Interpreter, unless of course you are suggesting something. That is quite normal procedure, you know, Mr. Kamil, in the Lower Court.

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Q. The one you remember when you went to the Chamber of Mr. Dalip Singh? A. Yes.

Ishak bin Haji Nawawi

His Lordship: Dalip Singh, yes.

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10 Q. What language?

His Lordship: That is Harun, is it?

Cross-examination (contd.)

Mr. Kamil: Harun.

Q. What language was used? A. He spoke Malay.

Q. Indonesian Malay? A. Malay, local Malay, my Lord.

His Lordship: Not Indonesian Malay?
A. Not Indonesian Malay.

20

Q. Can you tell me if he has got a twang or not? A. He has got a slight twang, but he spoke Malay, the local Malay language.

Q. No, what I am asking you is: has he a twang which conveys to you that he is an Indonesian? A. Not very.

Q. You can't tell? A. Yes, my Lord. It was, I should say, slight, slight accent of Indonesian Malay.

30

Q. You know that the accents of people in Indonesia are also different from one place to the other? A. As far as I know, the twang of the Indonesian Malay language is common, throughout.

Q. Do you agree that the Indonesian Javanese, when he speaks Malay, you see the "r" of it would be thick because it is influenced with

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Cross-examination (contd.)

the Javanese language? A. That is so.

His Lordship: Can you say it again? I am afraid I did not quite catch the question.

Q. Now, that Javanese, Indonesian Javanese, when he speaks Indonesian Malay, the sound of "r" ---

His Lordship: "r"?

Mr. Kamil: Yes.

Q. Will be thick, because his tongue is influenced with the Javanese language? A. As far as I know, My Lord, that is not so. 10

Q. One last question, Mr. Ishak, Do you remember if he told you ---

His Lordship: He, meaning Harun, or Osman?

Mr. Kamil: I think both of them.

Q. Both of them have told you of their occupation? A. Yes, my Lord.

Q. What did they tell you? A. They claimed to be members of the K.K.O., or "Kar Kar O", according to them? 20

His Lordship: Members of K.K.O., is it? A. Yes, my Lord.

Q. Corps Commando Operasi? A. That is correct my Lord.

Mr. Kamil: Thank you.

Re-examination

(Re-examination) (By Crown Counsel)

Q. Mr. Ishak, the name "Nawawi" - what name is that? What is the origin of that name? A. It is a Javanese name. 30

Q. You are a Javanese? Are you born locally? A. I am of Javanese descent.

Q. You were born here? A. I was born here.

In the High
Court in
Singapore

Q. Have you been to Indonesia? A. No, my Lord.

Q. Days before confrontation? A. No, my Lord.

Q. What I am trying to get at is: if one were to go to Indonesia and speak in the Malay as spoken here, would one be understood, would you be able to say? A. That I would not be able to say, my Lord.

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Re-
examination
(contd.)

10

Q. What would you call Boyanese? A. As a resident here, I would call Boyanese a language.

Q. That is what you call it - a language? Not a dialect?

His Lordship: Spoken in which part of Java? A. Spoken from the island of Bawean.

Q. Not in Java? A. I cannot say. One of the islands near by.

His Lordship: Island of what? A. Bawean.

20

Q. How do you spell it?

A. B-A-W-E-A-N.

Q. Where is this Island- A. It is near Java.

Q. How did you spell the island - Bawean? A. (Spelt) B-A-W-E-A-N.

Q. Now, you would not describe it as a dialect, would you? A. As a local resident I would not say it is a dialect. I would say it is a language like the Javanese, which is also a language here.

30

Q. Now, we come to this question: you have been using the expression "Indonesian Malay". What do you mean by that in relation to Javanese and/or Boyanese? Are you using it interchangeably, or are you using it differently? A. Indonesian Malay is made up of our local Malay language and some Javanese language and other foreign languages which I do not know.

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Re-
examination
(contd.)

His Lordship: Can you tell me whether you understood Osman well when he spoke to you? A. I understood Osman well.

Q. Can you say whether he understood you well? A. Yes, he did, my Lord.

Q. Was there a lot of explaining to make him understand? A. No, my Lord.

Q. Isn't there any explanation at all? 10
A. There was some explanation.

Q. To make him understand?
A. Yes, my Lord.

His Lordship: Yes, all right. Thank you.

Cr. Counsel: May he be released, my Lord? Have you any objections to that?

Mr. Kamil: No.

His Lordship: I suppose you have got to recall him? Can you be recalled when you are required, or are you going away? A. I will be going back to the Traffic Courts. 20

Q. But you are not leaving Singapore?
A. No, my Lord. I am attached to the Singapore Courts.

Q. I know, but you may be taking leave. A. No, my Lord.

(Witness stands down)

NO. 63TAN ENG BOCKIn the High
Court in
Singapore

TAN ENG BOCK (Cross-examination) (By Mr. Kamil)

His Lordship: That is P.W.40, is it?

Cr. Counsel: That is so, my Lord.

His Lordship: You are on your former oath,
Mr. Tan. A. That is so.No.63Tan Eng Bock
(recalled)14th October
1965Cross-
examination

10

Q. Mr. Tan - Tan Eng Bock. Mr. Tan, you were
conducting the parade, identification
parade? A. Yes.

Q. On 18th of March, isn't it? A. That is so.

Q. Now, how did - (turning to Crown Counsel) -
I think you called one Tan, you remember?
Or Boh?

Cr. Counsel: Tan Boh Eng.

A. Tan Boh Eng: I did not call him.

Q. But he came? A. He was called by one of the
Inspectors.

20

His Lordship: By another Inspector?
A. That is so.Q. And you were supervising the parade?
A. Yes.Q. How did this man Tan Boh Eng choose this
accused? A. I beg your pardon.

Q. How did Tan Boh Eng ---

30

His Lordship: Perhaps we can put it in
this way: Mr. Kamil wants to know
what did this man Tan Boh Eng do?
Did he walk up and down, stand down
there, and point out? That is what
you want, Mr. Kamil?

Mr. Kamil: Yes.

In the High Court in Singapore

No.63

Tan Eng Bock (recalled)

14th October 1965

Cross-examination (contd.)

A. Yes, my Lord, when the parade were ready Tan Boh Eng was then introduced.

His Lordship: Was brought; yes?

A. He then started walking from my left as I faced the parade, slowly, looking at each and everyone of the participants in the parade. Upon reaching the end of the line - by that I mean the end of the parade on my right, he turned back and started walking down the other direction. As he came to Accused No. 1 standing in front of him, that is Osman bin Haji Mohd Ali, he identified him to me.

10

Q. Did he say something? A. He pointed out the accused to me. He then walked further down the line and in front, standing in front of Accused No. 2, Harun bin Said, he identified him by pointing. He then told me that ---

20

Q. No, no. We don't want to hear what he told you. Yes, Mr. Kamil.

Q. How were these two accused dressed that day? A. Osman bin Haji Mohd Ali, the first accused, was wearing a green sports shirt tucked inside a black trousers without belt.

His Lordship: Yes, second accused?

A. Second accused was wearing a brown sport shirt, off white trousers. The sport shirt was placed outside.

30

Mr. Kamel: May I ask your Lordship's permission to recall Mr. Tan Eng Bok on a further point?

His Lordship: Yes, Mr. Kamil.

TAN ENG BOK (Recalled with permission of Court)

Further questions by Mr. Kamil.

Q. I put it to you, Mr. Tan, that this Tan Boh Eng did not at first recognise these two accused? A. That is not so.

40

Q. But then you spoke something to him after that he pointed out? A. That is not true.

In the High Court in Singapore

No questions by Crown Counsel.

No.63

(Witness released)

(At 10.55 a.m. Court adjourns for ten minutes)

Tan Eng Bock (recalled)

14th October 1965

10

Crown Counsel: That would be my case for the time being so far as the statements as recorded by the Police and the statement recorded by the Magistrate. I do not know now what steps my learned friend intends to take - whether he wishes to make a submission or call evidence in rebuttal.

Cross-examination (contd.)

His Lordship: I would like to hear your objection to the statements.

Mr. Kamil: I would like to call the accused to give evidence.

20

Crown Counsel: There are three.

His Lordship: All the three.

Mr. Kamil: I will call the accused.

NO.64

Defence Evidence

OSMAN BIN HAJI MOHD ALI

No.64

OSMAN BIN HAJI MOHD. ALI (Accused No.1)

Examination-in-chief by Mr. Kamil. (Affirmed)

Osman bin Haji Mohd. Ali

Q. Your name is Osman bin Haji Mohd. Ali?
A. Yes.

14th October 1965

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Q. I will bring you back to the 13th March, 1965, the first day where you were arrested by the Police? A. Yes.

Examination

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Court in
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Evidence

No.64

Osman bin
Haji Mohd.
Ali

14th October
1965

Examination
(contd.)

- Q. You remember when you were introduced to Inspector Hubert Hill? A. Yes.
- Q. It was in a room in the Marine Police Station? A. Yes.

- Q. Could you tell the Court what happened in that room at about 1 o'clock.

His Lordship: Q. What time was it?
A. I cannot remember the time.

- Q. Could you tell the Court what happened in that room? A. On my first arrival into the room, I was told that I would be examined by a person of British descent. Then I was told to follow the instructions of that person. 10

- Q. Who told you that? A. A Police Officer.
- Q. And then?

His Lordship: Q. Can you tell us whether this Police Officer was a Malay, Indian or Chinese or what? A. He looked like a Malay.

- Q. What did you understand by British descent? A. A British or European who has been mixed up with other people. 20

- Q. Yes, what happened? A. I was brought to a room where there were two other persons, a Police Inspector and another person. Firstly, my named was asked, my occupation, the place of origin in Indonesia. Then I was questioned by the Police Officer.

- Q. Did he tell you that it is not necessary to say anything if you do not want to say anything? A. No, I was told to answer as he instructed me only. 30

His Lordship: Q. There is some confusion here because your evidence is that a Police Officer who looked like a Malay told you to follow the instructions of the person who, you were told, was of British descent; is that correct? A. Yes, my Lord.

Q. Then you said you were taken to a room where there were two persons, one a Police Inspector and another person who you do not know? A. Yes.

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Q. Can you tell me then the Police Inspector who was in this room was he a Malay, Chinese or Indian? A. I do not know.

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Evidence

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10

Q. You do not know his race? A. That is so.

Osman bin
Haji Mohd.
Ali

Q. Then you were questioned and you were told to answer as he instructed you. That is what I do not understand: who instructed you, the Malay Inspector or the Inspector that was in the room? A. The man who was in the room.

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1965

Examination
(contd.)

20

Q. He instructed you to do what, to answer his questions? A. Yes.

Q. Can you identify this Inspector, the Inspector who was in the room? A. That person (Points to person in Court).

His Lordship: Q. Which one, there are five of them there? A. The third one from the left (Points to Inspector Hubert Hill)

30

Q. And the Malay Inspector, can you see him in Court; has he appeared here before? A. I cannot remember him well.

Q. Yes, then? A. I answered to all the questions in the manner instructed me.

Q. What language did you speak? A. In the Indonesian language.

Q. And this Inspector, did he speak to you in Indonesian language.

His Lordship: You call him Inspector Hill, otherwise you will confuse him. A. No.

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Singapore

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Evidence

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Osman bin
Haji Mohd.
Ali

14th October
1965

Examination
(contd.)

Q. Then how could you understand him? A. I did not understand at all what he asked me.

Q. Were the words interpreted to you when he asked you; was that question interpreted to you? A. Yes.

Q. Could you understand that? A. I did not understand.

Q. When you said that you did not understand, did you tell the man that you understood something and you did not understand --

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Crown Counsel: I object to the question, my Lord.

His Lordship: That is leading.

His Lordship: Q. Can you explain what do you mean by you cannot understand?

A. I did not understand, because I thought he was using the Malay language.

Q. You thought? A. Yes.

Q. I did not understand because I thought he was using the Malay language? A. Yes.

20

Q. Then? A. After making the statement, I was told to sign on the statement.

Q. Did you understand what was in the statement? A. I did not, my Lord.

His Lordship: Q. You did not understand, or you did not know - which is which?

A. I did not understand the contents, my Lord.

Q. Why? A. As it was explained by the Malay very rapidly.

30

His Lordship: Q. This is the first time we have heard about the Malay. Who is this Malay? A. The other person who was in the room.

Q. Did you sign it? A. At first I refused to sign.

His Lordship: Q. What happened?

A. After being forced by two persons.

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Court in
Singapore

Q. Will you tell this witness that I want to have it clear from him. What happened - just don't use force? Lots of things can mean by force. He can take your hand and force you to write. That is force also. Will you kindly tell him what happened that day? A. He pushed the statement before me and ---

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Evidence

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Osman bin
Haji Mohd.
Ali

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1965

Examination
(contd.)

Q. Who is "He" - the Malay or the Inspector? Please give your evidence clearly - DIA DIA. There are two persons in the room. DIA can mean the Malay, or it can mean the Inspector? Would you let us have it clearly whether it was the Inspector who pushed it, or was it the Malay who pushed it? A. The Malay, my Lord.

Q. What did he do? The Malay did what? A. The Malay pushed the statement before me.

Q. This piece of paper with some writing on it? A. Yes.

Q. He pushed it to you?

Interpreter: He said, PAKSA,
PAKSA.

A. He forced me to sign it. I still refused, my Lord.

His Lordship: Q. Look, in fairness, I will ask you once again. You must give your statement in full, you know. I am trying to assist you in giving your evidence. I have already explained to you the use of the word "Force". It can mean many things? Look, I will say it once again. I am not going to say it again. Kindly

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High Court
in Singapore

Defence
Evidence

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Osman bin
Haji Mohd.
Ali

14th October
1965

Examination
(contd.)

tell us what happened to you? What was done to you? I have told you just now that "Force" can mean take your hand and force you to write. That is one way of forcing. It can mean scold you or abuse you? So, look, I am not going to say it again. Please let us have what happened to you that day? A. I still refused to sign the statement. I was slapped by the Malay man. Then after I was told to stand up, I was again beaten by the Police Inspector.

10

Q. By Inspector Hill? A. Yes.

Q. Where? A. I was hit on the stomach, my Lord. Then the Malay told me that if I refused to sign it, then I would die here. Then I obeyed him and signed the statement.

Q. On that day what about your food? A. I have not been supplied with food.

Q. When was your first food that day? A. My first food was at 8 o'clock in the morning after I was arrested and it was given in the lock-up.

20

His Lordship: Q. It was given in the lock-up?
A. Yes, my Lord.

Q. After your arrest? A. Yes.

Q. Was that the same day, the day you made the statement, or you signed the statement?
A. No, my Lord.

Q. That day did you have any food at all -- the day when you were brought from the sea?

30

His Lordship: Q. On the 13th of March, did you have any food at all?
A. No, my Lord.

Q. You had no food for the whole day. Is that right? A. One day and one night.

Q. Then when were you given food?
A. At 9 o'clock on the 14th.

- Q. 9 a.m.? A. 9 o'clock in the morning. On the 14th I was given the first food.
- In the High Court in Singapore
-
- Q. Did you ask anybody about the food on the 13th? A. On the 13th before I was examined by the Police Inspector, I asked someone for food, but I was not given any food at all.
- Defence Evidence
-
- Q. Now, do you remember going to a Doctor in the evening? A. Yes, my Lord.
- No.64
- 10 His Lordship: Q. That is the evening of the 13th of March? A. Yes, my Lord.
- Osman bin Haji Mohd. Ali.
- Q. Did you tell the Doctor that you had been assaulted? A. Before I was taken to the Doctor, I was told not to tell him that I had been assaulted.
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- Examination (contd.)
- His Lordship: Q. Not to tell the Doctor? A. Yes.
- Q. So you did not tell the Doctor? A. No, my Lord.
- 20 Q. What happened if you told the Doctor?
- Crown Counsel: It is a speculative question.
- His Lordship: He did not tell.
- Q. That is the reason why you did not tell the Doctor?
- His Lordship: Q. Can you tell me since you said you were told not to tell the Doctor? A. Yes.
- 30 Q. Were you told anything else? A. Before I was taken to the Doctor, I was taught what I had to say.
- Q. To whom? A. I was taught what I had to say to a big Police official, to a high Police official.

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Examination
(contd.)

His Lordship: Will you tell him that I want to assist him as much as I can, but there are certain limits, you know? This is your story, and you must tell it to me fully.

Q. Now, apart from that you were told not to tell the Doctor, did the man, who told you that, tell you why you should not tell the Doctor?

His Lordship: You are leading, Mr. Kamil. There are certain limits to this.

10

His Lordship: Q. But you told us just now that somebody told you that you were not to tell the Doctor that you had been assaulted? A. Yes, my Lord.

Q. Were you told anything else?
A. Interpreter: He keeps on saying he was taught what to say to the high police official.

His Lordship: That is the best we can do for you, Mr. Kamil. Yes, Mr. Kamil.

20

His Lordship: You must bear in mind that you allege that certain things had happened to you and only you can tell. We can't tell you as we were not there, and we do not know anything that happened. You must know. You must tell us. I was not there and your Counsel was not there. If you don't tell us we don't know.

30

Q. Why did you follow that order? A. As I was threatened that if I should report the matter to the Doctor, I would be assaulted or hit to death when I returned.

His Lordship: Q. It has taken five minutes and many questions to bring that out. Will you tell him that it has taken five minutes for him to tell us that, and many questions were put to you of what was said. Only now you come out and say that you were told if you told the Doctor, you would be assaulted to death? A. Yes, my Lord.

40

His Lordship: That is the reason why I asked you many times what else was said by the man who told you not to tell the Doctor. You told me he taught you what to say to the high Police official, but you forgot about being beaten to death. Either it did not take place, or it can't be important, otherwise you would have remembered it. If somebody had threatened you that you would be beaten to death, you would have remembered it. I am trying to assist you as much as I can, but, as I said, there are certain limits to this. Many times I have already told you that this is your story and you must tell it to us fully. We were not there.

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Examination (contd.)

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Q. And on that evening after the Doctor, you went to a Magistrate? A. I did not know whether he was a Magistrate or not.

His Lordship: Q. After the Doctor, you went somewhere? A. Yes, my Lord.

Q. You were brought there by whom? A. Another Police officer.

Q. Which policeman?

30

His Lordship: Q. Is he a Chinese Inspector? A. Yes, my Lord, a Chinese Inspector.

His Lordship: Q. When you went to that somewhere, did you meet someone? A. Yes, my Lord, I met someone there.

Q. There I met someone? A. Yes.

Q. Did you see that someone this morning, or can't you remember? A. No, my Lord.

Q. Or you could not remember? A. I do not know the person at all, my Lord.

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Singapore

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Ali

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1965

Examination
(contd.)

His Lordship: Q. Look, you might not know the person, but can you recognise him? A. I cannot remember his face, my Lord.

Q. Can you tell us what happened there?
A. I told him whatever I was taught by the Police.

Q. I told this man? A. Yes.

Q. Was he a Chinese, a Malay, or an Indian? A. A Chinese, my Lord. 10

Q. I told this man what you were taught by the Police to say? A. Yes, my Lord.

Q. Do you know who he was? A. I do not know, my Lord. Only that I was told I would be brought before a high Police officer, and I was taught what I had to say to him.

Q. Now, why should you tell him as you were taught by the police officers?

Cr. Counsel: Well, my Lord, that is - I beg your pardon. Please carry on. 20

A. As I was threatened, my Lord.

Q. What kind of threat? A. I was threatened that if I did not say whatever was taught to me by the Police, I would be assaulted to death on my return. And I was also induced that if I followed whatever the Police taught me, I would be set free immediately. That is all, my Lord.

Q. Did the man or that big man ask you that your statement to him would be voluntary? 30

His Lordship: High officer. A. Yes, my Lord.

Q. That you made the statement without - that he asked you that you made the statement without any inducement or threat? A. Yes, my Lord.

Q. What did you tell him after he asked you that? Did you admit that there was no force no inducement ---

Cr. Counsel: What did he say? Instead of leading questions.

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His Lordship: Will you please translate, Mr. Interpreter?

Cr. Counsel: Mr. Interpreter, I think he has already said he was forced.

Defence Evidence

A. I replied that it was not under force.

No.64

10 His Lordship: Mr. Interpreter, will you just kindly translate what he said. Don't have a conversation with him trying to clarify. Just translate what he says. "I replied that it was not under force."

Osman bin Haji Mohd, Ali

14th October 1965

Q. Yes, very well. A. I told that I was not induced, but actually I was induced.

Examination (contd.)

Q. Now, why did you tell to that big man that you were not induced, and not forced?

20 A. If I told him that I was induced or forced, then I would be assaulted to death on my return.

Q. Then you told him?

His Lordship: I think he has already told us, he told this high officer what it was about. He has already said that.

Q. Yes, Then, after that what happened? After seeing the big man.

30 His Lordship: "I told this man what I was taught by the Police to say." And after that, after you had made the statement.

Q. After you told the big man what you had been taught to tell, what happened? Did you stay there?

His Lordship: You were brought back, is it? A. Yes, I was brought back.

Q. Where to? A. At the third police station, my Lord.

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Mr. Kamil: That is all.

Defence
Evidence

His Lordship: Yes, Mr. Seow.

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Osman bin
Haji Mohd,
Ali

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Examination
(contd.)

Cross-
examination

(Cross-Examination) (By Crown Counsel)

Q. Now, after you had been brought to the Marine Police Station, were you not placed in the passageway in the lock-up? A. Yes, my Lord.

His Lordship: In the passageway, outside the lock-up? A. Yes, my Lord, outside the lock-up.

Q. Now, at about 1.20 that afternoon of the 13th of 10 March, you remember seeing Inspector Hubert Hill going to where you were? Would you please stand up?

(Inspector stands up in Court).

A. Yes, my Lord.

Q. And he brought you upstairs to a room in the Marine Police Station? A. Yes, my Lord.

Q. With him and you was another person who has already given evidence in this Court?
A. Yes, my Lord.

Q. He was the Malay Interpreter? A. I do not know whether he was an Interpreter or not.

- Q. Well, but he acted as an Interpreter between you and Inspector Hill?
A. Yes, my Lord.
- Q. And do you remember, before that - do you know now that his name is Inche Saruan bin Abdul Rashid? A. Yes, my Lord.
- Q. And do you remember when he came to give his evidence and when he was asked to point you out he greeted you very affably? He was all smiles? A. Yes, my Lord.
- Q. He was nice to you, wasn't he?
- His Lordship: Which day? That day of the 13th, or in Court; that day on the 13th?
- Cr. Counsel: Yes.
- A. No, my Lord, he was not nice to me on that day.
- Q. Right, there were only three of you in this room and nobody else was present? A. Yes, my Lord.
- Q. Now, you remember Inspector Hubert Hill giving you a caution before he began questioning you?
- His Lordship: Perhaps he does not understand the question. If the thing can be repeated to him, he can tell us. Perhaps he does not understand such a thing as a caution; they may not have such a thing in Indonesia.
- Cr. Counsel: Well, perhaps I will put this general question again.
- His Lordship: Does he know what a caution is or not? He might not understand.
- A. I do not understand, my Lord.
- Q. Very well. You will approach the problem in this way. You remember he asked you certain questions? A. Yes, my Lord.

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Cross-examination (contd.)

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Osman bin
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1965

Cross-
examination
(contd.)

Q. To which questions you replied? A. I was just to follow whatever he taught me to say.

Q. This "he", you are referring to Inspector Hubert Hill, is it? A. Yes, my Lord.

Q. He asked you the questions, and he also provided the answers for you, is that what you are trying to say?

Interpreter: He said some he gave all the answers through the Interpreter, "but I do not understand at all what was said".

10

His Lordship: That was said in English, is it? A. In the English language.

Q. Let us get this clear. He asked these questions in English, and were these questions interpreted to you by Inche Saruan? A. Yes, translated into the Malay language, but I do not know the meaning.

His Lordship: Which you did not understand, is it? A. Which I did not understand.

20

Q. After that, is it correct Inspector Hill then provided the answers to the questions he asked? A. Yes, he provided the answers through the Interpreter.

His Lordship: How do you know they were the answers. You did not understand a word that had passed between the Inspector and this Malay. They spoke in English, according to you. How do you know they were the answers to the questions? A. I do not whether it was the answer or not. I was told only to follow whatever was said.

30

Q. How did you follow what was said? A. I was just told to admit the truth of what was said.

Q. So, is this correct, then? All you said was Yes or No? A. Yes, I said the word Yes after I followed him.

40

His Lordship: What do you mean, "I followed him"? I don't understand. Can you tell us whether you just used one word, or you said something else?
A. I just nodded my head.

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10 Q. So, let us get this thing clear. Throughout the time you were with Inspector Hubert Hill and the Interpreter you never said a word except for Yes, and nodding or shaking your head, as the case may be?
A. Yes, my Lord.

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Q. So that whatever was recorded by Inspector Hubert Hill was the product of his own fertile imagination? A. Yes, my Lord.

Cross-
examination
(contd.)

20 Q. Now, before he asked you these questions, do you remember him telling you words to this effect: that you are not obliged to say anything, but anything you say may be given in evidence? A. No, my Lord.

Q. Do you remember signing your name after that?
A. I just signed, my Lord, but I do not know for what purpose.

His Lordship: You remember signing, is it? A. Yes, my Lord.

Q. Now, please look at P.87A. Show it to him. Is that your signature?

(Exhibit is shown to witness)

30 The short one, the short portion: is that your signature? A. Yes, my Lord.

Q. Now, at the end of these questions and answers, were they read back to you in Malay?
A. Yes, my Lord, in the Malay language.

Q. Did you make any correction? A. I do not know what it was meant for.

His Lordship: What do you mean by that? You don't understand? A. Yes, I did not understand at all.

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Cross-
examination
(contd.)

Q. Did you make any correction? A. No,
my Lord.

Q. Any additions, alterations? A. No, my Lord.

Q. And you signed your name at the bottom of it?
A. Yes, my Lord.

Q. And this is your signature? Can you please
show him?

(Exhibit is shown to witness)

His Lordship: There is a signature below the
questions and answers, is there? 10

Cr. Counsel: Yes, my Lord. A. Yes, my
Lord. It is true it was my signature,
but I do not know the contents of the
statement.

Q. Now, you do not know the contents of P.87A. Is
it because of bad interpretation or what?
A. Yes, it was translated in the Malay language,
and the translation was so rapid ---

His Lordship: Slowly. A. The translation
was very rapid, and once only. 20

Q. If the interpreter had not interpreted rapidly
you would have understood him? A. After several
times I might be able to understand.

Q. The question is: if he had interpreted slowly
to you, you would have understood him? A. If
the Malay language is used I cannot understand
well.

Q. So it is not a question, therefore, of interpreting
rapidly? A. That may be so.

Q. Is it or is it not? A. He interpreted rapidly
in the Malay language. 30

His Lordship: Q. If he had interpreted
slowly you could have understood?
A. I did not understand.

Q. Even if he translated slowly? A. That
is so.

Q. Now did you understand him at all on this day?
A. I did not understand at all.

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Singapore

Q. Did you try to indicate to him that you just could not understand, that you wanted somebody who understood you and whom you could understand? A. I told him so.

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Evidence

His Lordship: Q. You told him you could not understand him? A. Yes.

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10 Q. Did he say anything to that? A. He did not say anything; he only forced me to sign the statement.

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His Lordship: Q. Did you say you did not understand Malay at all? A. Yes.

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Q. If you did not understand Malay, how did you understand the Police Officer threatening to kill you; you cannot have both ways; you understand a little or you don't? A. The man who threatened me was speaking in Indonesian language.

Cross-
examination
(contd.)

20

Q. Your answer is you don't understand Malay at all? A. Yes.

Q. This Police Officer threatened you in Indonesian language?
A. Yes.

Q. This signature which appears at the bottom or at the end of your questions and answers was signed by you quite willingly? A. No.

30

His Lordship: Mr. Seow, are you referring to the last signature?

Crown Counsel: The last signature at the bottom of questions and answers in P.87-
A.

Q. What happened to you? A. Firstly, he slapped me.

Q. Who slapped you? A. The interpreter slapped me.

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Cross-
examination
(contd.)

- Q. How many times did he slap you? A. Twice.
- Q. Where did he slap you? A. On my cheek.
- Q. With the same hand? A. On both my cheeks, twice.
- Q. Did he slap you here (indicates) or where was it; was it a playful pat? A. I don't know, it was painful.

His Lordship: Q. I think you said it was painful? A. Very painful.

- Q. Did he assault you at any time thereafter or was that the only occasion on this afternoon? 10
A. Every signature was made after he slapped me on my face.

- Q. So in all how many times did you sign?
A. I cannot remember.

- Q. And each time he slapped you twice? A. Not certain.

- Q. Now please look at P.87 A and B; you see your signature appears five times?

His Lordship: Q. Is that correct two signatures on P.87A? A. Yes, two signatures. 20

His Lordship: Q. And three signatures on P.87B? A. Yes, three signatures.

- Q. So in all five signatures? A. Yes.

- Q. So how many times were you slapped by Inche Saruan? A. More than eight times.

- Q. More than eight times would be 9, 10, 11 or 12?
A. May be 14 times.

- Q. And each time he slapped you, he slapped you here (Points to the cheek)? A. Yes. 30

- Q. And always at the same place? A. On my cheeks.

- Q. Was there tenderness as a result of his assault on you? A. I felt pain only.

Q. For how long after that did you feel the pain on your cheeks? A. Hours after that; I cannot say definitely how long.

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His Lordship: Q. Is it for half an hour, one hour? A. Within half to one hour.

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Q. Now, did Inspector Hill do anything (I am referring to the time when he recorded P.87A); did he do anything to you?
A. He also assaulted me.

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10

Q. Before you signed? A. Yes.

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Q. On each occasion? A. Yes.

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Q. Now, how did Inspector Hill assault you?
A. He assaulted me on the stomach.

Cross-examination (contd.)

Q. Do you agree with me that it is a sensitive area of a person's anatomy? A. Yes.

Q. Did he give you just a playful punch or did he use force? A. I cannot say whether it was playful or forceful but I felt pain.

20

Q. Would you say whether he was playing with you or whether he was in earnest?
A. He was very angry at that time.

Q. So he hit you hard then? A. Yes.

Q. Only once or many times? A. Not definite how many times.

His Lordship: Q. Only once or more than once? A. More than once.

Q. In any case you said he hit you each time before you signed?
A. When I refused to sign he would assault me.

30

Q. That is Inspector Hill you are talking about? A. Yes.

Q. And you refused him five times? A. Yes.

In the High
Court in
Singapore

His Lordship: Q. So he must have hit you
five times at least? A. More than
five times.

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Evidence

Q. On the stomach? A. Yes always
on the stomach.

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Q. And presumably you doubled up in agony? A. Yes.

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His Lordship: Q. Do you understand what
"Doubled up" means? A. Yes.

Q. The harder he hit you the harder you doubled
up, isn't that so? A. Yes. 10

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Q. And since he was angry he hit you very hard?
A. I cannot say whether it was very hard; what
I felt was pain.

Cross-
examination
(contd.)

His Lordship: Q. You felt the pain but you
cannot tell us whether it was hard
or not? A. Painful.

Q. But you cannot say whether it was
hard? A. I cannot say, my Lord.

Q. The area on your stomach was tender for a long
time afterwards? A. Yes. 20

Q. For hours after that I would say? A. Within
half to one hour.

Q. Did he do anything else to you apart from
punching you in the stomach? A. Nothing else.

Q. Did any other Police Officer assault you?
A. I was assaulted at the first Police Station.

His Lordship: Q. By first Police Station,
you mean the Clifford Pier? A. Yes,
the first time I entered the Police
Station. 30

Q. Are you referring to the one at
Clifford Pier? A. Yes.

Q. That is to say, as soon as you landed, within
moments after you landed in Singapore from
the Police boat you were assaulted? A. No.

Q. How long after that? A. After my name and my place of origin was asked, I was assaulted.

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Q. How many persons assaulted you at the sub-station at the Pier? A. Only one person.

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Q. Was he that fat Sergeant who gave evidence earlier on in this trial? A. Yes.

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His Lordship: He was what witness?

Crown Counsel: P.W.3.

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10

His Lordship: Was he a sergeant?

Crown Counsel: Yes.

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Q. He had three stripes? A. Yes.

Cross-examination (contd.)

Q. Why should he do that? A. I was told as an Indonesian coming to Singapore my object is to kill people; I was told my object is to kill people.

Q. You mean the sergeant told you that or you told him that; which is which? A. He said so.

20

His Lordship: Q. Then the sergeant assaulted you? A. Yes.

Q. Soon after he went berserk, he turned red? A. Yes.

Q. And he hit you quite hard? A. Yes.

Q. Many times? A. Yes.

Q. With both fists? A. Yes.

Q. In all parts of your body? A. On the abdominal side.

Q. Did you collapse on the floor in agony? A. No.

30

Q. Do you know what a Sten gun is? A. Yes.

Q. Did he use the butt of the Sten gun on you? A. No.

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Cross-
examination
(contd.)

Q. And it was in that same plight that Inspector Hill pulled you in? A. Yes.

Q. Incidentally, did you tell your counsel about the assault on you by the sergeant? A. Yes, I did.

His Lordship: Q. When did you tell him?

A. When he came to the Remand Prison.

Q. Before the commencement of the trial? A. Yes.

Q. Now, look at P.87B, do you say that statement is a vivid imagination of Inspector Hill? 10

A. I do not know whether imagination or not.

His Lordship: Q. So you don't know the contents? A. That is so.

Q. Now, your counsel has visited you on many occasions in the Remand Prison? A. Yes.

Q. To get instructions from you in this trial? A. Yes.

Q. And he understood you, your instructions?

A. He understood but after several explanations. 20

Q. And you understood him, too? A. I also understood him.

His Lordship: Q. He spoke to you in Malay?

A. In Indonesian language.

Q. In the language in which you are now speaking? A. Yes.

His Lordship: Mr. Interpreter, can you tell me what language you are speaking?

Interpreter: Indonesian language.

His Lordship: You call Indonesian language? 30

Crown Counsel: I would call Malay, with respect to the interpreter.

His Lordship: Mr. Interpreter, is that similar to Malay or not?

Interpreter: Not very similar.

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Singapore

Q. Do you agree with me that basically the Malay spoken in Indonesia and the Malay here is the same? A. I don't understand the question.

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Evidence

His Lordship: Q. You don't understand, what; you don't understand the Malay spoken in Singapore; is that what you mean? A. No.

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Q. The Malay spoken in Indonesia is different from Malay spoken here? A. Yes.

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Q. Now, apart from the sergeant, was there any other Police Officer or anybody else in authority who assaulted you? A. The Police Inspector.

Cross-
examination
(contd.)

20

Q. Apart from Inspector Hill, the sergeant and the interpreter, were there any other persons who assaulted you? A. After I was brought before a high Police Officer I was assaulted.

Q. By whom? A. By some Police Officers.

Q. More than one person assaulted you? A. Yes.

Q. How many persons? A. Four or five persons.

Q. Where was this? A. At the third Police Station.

Q. This was at the C.I.D.? A. I don't know whether C.I.D. or not.

30

Q. And did they hit you hard? A. Yes, quite hard.

Q. And there were bruises all over you? A. No cuts or bruises.

Q. And they all hit you in the stomach, the same place where the sergeant and Inspector Hill had hit you earlier? A. Some on the stomach and some slapped me on the face.

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Cross-
examination
(contd.)

- Q. How long did that assault continue? A. After hitting three or four times.
- Q. Each one hit you three or four times?
A. Not definite, not certain.

His Lordship: Q. Anybody else assaulted you, that is all I want to know?
A. No other persons other than those people I have already mentioned.

- Q. And that was the night after you returned from the Magistrate's Court? A. Yes.

10

(At 1.05 Court adjourns to 9.30 a.m. -
15.10.65)

His Lordship: He is on his former affirmation.

Witness: Yes

Q. Did you ask Inspector Hill, who is sitting here, at any time that day or night for food?

A. During the day I asked him for food.

Q. And did he understand you? A. I do not know whether he understood me or not.

Q. But he did not say a thing in reply? A. He told me to wait.

10 His Lordship: Q. The Inspector told you to wait? A. Yes

Q. So he understood you then before he could make an intelligible reply such as "NANTI"?

A. I don't know whether he understood me or not.

Q. He must have understood you to be able to make a reply such as "NANTI"? A. I asked him through the interpreter.

Q. So the interpreter understood you? A. He understood.

20 Q. And you understood him? A. Wait.

Q. Let us have the exact words he used please, Mr. Interpreter? A. He uttered the word "NANTI".

His Lordship: Q. Did you know what that meant? A. I understood that.

Q. What does that word mean? A. Just to hang on. He used the word "MENUNGGU".

Crown Counsel: Mr. Interpreter, you heard him and I heard him too:

Interpreter: Yes.

30 His Lordship: Q. How do you translate that? A. The translation is WAIT MENUNGGU.

Q. Please count for me one to ten in Indonesian Malay?

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Cross-examination (contd.)

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Cross-
examination
(contd.)

A. SATU, DUA, TIGA, EMPAT, LIMA, ENAM, TUJUH,
LAPAN, SEMBILAN, SAPULOH.

His Lordship: Q. That is the same as
our local Malay? You don't know?

A. Maybe; some may be the same.

Q. Not some but all of it. From one
to ten it is exactly the same words.
Those words are the same as the Malay
words used in Singapore? A. Yes.

Q. Your answer is maybe? A. Yes.

10

Q. Did you remind Inspector Hill, or the
interpreter again about your food?

A. No, my Lord.

Q. Now at the CID that night, or what you
call the "Third Police Station", did you
not eat Nasi Padang?

His Lordship: That same night.

A. Maybe on the second night.

His Lordship: Q. Your answer is that
you did not have Nasi Padang on the
night of the 13th of March at the
CID. Is that your answer?

20

A. No, my Lord.

Q. I put it to you that you had Nasi Padang
with Inspector Hill, ASP. Khosa here -
look at him - and Inspector Gan, and you
all ate together that night each one from a
separate bundle? Both of you - both the
accused - together with all these Police
officers. Isn't that so? Yes or No?

30

A. No, my Lord.

Q. Did you ask any Police officers when you
were at the CID for food? A. On what
date, my Lord?

Q. That same night at the CID, long after
everything was over? A. No, my Lord,
I did not ask anyone.

Q. You were together with Accused No. 2 at the CID throughout, your co-accused. A. On the second day, my Lord.

His Lordship: Q. Do you mean on the 14th
A. I only knew that I was only released together with him on the 14th.

Q. Will you just listen to Mr. Seow, who is asking you whether on the 13th of March you were not together with the second accused at the CID?

A. No, my Lord.

Q. I was not with the second accused at the CID on the 13th of March?

A. Yes.

Q. I put it to you that you were together for at least one hour at the CID? A. No, my Lord.

Q. After which you were put in separate cells?

A. I was there in a separate cell during the night.

20 Q. Not at the General Hospital I think you have told us that you did not complain to the medical officer about having been assaulted?
A. Yes, my Lord.

Q. On both occasions? A. No, No, my Lord.

Q. Did the medical officer ask you whether you were assaulted, or had been assaulted by any Police officers or anyone? A. I was not asked those questions. I was told by the Police not to make any complaints.

30 Q. The question is: Did the medical officer ask you whether any Police officers or anyone had assaulted you? A. The Doctor did not ask me anything.

Q. When the Doctor saw you and examined you, was the area around your stomach still tender from the beating which you had from the sergeant and Inspector Hill? A. There was no pain at that time.

Q. Incidentally did the Doctor press your

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Cross-examination (contd.)

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Cross-
examination
(contd.)

stomach at all? Did he or did he not?

A. He touched my body, my Lord.

Q. But he did not press your stomach?

A. No, my Lord.

Q. Now, before the Magistrate, or whom you describe as the "High police officer", is it correct that you, that officer and an interpreter were all alone in the chambers? A. Yes, my Lord.

10

Q. The Police officer, who brought you there, was not in the room? Yes, my Lord.

Q. Incidentally, did the interpreter in that room understand you or you him? A. He used the Javanese language and I also understood him.

His Lordship: Q. Which you understood
A. Yes, my Lord.

Q. Well? A. Very well, my Lord.

Q. Do you remember that high officer asking you certain questions? A. Yes my Lord, I remember.

20

Q. And to which you made replies? A. Yes, but according to the instructions of the Police.

Q. Did that high officer warn you that you were not obliged to make any statement to him if you did not wish to do so? A. Yes, my Lord.

Q. But that if you made any statement such statement may be used as evidence at your trial? A. I cannot remember, my Lord.

30

Q. And you proceeded to give that high officer a statement? A. Yes, my Lord, but according to the instructions of the Police.

Q. At the end of that statement, did the interpreter read it back to you. A. Yes my Lord.

Q. And you understood what he had read back to you? A. At that time I understood

His Lordship: Q. You understood what was read back to you. A. Yes, my Lord.

Q. Do you remember making a slight correction? A. I cannot remember, my Lord.

Q. But if it was recorded that you did, that would be true? A. I cannot remember, my Lord.

10 Q. Now, at the end of your statement and after it had been read back to you, did you sign it? A. I cannot remember, my Lord.

Q. Please look at P.90? (Exhibit shown to witness) Do you see your signature at the bottom? A. That is correct, my Lord.

Q. You signed it?

A. Yes.

20 His Lordship: Q. Second page? A. On the first page.

Crown Counsel: Give it to me? (Ex.P.90 handed to Crown Counsel)

His Lordship: According to the bundle it is the third page.

Crown Counsel: According to the bundle, it would be the third page. That is so.

His Lordship: Q. Do you recognise your signature? A. Yes, my Lord.

30 Q. Did that high officer use any force on you to make you sign that statement? A. No, my Lord.

Q. Now is what you stated to that high officer true? A. No, my Lord, as everything was instructed and taught by the Police.

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Cross-
examination
(contd.)

Q. Now, is the statement which you gave to Inspector Hubert Hill true? A. At which Police Station?

Q. At the Marine Police Station which, you say, is the second Police Station? A. I do not know at all.

His Lordship: Q. You do not know what?
A. I do not know at all the contents of the statements, whether the statements are true.

10

Q. You don't know whether the contents are true? A. Yes.

Q. And were the answers, which you gave him before he recorded the statement true?
A. I cannot remember, my Lord.

Q. The answers, which you made to that high officer, were true or not as distinct from the statement proper?

His Lordship: To the questions?

Crown Counsel: Answers to the questions.

20

A. No, my Lord, as I was only following the instructions of the Police.

Q. Let us get this clear. Everything you said in that room to that high officer is untrue, every word is untrue? A. That is correct, my Lord, all untrue.

Q. Now, no one knew whether you had made any statement or answered any questions by the high police officer in that room, except for you three. Is that correct?

30

His Lordship: Can you repeat that again?

Crown Counsel: No one would know. Except for the three of them no one could hear.

His Lordship: His answers to the questions?

Crown Counsel: Whether he made any statement, or whether he made any answers to any questions by that high officer to him.

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Cross-
examination
(contd.)

A. I do not know about that, my Lord.

Q. Let me put it this way: There were only three of you in this room - you, the interpreter and the high officer? A. That is right.

10 Q. What you said to that high officer no one could hear, apart from you three who were inside the room? A. I do not know, my Lord.

Q. Why did you not complain to the high officer that you had been assaulted? A. I could not make any complaint. If I did so I would be threatened.

His Lordship: Q. Because of what?

A. As I was threatened I would be assaulted to death.

20 Q. But no one would know whether or not you had made any such complaints as there were only three of you in this room? A. I do not know, my Lord.

Q. The Police officer, who brought you there, was outside the room? A. Outside the room.

Q. He wouldn't know whether you had made any complaints, would he? A. I do not know that question, my Lord.

30 Q. Now, throughout your stay in the CID lock-up, do you remember a Police officer everyday at different times coming in to your cell? A. No one entered the room, except the cleaner to sweep the floor.

Q. Was there not a Police officer, who came up to the door of your cell everyday at different times? A. Yes, my Lord, outside the room.

Q. Different officers, different Police officers? A. I cannot remember, my Lord.

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Cross-
examination
(contd.)

Q. Well, one day there would be a Chinese Inspector, the next day it might be an Indian Inspector and the day after that a Malay Inspector, or a Eurasian Inspector?

A. I cannot remember.

Q. But any way do you remember a Police Officer did come up to the door of your lock-up everyday at different times?

A. Yes, my Lord.

Q. And on each of these occasions that officer, whoever he was, would ask you whether you had any complaints to make?

10

A. No, my Lord.

Q. And on each occasion, I put it to you, you said you had no complaints? A. I was just only seen. No questions were put to me.

His Lordship: Q. He looked at you only?

A. He just looked at me from outside, but no questions were put.

20

Q. Insofar as you are concerned, you appeared before the 9th Magistrate four times on different dates? A. I cannot remember, my Lord.

Q. Did you in any of these appearances before the 9th Magistrate make any complaints to him of any kind whatsoever? A. No, my Lord, as I did not understand.

His Lordship: Q. What do you mean by you did not understand? A. I did not understand whether I could make any complaints at that place or not.

30

Q. And when you were finally remanded in the local prison here, did you at any time make any complaint of any kind whatsoever to the officers there? A. I did not make any complaints, because I did not know whether I could make any complaints at that place or not.

40

Q. When you were in the CID lock-up, do you remember asking for cigarettes? A. I cannot remember, my Lord.

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Q. Come, whether you asked for cigarettes or not, surely you can remember? A. But I never asked for cigarettes.

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Q. Now you say you never asked? A. Never asked for cigarettes.

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10 Q. I put it to you that you did ask for cigarettes, and you were given them during your detention there? A. I cannot remember, my Lord.

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Cross-examination
(contd.)

His Lordship: Q. You cannot remember. One minute you say you cannot remember and another minute you say you never asked? A. In fact, I was offered the cigarettes, but I would not ask.

20 Q. For cigarettes? A. If he offered me one, I would accept one.

His Lordship: Q. You would accept it? A. I would accept one. If I was not offered, I would not ask.

Q. Do you remember on one occasion both of you asked to have your hair cut when you were in detention in the CID? A. No, my Lord.

Q. You appeared in the High Court on six occasions up till the 27th of September this year? A. I cannot remember, my Lord.

30 Q. On each of those occasions, or any of those occasions, did you complain to the Judge that you had been assaulted?

His Lordship: How many times?

Crown Counsel: Six times up to and including 27th September.

A. No, my Lord, as I do not know the procedure.

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Cross-
examination
(contd.)

Q. I put it to you that the statements you gave to the Inspector Hubert Hill - I think I will go step by step. The statement to Inspector Hill was given by you voluntarily? A. No, my Lord.

Q. No inducement, or threat, or promise, of any kind was held out to you to make that statement? A. On what date, my Lord?

Q. On the day you were arrested how many statements you think you made to Inspector Hubert Hill? A. Will you please repeat the question?

10

Crown Counsel: Please let me have the question, Mr. Reporter?

(Reporter reads question) "Q. On the day you were arrested how many statements you think you made to Inspector Hubert Hill?"

A. According to the instructions.

20

His Lordship: Q. He said to the Inspector according to instructions. Is that what you say? What I am asking you is this: What you stated to the Inspector is what you were taught. Is that your evidence? A. Yes.

Q. What you said to the Inspector, that Inspector of British descent, according to you - what you said to him - was what you were taught by the Police. Is that what you say? A. Yes, my Lord.

30

Q. Similarly I put it to you that the statement, which you gave to the high Police Officer, was given by you voluntarily without any inducement, threat or promise of any kind whatsoever being held out to you? A. No, my Lord.

Q. And that both statements are, in fact true? A. Not true, my Lord.

40

(Re-examination by Mr. Kamil)

- Q. Do you remember Inspector Hubert Hill, a person of British descent you said? A. Yes, my Lord.
- Q. When you answered that, you answered to him only as the Police told you to answer. Who was the Police who taught you to answer at the Marine Police Station? A. I do not know at all, my Lord.

His Lordship: Q. You don't know who was the Police officer who taught you what to say to Inspector Hill? A. I only gave a statement to him after I was produced, after I was taught.

Q. You only gave a statement to whom? A. To the Police Inspector.

Q. Look, there are hundreds of Police officers, and there are hundreds of Police Inspectors. Can you tell me which one?

- Q. You spoke to him and you gave answers to him?

His Lordship: Q. He says he only gave a statement to the Police officer, so I am asking you which Police Officer you are talking about, which one? A. The Police Inspector of British descent.

- Q. Look at him? (Mr. Kamil points at Inspector Hubert Hill in Court)

His Lordship: You only gave a statement to Inspector Hill, and I think you said after he had seen the high officer? A. Yes, my Lord.

His Lordship: Q. I understand what you are saying. I can understand your Indonesian Malay. You said you gave a statement to Inspector Hill after you had appeared before the high officer? A. Yes, my Lord.

- Q. Let there be no confusion? A. Yes.

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Singapore

Defence
Evidence

No. 64

Osman
Bin Haji
Mohamed Ali
15th October
Re-
Examination

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Re-
Examination
(contd.)

Q. Does it mean that you went first to the high Police officer before you saw Mr. Hubert Hill?

Crown Counsel: I object to this question. It is patently leading, my Lord.

His Lordship: Never mind, I will put it to him. We want to be fair to him, Mr. Seow.

His Lordship: Q. I will put it again once more. Is it your evidence that you gave a statement to Inspector Hill after you had seen the high officer? A. Yes, my Lord.

10

Q. That question is being put to you three times, and your answer is the same. We will go one step further: If your story is true, that means that you appeared before the high officer first, and then after that you appeared before Inspector Hill. A. Before that he examined me, interviewed me.

20

His Lordship: Q. Before the high officer Inspector Hill examined you. Now you say that? A. He interviewed, but he only asked for my name.

Q. Before I appeared before the high officer, Inspector Hill interviewed me, and he asked me only for my name? A. Name, occupation and place of origin.

30

Q. That is all he asked you? A. Yes, my Lord.

Q. Then after that you were taken to the high officer? A. Then I was taken to the third Police Station.

Q. The CID? A. Third Police Station.

Q. You said that you were taught by the Police officer what to say to the high officer? A. Yes, my Lord.

40

Questions by the Court

Q. Can you tell me who was the police officer?

A. A big stout man, tall.

Q. Big, stout? A. And tall man.

Q. Chines or malay boy? A. I cannot remember the race as he did not identify the name to me.

Q. Did he speak to you for a long time, or short time? A. A long time, my Lord.

10 Q. And he taught you what to say? A. Yes, my Lord.

Q. So, in other words, what you say is just that you memorized this? A. Yes, my Lord.

Q. Did you say that when you appeared before the high officer you just repeated what you have memorized? A. Yes, my Lord.

Q. You also said that you were also taught what answers to give to the questions put by the high officer? A. Yes, my Lord.

20 Q. Now, can you tell me whether you were told what questions would be put to you by the high officer? A. The high police officer would ask me whether I was speaking before him under force or not.

Q. Well, what is the question? A. Whether I was speaking before him under force.

Q. Yes, any other questions? A. Whether induced or not, assaulted or not.

Q. Yes? A. Whether taught or not.

30 Q. Taught - you mean, whether you were taught what to say, is it? A. Yes, my Lord. And threatened, my Lord; whether threatened or not. That is all, my Lord.

Q. Now you remember these questions well? A. Yes, my Lord.

Q. Now, has this police officer appeared in

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Questions by
the Court

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Court to give evidence, this big, stout man, you said - tall? A. Never, my Lord.

His Lordship: Yes, all right. You go back.

Defence Evidence

(Witness returns to the Dock)

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Osman Bin Haji Mohd Ali

His Lordship: Yes, Mr. Kamil, you want to call anybody else? Second accused?

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Mr. Kamil: Yes.

Questions by the Court (contd.)

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No. 65

10

Harun bin Said alias Tahir

HARUN BIN SAID

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Q. Now, I bring you back to the 13th March of this year, at the time, the day when you were first arrested from the sea some time about four o'clock in the afternoon. You remember you were introduced to Inspector Khosa?

Examination

Crown Counsel: Here (indicating Inspector in Court)

His Lordship: About 4 o'clock, is it?

20

Mr. Kamil: Some time about.

A. The time I did not know, but on the same day, my Lord.

Crown Counsel: This is the officer P.W.38.

Q. You saw him in the room

His Lordship: If you don't remember the time of the day, perhaps you can tell us roughly the time. A. in the afternoon.

Q. It was in the afternoon? A. I cannot give the time, my Lord.

Q. You saw him in a room? A. I was taken to see him in a room.

Q. Then you stayed together with him in the room?

A. There were three other persons making four, including him.

Q. Now, could you tell the Court what happened in that room at that time?

His Lordship: Mr. Interpreter, will you tell him to speak up; we all want to hear you.

Interpreter: Yes, my Lord, he could tell the Court.

His Lordship: Could tell what?

Interpreter: What happened.

His Lordship: Yes, can you tell us what happened? Step by step, please. Tell us what happened.

Crown Counsel: In a loud voice.

His Lordship: Yes, in a loud voice so that we can all hear him.

A. At the beginning I was asked where I came from.

His Lordship: As a matter of interest, can you tell him, when he said "at the beginning I was asked by him", was he speaking in Malay? Ask him. Just now he said these words which you translated: "At the beginning I was asked where I came from" I am asking him, is he speaking in Malay or is he speaking in Indonesian Malay? Not what

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Examination
(contd.)

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Examination
(contd.)

the Inspector asked him. In what language was he speaking.

A. Indonesian language, my Lord.

Q. Strangely enough, it is exactly like Malay. I could understand what you are saying. A. I replied that I came from Indonesia. What my occupation was.

Q. No, will you tell him we don't want at this stage to hear what he said. Can you tell us what happened? That is what you want, Mr. Kamil?

10

Mr. Kamil: Not the conversation.

His Lordship: What you said I am not interested to hear at present. You were asked what occupation; yes, what else? A. Everything was recorded in writing. Then he told me I had committed murder.

20

His Lordship: Mr. Kamil I think you had better lead him. I don't want anything to come out.

Mr. Kamil: Yes.

Q. Now before the conversations, what other things happened? What you did, what he did - what other persons did. A. When I replied that I did not know, I was assaulted.

His Lordship: I think he indicated a slap and a punch in the stomach, is that right, by his actions? Just now he said slapped and punched, is that right? You were slapped in the face and you were punched in the stomach. A. Yes, my Lord.

30

Q. Yes, then. A. (Demonstrates with fist) Then the police officer showed his fist.

His Lordship: Inspector Khosa, is it?

A. Yes.

Q. Will you tell him his name is A.S.P. Khosa, otherwise we don't know because, if you tell us Inspector, Inspector of police officers - there are hundreds of police officers.

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Q. What did he do?

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10

Crown Counsel: He showed his fist.
A. He showed his fist in front of my face.

Examination
(contd.)

His Lordship: Then? A. Then the Interpreter told me, the Malay Interpreter told me that if I did not admit, that police officer would continually assault me. Then I told him not to assault me as I did not ---

20

His Lordship: "I told him" - is who, the A.S.P., Khosa, or the Malay Interpreter? A. Mr. Khosa. He also spoke to me in Malay.

Q. So you said not to assault you as you had had no food? A. Yes my Lord. He told me to wait.

Q. Who told you to wait? Khosa told you to wait, or the Malay Interpreter told you to wait?

30

A. The Malay Interpreter told me to wait. Then the police officer spoke to the interpreter in English.

Q. Who spoke to the interpreter?

A. Mr. Khosa spoke, to the---

Q. Spoke to the Malay Interpreter?

A. In English, and the Interpreter spoke to me in Malay that I committed murder, Then I was told to sign several pieces of paper. I refused to do so. Then I was

40

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Examination
(contd.)

slapped by another person. Then I asked the Malay what the contents of the letter was.

Q. "Malay" - what do you mean? Malay Interpreter, is it. A. The Malay Interpreter; what the contents of the paper were, and I was told that I was saved - the contents of the letter was that I was saved from the sea.

10

Q. Was it one by one, sentence by sentence?
A. Saved.

His Lordship: Yes saved from the sea.
A. Brought to Singapore and detained. Then "you should sign". Then I signed the letter.

Crown Counsel: What do you mean? What letter? A. Then I signed the paper. I signed the paper.

Q. Anything else happened there? A. The man left, Mr. Khosa left. 20

His Lordship: What - after you signed, is it? A. Then he tapped me on my - he tapped on my back and he left. Then I was taken downstairs. Not long afterwards I accompanied him in a motor vehicle to another police station.

Q. Who? You and him, is it? A. The Police Inspector and two other persons. 30

His Lordship: To another place; yes.

Q. Then that afternoon you went to the Doctor, you remember?

His Lordship: You were taken to see a doctor, is that right? A. In the evening I was taken to see a doctor.

Q. Did you tell the Doctor that you were assaulted? A. (Indicated Police Officer in Court) That police officer.

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His Lordship: Which - that police officer?

Defence Evidence

Crown Counsel: Inspector Sundram, my Lord. He is pointing at Inspector Sundram.

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A. Told me not to tell the Doctor that I was assaulted.

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10

Crown Counsel: P.W.42.

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His Lordship: What else did he say?

Examination (contd.)

A. I replied in the affirmative.

Q. Anything else he said? A. You remember that, after being taught that.

Q. He said what? A. You remember the instructions that you be taken before another high officer.

20

Q. You remember the instructions that you will be taken to a high officer; yes.

Interpreter: He replied in the affirmative.

His Lordship: What else did he say?

A. Nothing. That is all.

Q. You are quite sure that is all he said? A. Yes, my Lord.

Q. I do not want you to come and tell us something else, something more.

Q. No, why did you follow him?

30

His Lordship: No, just tell him I don't want him to come and tell me that.

A. That is all, my Lord.

Q. You are sure- A. This is so.

Q. Why did you follow what he said?

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Examination
(contd.)

Crown Counsel: There is no evidence here that he did follow.

His Lordship: Well, we will do it the best we can. Then you were taken to the Doctor. You did not tell the Doctor you were assaulted?

Q. You did not tell the Doctor you were assaulted because that man told you not to tell?

Crown Counsel: He has already said.

10

Q. Yes, why did you follow what he said, not to tell the Doctor? A. As I was afraid that I would be assaulted.

His Lordship: Is it your evidence that you were afraid that you would be assaulted, he would assault you?
A. He, and including others.

Q. "I was afraid that I would be assaulted". By Inspector Sundram and his friends? A. And his friends.

20

Mr. Kamil: I think that is all.

His Lordship: Mr. Seow, we will take the adjournment now for ten minutes.

Crown Counsel: As it please you,
My Lord.

(Court adjourns at 10.55 a.m.
15/10/65

Court resumes at 11. 10 after a short recess
Cross examination by Crown Counsel

Q. Did you understand A.S.P. Khosa's Malay?

A. A little.

Q. And did he understand you? A. I don't know about that.

Q. Could you say the days of the week in Indonesian Malay? A. (Witness says in Malay)

His Lordship: Q. They are the same as the words used here? A. I don't know about that.

10 Q. Now do you remember going before a Magistrate, a high officer? A. Yes.

Q. By Inspector Sundram? A. Yes.

Q. After your examination at the General Hospital? A. Yes.

Q. Now in the room of that high officer there were only three persons, yourself, that high officer and an interpreter who has given evidence in this Court? A. Yes.

20 Q. Now you were, you say, taught to say before you were taken there? A. Yes.

Q. And you memorised everything that you were to say? A. Yes all what he taught me.

Q. Who taught you, did A.S.P. Khosa teach you?

A. A certain officer whose name is Muslim, a fat man with curly hair.

Q. He taught you to say this; where, at the Marine Police Station? A. At the third Police Station.

30 His Lordship: Q. That is the C.I.D.?
A. That Police Station.

Q. I put it to you that this officer has got nothing whatever to do with this case in any way whatsoever, directly or indirectly?

His Lordship: Mr. Seow, first of all, is there an officer called Muslim?

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Cross-
Examination

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Crown Counsel: There is, I have just
checked up.
Witness: But he was the man who taught
me.

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Cross-
examination
(contd.)

Q. I put it to you that you knew this officer
before you were taken to the C.I.D. on the
13th March this year, isn't that so, please
answer my question? A. No, my Lord.

Q. I put it to you that you knew him about
two or three years before this date? 10

A. I cannot remember.

Q. But you have met him before this date?

A. I cannot remember.

Q. How long did it take you to memorise
this story? A. I remember after smoking
two sticks of cigarettes.

His Lordship: Q. You mean you
memorised during the course of
smoking two sticks of cigarettes?
A. Yes, whilst smoking I was taught
what I got to say. 20

Q. Whilst smoking two sticks of
cigarettes you were taught what
to say? A. Yes.

Q. Now did that high officer ask you or warn
you that you need not say anything if you
do not want to, or words to that effect?

A. I cannot remember.

Q. And then you decided to bargain with him,
you would make a statement if that high
officer could arrange for an interview
between you and Tun Razak? A. I asked that
high officer that I wanted to see Tun
Razak. 30

His Lordship: Q. You would make a
statement if a meeting was arranged,
what is your answer to that?
A. I would give a statement to
Tun Razak.

Q. You said that? A. Yes. 40

Q. And because of that that high officer did not record any statement from you? A. I don't know about that.

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His Lordship: Q. Did you make a statement or not, or he did not record it? Mr. Seow is putting it to you that you told the high officer that you will make a statement if the high officer can arrange a meeting between you and Tun Razak? A. Yes.

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10

Q. Now the story which you had memorised you never told that high officer? A. I told him only a little of the facts.

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Q. I put it to you you never told him anything after that, you never gave a statement?

Cross-examination (contd.)

A. I cannot remember, but I spoke to him.

Q. Yes, he asked you certain questions and you replied? A. Yes, I replied.

20

Q. But you never told that high officer the story which you had memorised and which you had been taught to say to him? A. Yes.

Q. So you never followed the instructions of the Police? A. No.

A. And you did not tell that high officer that you had been assaulted? A. No.

Q. Or that you had been induced, threatened to go before him? A. Yes.

30

Q. Did the medical officer who examined you that evening ask you whether you had been assaulted by any Police Officer or by anyone?

A. I cannot remember that.

Q. You did not complain to him either? A. Yes as far as I can remember I did not say anything.

Q. Now, did you brief your counsel on the part which you allege Inspector Sundram played in this affair?

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Cross-
examination
(contd.)

Mr. Kamil: I don't think that is relevant; I object to that

His Lordship: That is a matter for comment; I don't think it is proper to ask him that.

Crown Counsel: As your Lordship pleases.

Q. Now after you had signed the statement recorded by A.S.P. Khosa, you said Khosa laughed and pat you on your back? A. Yes.

Q. And did you also laugh or smile? A. I just kept mum. 10

His Lordship: Q. You did not laugh?
A. No.

Q. Or smile in return? A. I just kept mum.

His Lordship: Q. Did you keep quiet?
A. I just kept quiet; I just kept mum.

Q. You did not smile or do anything like that A. No.

Q. Did A.S.P. Khosa hit you at all that afternoon before, during or after he had recorded the statement from you? A. He only showed his fist. 20

His Lordship: Q. He did not hit you at all? A. That is so.

Q. He only showed you his fist?
A. Yes.

Q. And you were afraid that he would assault you? A. Yes.

Q. So who assaulted you? A. The Malay fellow who interpreted to me assaulted me. 30

His Lordship: Q. You are sure the Malay interpreter assaulted you?
A. Yes.

Q. Whom you now know as Inche Saruan, that

benign looking gentleman? A. I don't know him.

His Lordship: Q. He gave evidence the other day; you observed all the witnesses who came to give evidence; there is one interpreter by the name of Saruan, he came and gave evidence, was that the man? A. He was in a white shirt.

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Cross-
examination
(contd.)

10

His Lordship: Q. I am asking you a simple question: Did he come to Court and give evidence? A. Yes.

Q. The one who was wearing a pair of glasses with white hair? A. Yes.

Q. And you say that middle-aged gentleman assaulted you? A. I don't know whether middle-aged or not.

His Lordship: Q. He assaulted you?
A. Yes.

Q. Did he hit you hard? A. Yes, I felt pain.

20

Q. You used the word "Sakit"? A. Painful, I could not stand it.

His Lordship: Q. He assaulted you, where, on what part of the body?
A. First he slapped my ear.

Q. It was a ringing slap? A. Yes.

Q. On one side only? A. Both my ears.

Q. Continually? A. About three or four times.

His Lordship: Q. And after that.
A. on the stomach.

30

Q. He punched you there, did he? A. Yes.

Q. How many times in the area of your stomach?
A. Not many times. I would have died as I had not taken food.

Q. Did you double up in pain or collapse in pain? A. Yes.

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Cross-
examination
(contd.)

Q. In fact you demonstrated that you went right up to the floor?

A. When I tried to sit down I was ordered to stand up.

Q. And could you do it or you were in such pain that you could not get up?

A. I was afraid that after being ordered by the A.S.P. I followed his instructions.

Q. Did this happen, this assault happen after every question which was asked you and to which you replied "I don't know"? 10

A. Yes

Q. And how many times did you say that "I don't know."

A. I cannot remember.

His Lordship: Q. Ten times, fifteen times?

A. I cannot remember.

Q. And would you say more than that?

A. I cannot say because I did not note it down.

Q. About fifteen times, 20

A. As far as I can remember more than five times.

His Lordship: Q. You were assaulted more than five times? A. Yes.

Q. Was it more than ten times?

A. I cannot say as I did not take a note of it.

Q. Who was the fourth person in the room; how many persons were in the room?

His Lordship: Four including him?

Crown Counsel: Yes.

A. He was in civilian clothes. 30

Q. Was he a Police Officer?

A. As far as I know everyone in the room was a Police Officer.

Q. Now that fourth person have you seen him at all during the course of this trial? A. Never.

Q. What did he do to you, if anything?
 A. When I refused to sign he hit me.

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 Court in
 Singapore

Q. Where?
 A. He hit me on the stomach.

Q. He hit you on your stomach, that is the way
 you described it. A. Not punch but hit.

Defence
 Evidence

Q. He gave you a side punch? A. Yes.

Q. When you refused to sign? A. Yes

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Q. And how many times did you refuse to sign?
 10. A. I cannot remember but I just refused.

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His Lordship: Q. More than once? A. Yes.

Q. You put your signature on P.88 A and B five
 times in all? A. I don't know.

Cross-
 Examination
 (contd.)

Q. Please identify your signature on these
 documents and then count your signature; is
 that your signature shown there?
 A. Yes, five times.

Q. Did you refuse to sign five times?
 20 A. At the beginring when I was taken upstairs I
 refused to sign.

Q. Please answer my question: Did you refuse to
 sign five times? A. Yes, I refused.

His Lordship: Q. Did you refuse to sign
 every time you were asked to sign?
 A. As I was afraid I got to follow as
 I was threatened.

Q. Are you saying that you refused
 to sign only once? A. Yes.

Q. You refused to sign on one occasion
 30 and that was the first time when they
 asked you to sign? A. Yes.

Q. Then every time they asked you to
 sign you signed without protesting?
 A. Yes, I did not protest as I was

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Singapore

afraid

Defence
Evidence

- Q. So this fourth person only assaulted you once as described by you? A. Three or four times.
- Q. Each time they were as described by you with a punch?
- A. Once only; the fourth person only hit me once.

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His Lordship: Q. He gave you just one blow or several blows?

A. He only hit me once.

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Q. Just one blow? A. Yes.

10

Cross-
examination
(contd)

- Q. Did he remain throughout in this room?
- A. He was seated next to the Malay man.

His Lordship: Q. When you say the Malay man, you mean the interpreter?

A. At that time whether he was an interpreter or not I did not know.

Q. You said somebody was interpreting you must know whether he was an interpreter or not?

A. As far as I know he was a Police Officer.

20

Q. This Malay was the man who came and gave evidence; Saruan is his name? A. Yes.

- Q. Now, apart from that occasion when you asked the interpreter for food which you have mentioned, did you before, during or after recording your statement ask for food again?
- A. At the first Police Station I did ask for food.
- Q. Apart from that did you ask for food again from any person whilst you were at the second or third Police Station? .A. No.
- Q. Now, did A.S.P. Khosa give you a warning to this effect; that you are not obliged to say anything but anything you say may be given in evidence, before he began to question you?

30

- A. Nothing else, but he accused me of murdering.
- Q. When you say that he accused you of murdering, was that the time when the interpreter read out to you the three charges of murder?
- A. When I saw him only he accused me of murdering people.
- Q. I put it to you that after the charges were read out you were given a long caution to the same effect?

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10 His Lordship: Q. Can you tell me whether he accused you of murdering one person only?

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A. He asked me how many people.

Q. He accused you of murdering; so I am asking you, he accused you of murdering how many people?

Cross-Examination

A. He did not mention.

Q. But many persons were involved?

A. He said many persons.

20 Q. Do you agree with me whilst you were in the C.I.D. lock-up you made no complaints of any kind whatsoever to any Police Officer whatsoever? A. What complaints.

Q. Of any kind, of being assaulted, of being without food; of any kind?

A. I could not make any complaints as they were all Police Officers; they were friends.

Q. Similarly, you made no such complaints in any of your appearances before the Magistrate?

30 A. I was told I would have another week.

His Lordship: Q. The question is: Did you complain to the Magistrate?

A. No, I just kept quiet.

Q. Similarly, you made no such complaints to the Prison Officers when you were in Remand.

A. Yes, I did make complaints.

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Court in
Singapore

Defence
Evidence

No.65
Harun Bin
Said alias
Tahir

15th October
1965

Cross-
Examination

His Lordship: Q. You did complain? A. Yes.

Q. What did you complain to the Prison Officers?
A. I asked to be supplied with a tooth brush.

Q. Anything else that you asked for? By the way,
did you get the tooth brush that you asked for?
A. I was given a tooth brush.

Q. And when you wanted cigarettes you got
cigarettes?
A. At the time of the distribution only I was
given. 10

Q. And when you wanted a hair cut you got it?
A. At the time when I asked.

His Lordship: In your evidence, you said
you had a hair cut without asking for
it? A. Yes

Q. You are a bit of a clown; you have been
clowning in the witness-box all the time you
have been giving evidence; now stop laughing,
please? A. Yes.

Q. Similarly, you made no such complaint when
you were before in the High Court on those
occasions? A. On one occasion. 20

Q. You did make a complaint; what complaint was
that?
A. I asked for a lawyer if it could be arranged.

His Lordship: Q. For a particular lawyer?
A. Yes, I asked for Mr. T.T. Rajah to
defend me.

Q. Well, I put it to you that the statement and
the answers which you gave to A.S.P. Khosa
were given by you voluntarily? A. No, my Lord. 30

Q. And that you made the statement and the answers
without any inducement, threat or promise
held out to you by any Police Officer or
persons in authority?
A. I was forced and assaulted.

Q. And that your statement and your answers as given are true? A. No, my Lord.

In the High Court in Singapore

His Lordship: Mr. Kamil, I suppose you will take some time; you want an adjournment?

Defence Evidence

Mr. Kamil: I ask for an adjournment.

No.65
Harun Bin Said alias Tahir

(At 12 noon Court adjourns to 9.30 a.m. - 18.10.65)

15th October 1965

His Lordship: Will you tell him that he is on his former affirmation?

Cross-Examination (contd)

10.

Witness: Yes.

Crown Counsel: I think I have finished my cross-examination.

Mr. Kamil: I don't think I will re-examine.

Witness stands down.

Crown Counsel: May I make an application for the recall of Inspector Hubert Hill to correct his evidence? My Lord, my attention was drawn that he did not, in fact, serve copies of the statement and the questionnaire and answers, but only the statement proper, and I feel I should call him and correct that.

His Lordship: Very well.

Crown Counsel: Subject to your Lordship's leave.

In the High
Court in
Singapore

HUBERT HILL (Recalled on former oath)

(Further examination-in-chief by Crown Counsel)

Witness: On my former oath, my Lord.

Prosecution
Evidence

No.66
Hubert Hill
(recalled)

18th October
1965

Examination

Q. Inspector Hill on the 14th of March 1965, at about 6.50 p.m. at the C.I.D. did you serve a copy or copies of the statement of Accused No.1? Can you please have a look at 87A and B as well? (Exhibits shown to witness) Is it correct you only served 87B? A. Yes, my Lord.

Q. And not of 87A. A. Yes.

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Q. That is the questions and answers.

A. Questions and answers.

Q. On Accused No.1? A. Yes.

Q. Is that correct?

A. And obtained a receipt from him. I served it on the second accused. First accused's statement served on Accused No.2.

His Lordship: Q. On the second accused?

A. Yes, I served it on the second accused.

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Q. Exhibit 87C?

A. Yes, this is the receipt.

Q. From the first accused on the second accused? A. On the second accused.

Q. And at 6.55 p.m. on the same day, you served P.88B? A. I served exhibit P.88B on Accused No.1.

Q. And it is not correct that you served P.88A?

A. Not correct. I obtained a receipt from Accused No.1.

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Q. P.88C? A. Exhibit P.88C.

His Lordship: Mr. Kamil, do you want to ask any questions arising out of this?

Mr. Kamil: No, my Lord.

(Witness stands down)

His Lordship: Do you wish to call any other witnesses, Mr. Kamil?

Mr. Kamil: They are all the witnesses I have.

His Lordship: Yes, Mr. Kamil.

Mr. Kamil: My Lord, this is a question of the admissibility of the statements of the accused, and also of the confession before the Magistrate.

In the High
Court in
Singapore

No.67
Submission
by Defence
Counsel.

18th October
1965

10. The defence has maintained that the statements and the confession were not made voluntarily. In the evidence before us given by the accused, both the accused have stated the conditions under which they gave the statements or the confession. They maintain that the statements, or the cautioned statements, given to the Police officers, were given under duress.
20. What has struck me is the evidence of the first witness. He seems to be exaggerating a little bit in his statement, but I feel that he is, from his looks in Court, a man of weakness in appreciation and, perhaps, weakness in his mind or in his heart. Even in this Court, where he should be at ease, the atmosphere was full of uneasiness for him. He seemed
30. confused in what he was saying as to what happened about seven months ago. It is something of memory, which any person could think of as something grave, just like a person in a dream, or in a very bad dream, but to express it clearly it would be difficult. If we look back to the witnesses in this Court and to the evidence, it seems that he had been picked up in the sea. According to them, they had remained in the sea for more than
40. five or six hours. From the evidence

In the High
Court in
Singapore

—————
No.67
Submission
by Defence
Counsel.

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1965

(contd)

of the Police, if you take it, they were left in the Police Station with their wet clothes. It must have naturally caused them some uneasiness. They were put in an atmosphere strange to them, and they were interrogated by the Police officers. They were in a strange land, put in strange rooms and with strange people. Furthermore to their horror they were accused of committing murder. This, to an ordinary man, would be very hard indeed, and to a man of weakness, it would add graveness to further graveness. So he would be in a confused state of mind at that time when he was under the interrogation or under the questioning of the Police officers in the C.I.D. or in the Marine Police Station. The first witness stated that he was assaulted. Now, we go back again to the evidence of the Doctor that some kind of assault would not be detectable if the body was not red, and they did not tell the Doctor about it, as they were afraid. And the question of their being afraid could be easily understood because the Police officers were there. As I have already submitted, the first accused did say some kind of exaggeration, but this I feel is a dream of that thing which really happened, but he could not express it clearly and which became a dream today. He also mentioned that he did speak to the Magistrate, but that was because he was taught to do so by someone in the Police Station or in the C.I.D. who spoke to him, which, according to him, was in the Indonesian language, or perhaps something like the Indonesian language and which he could not understand. Now, coming to the circumstances, the first accused seems not to have any knowledge of the Malay as spoken

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by the Malays to other Malays in Singapore. When he was picked up in the sea, the boatman never spoke to him. When he gave his statement to the Magistrate, he did not speak in Malay. He spoke in Javanese. The only time we have learnt of him speaking the Indonesian language was when he was interviewed by Inspector Hill in the Marine Police Station. But the trouble there is that the man, who was supposed to interpret what he spoke, or what was to be spoken to him, was not qualified in the Indonesian language. He did not know the Indonesian language, but he also admitted that he spoke in Malay as spoken by the Malays in Singapore. He did not seem to differentiate between the Malay as spoken by the Indonesians and the Malay as spoken by the Malays in Singapore. On this may I comment that when a Malay speaks to a Malay, he speaks in a way which is different from what he speaks to a non-Malay. He speaks not only softly, but also some of the letters are not pronounced and some syllables may be subdued, although the words are similar. But to a man not familiar with this kind of speaking, he will find it very strange, and he cannot understand it. The Indonesian language is a more standardised language, as we have been told, although there are differences in the Indonesian language spoken by the people from one territory and the other territories. However, to a man in Malaysia, if the language of Indonesia is spoken clearly, it could be understood fairly well. I think it is just like the Malayans, or Singaporeans who speak English. Our English might be understood by the Cockney people of London, but if we are not familiar with the Cockney people of London, then we cannot understand what they say, although the words are the same and the language

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Singapore

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Submission
by Defence
Counsel.

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(contd)

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(contd)

is the same. Further the circum-
stances of the case strike me as
strange. According to Inspector
Mahmud when they were charged with
entering into a security area of
Singapore without a permit, or
illegally, they did not say anything,
but what has struck me is that when
they were brought to Court and further
charged with the graver offence of 10
murder, they spoke, so in the
circumstances it can be inferred that
something did really happen which
made them speak. The explanation
can be found in what the accused
told us - that they were under duress.
The second accused told us the same
thing. He was clear in what he said,
but he had to do what he was taught
by the Police officer, ASP. Khosa, 20
because he was assaulted, and
threatened to be beaten to death. In
that period, he was afraid. He was
still afraid when he was with the
Doctor, so he did not tell the
Doctor. But with regard to the
Magistrate, he did not say as he was
taught because the place was secluded,
and, I think, he regained his
courage. From his behaviour in 30
Court, he looks a man of courage, but
with the first accused, it is very
different. He was all confused here,
and also he could not differentiate
between a Magistrate and a non-
Magistrate. He was taught to say,
and he was under observation and so
further and so on. My Lord, these
are the facts before us. Your
Lordship will appreciate that this is 40
a matter which is very difficult for
the accused person to prove. In this
respect I feel I would like to draw
your Lordship's attention to Section
24 of our Evidence Ordinance, which
is similar to Section 24 of the Indian
Evidence Ordinance.

His Lordship: You are going to refer to Sarkar?

Mr. Kamil: Yes, my Lord "A Confession made by an accused person".

His Lordship: Your Sarkar is of what edition?

Mr. Kamil: 10th Edition, my Lord, at page 201. That is the Ordinance itself - Section 24.

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His Lordship: Yes.

Mr. Kamil: I will read it:
"A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or" etc. etc.

His Lordship: Yes.

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Mr. Kamil: If you look at page 205, the last paragraph, it will have something to do with the phrase "... appears to have been caused..".

His Lordship: Yes.

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Mr. Kamil: Here it reads:
"It should be remembered that in coming to a decision on the point, it is not necessary that there should be positive proof of improper inducement or threat or promise. Such a requirement would nullify the object of the section as it would be absurd to expect in most cases positive proof of the inducement, etc."

His Lordship: Yes.

Mr. Kamil: If you go on to page 206, the fourth line, it reads:
"All that is meant is that as "proof"

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(contd.)

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1965

(contd.)

of inducement is difficult or in many cases impossible of attainment".

His Lordship: Is it the same paragraph or some other paragraph?

Mr. Kamil: It is the same paragraph my Lord.

His Lordship: I have got a different edition. Is that the 10th edition?

Dy. Registrar: Yes, my Lord.

His Lordship: May I have the 10th edition? 10

(10th Edition of Sarkar handed to his Lordship)

His Lordship: Yes, I have got the 10th edition.

Mr. Kamil: It is at page 206, my Lord, the fourth line from the top.

His Lordship: Yes.

Mr. Kamil: It is the first sentence, which reads: 20
"All that is meant is that as "proof" of inducement is difficult or in many cases impossible of attainment in a matter like this, the discretion of the Court is unfettered by the concrete standard of proof which is necessary in other cases".
There is a slight indication of inducement, or threat, etc. in this matter. I feel it is enough because 30
the circumstances are such. A person who is in the custody of the Police, is, presumably, under the influence of the Police officers, especially when he is in a state of misery as my clients. Furthermore if I may refer to our Evidence Ordinance, Section 26, which reads:

"No confession made by any person whilst he is in the custody of a police officer, unless it is made in the immediate presence of a Magistrate, shall be proved as against such person".

In the High Court in Singapore

His Lordship: There is an amendment Mr. Kamil.

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by Defence
Counsel.

Mr. Kamil: I do not know.

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His Lordship: I think it is No.17 of 1960. This section has been amended at least - "Subject to any express provision in any written law, no".

(contd)

Mr. Kamil: Is it our Criminal Procedure Code?

His Lordship: It is an amendment to the Evidence Ordinance itself and that is No.17 of 1960, section 2 of No.17 of 1960.

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Mr. Kamil: If we go to section 26 as amended, the amendment is only to say "Subject to any express provision in any written law, no confession made by any person" etc. etc. I feel there is another provision. I think it is Section 121 of the Criminal Procedure Code, amended by No.18 of 1960.

His Lordship: Yes.

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Mr. Kamil: It reads:
"Where any person is charged with an offence any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of police investigation or not, by such person to or in the hearing of any police officer of or above the rank of Inspector shall be admissible at his trial in evidence".

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(contd.)

I feel that this Section 26 (I have not got No.17 of 1960) even after the amendment of Section 121 of the Criminal Procedure Code, still remains.

Now, Section 25 reads:

"No confession made to a police officer who is below the rank of Inspector by a person accused of any offence shall be proved as against such person".

That is a confession, my Lord.

If we go again to Section 25: no confession made to a police officer who is below the rank of Inspector by a person accused of any offence shall be proved against such person. So

that a confession made to a police officer is not admissible if the police officer is under the rank of Inspector. But section 26 is specially for persons in custody.

So that section, if a police officer of the rank of Inspector or above, then I feel that section 26 will be qualified, the requirement of presence of Magistrate will be qualified, which looks rather absurd. So in my

view, in my submission if a person is in the custody of the Police then his statement which amounts to a confession cannot be admissible and proved against him even if this is before an Inspector or above.

As regards section 121 of the Criminal Procedure Code, that will be the same, or the explanation as to section 25 of the Evidence Ordinance.

So that can be made if they are not in Police custody. My lord, this is my submission as to the facts and the law, and the circumstances of the case. And, further, before I

conclude there is a question of language which is provided by Schedule E; Schedule E of the Criminal Procedure Code (Amendment No.18 of 1960 - (11 - where the statement of a person who does not understand English is taken down in

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writing, the proceeding will be interpreted to him in his own language or in a language which he understands. So this is another thing. The Interpreter has already said, Inche Saruan already said that he spoke in his own Malay language as spoken in Singapore, which is not Indonesian language and, according to the accused, he did not understand the Malay language. So this is my submission and I hope your Lordship will be with me to find that there is an indication of the involuntary fact: that these miserable people unfortunately gave the statements and confessions.

No 68

JUDGE'S RULING ON SUBMISSION

His Lordship: Mr. Seow, I will not trouble you. Mr. Kamil, on the evidence I am satisfied the statement made to the Police officers - Senior Inspector Hill and Inspector Khosa - are voluntary, and that the making of these statements was not caused by any inducement, threat or promise or by force. I am also satisfied that these statements were made and recorded in compliance with the provisions of the rules set out in Schedule E of the Criminal Procedure Code. As regards the statements to the Magistrate made by the first accused, I am also satisfied that it was made voluntarily, without any force, inducement or promise. I rule, therefore, that these statements are admissible in evidence.

Crown Counsel: May it please the Court.

His Lordship: Mr. Seow, I suggest that you recall Inspector Hill to read the statement, and I will give Mr. Kamil an opportunity to further cross-examine him.

In the High Court in Singapore

No.67

Submission by Defence Counsel

18th October 1965

(contd.)

No.68

Judge's ruling on submission.

18th October 1965

In the High Court in Singapore

No.68
Judge's ruling on submission.

18th October 1965

(contd.)

No.69
Prosecution Evidence.

Hubert Hill (recalled)

18th October 1965

Further Examination

Crown Counsel: Yes, I was going to.

His Lordship: So, they are Exhibits 88A and B. And what is the Magistrate's ---

Crown Counsel: P.90, my Lord.

(Inspector Hill steps into the Witness Box)

HUBERT HILL (recalled)

His Lordship: You are on your former affirmation. A. I am on former oath.

His Lordship: He is P.W.7.

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(Further Examination) (By Crown Counsel)

Q. Would you first read out P.87A?

A. "Interview conducted"---

His Lordship: Have you got a copy for me? Is that the only one?

Crown Counsel: There should be adequate copies, my Lord.

(A copy is handed to His Lordship)

Crown Counsel: My Lord, that is a copy of the original which Inspector Hill will be reading out.

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His Lordship: That will be what? Is that P.87?

Crown Counsel: P.87A.

A. [Reads] "Interview conducted by Acting A.S.P. Hubert Hill on 13.3.65 at 1.25 p.m. with Mr. Saruan bin Haji Abdul Rashid interpreting in Malay. I cautioned subject as follows:

You are not obliged to say anything, but anything you say may be given in evidence 30

Signed Osman bin H.M. Ali. I then questioned him as follows:

In the High Court in Singapore

Q. What is your name?

A. Osman bin Haji Mohd Ali.

Q. Where did you come from?

A. From Banja Mas in Java.

Q. When did you come to Singapore?

A. I came to Singapore at about 11 a.m. on Wednesday.

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Prosecution
Evidence.

Hubert Hill
(recalled)

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1965

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Q. What date was that?

A. On the 10th of March in 1965.

Q. Did you come alone?

A. I came with Harun bin Said.

Further
Examination

(contd.)

Q. Where did you go after landing?

A. We went to eat. We finished eating about 1 p.m.

Q. What did you do after this?

A. We went sight-seeing. Actually we went sight-seeing first, and then had our meals which finished at 1 p.m.

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Q. After 1 p.m. where did you go?

A. We went for a drink. It began raining.

Q. Where else did you go?

A. Harun and I went to a building.

Q. Where else did you go?

A. We entered this building. Harun and I went up the steps.

Q. What did you do in this building?

A. We put a bundle each on the steps before reaching the first floor.

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Q. How many bundles did you place on the steps?

A. Two bundles; I placed one bundle, and Harun placed one bundle.

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Court in
Singapore

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Further
Examination
(contd.)

Q. What did you and Harun do after placing
the bundles down on the steps?

A. Harun bin Said lighted the fuse (Sumbu).

Q. What were in the bundles you and Harun
placed on the steps?

A. The two bundles were explosives (Ledakan).

Q. What did you and Harun do then?

A. We left the building.

Q. What time was this? A. About 3 p.m.

Signed: Osman bin H.M. Ali. Interpreted 10
by Saruan Rashid. Recorded by Hubert Hill.
Interview was concluded at 1.55 p.m. after
which the statement was read back to
subject. He then signed the statement."

Q. Would you now read P.87B? Can I hand up the
copy of the original which Inspector Hill is
about to read?

(Copy of exhibit is handed to His Lordship)

A. Reads Exhibit P.87B. "On 13.3.65 at 2.35p.m 20
in the Marine Police Station I read the
attached charges under section 302 Penal Code
to Osman bin Haji Mohd Ali. Mr. Saruan bin
Haji Abdul Rashid interpreted in Malay.
Osman bin Haji Mohd Ali then signed the attached
charges. I then administered the following
caution: Do you wish to say anything in
answer to the charges? You are not obliged
to say anything unless you wish to do so, but
whatever you say will be taken down in
writing and may be given in evidence. Signed 30
Osman b. H.M. Ali. The above caution was
interpreted by me in the Malay language to
Osman bin Haji Mohd Ali and he signed
beneath the caution as having understood.
Signed Saruan Rashid."

The statement:

"I reached Singapore on Wednesday at 11 a.m.
I was not alone. I came with Harun bin Said.
We then walked towards the mainroad to look
for a taxi. When we got a taxi we went 40
looking for a place to eat. After eating -

actually we went for a drink. After eating Harun and I went, after drinking Harun and I went to look for a target (Sasaran). After finding the target we went to eat. After eating we had some rest. After resting we straight went to the building. We then placed two bundles of explosives (Ledakan) on the stairs before reaching the first floor (Tingkat satu). After placing the two bundles Harun lighted the fuse (Sumbu). After that we left and took a bus which was running. I did not hear the explosion. Signed Osman b. H.M. Ali.

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Prosecution Evidence.

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Further Examination
(contd.)

The above statement was concluded at 3.15 p.m. after which it was read over and interpreted, to Osman bin Haji Mohd Ali after which he signed immediately at the end of the statement.

Recorded by Hubert Hill, Interpreted by Saruan Rashid.

The attached charge was signed by Osman H.M. Ali. Charges interpreted by me and explained to Osman bin H.M. Ali. Signed Saruan Rashid."

His Lordship: Read the charges.

A. The charges were:

"You OSMAN BIN HAJI MOHAMED ALI are charged that you, on or about the 10th day of March, 1965, at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore, did commit murder by knowingly causing the death of one, SUSIE CHOO KWAY HOI, and you have thereby committed an offence punishable under Section 302 of the Penal Code, Cap. 119.

SECOND CHARGE.

You OSMAN BIN HAJI MOHAMED ALI are charged that you, on or about the 10th day of March, 1965, at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore, did commit murder by knowingly causing the death of one JULIET GOH HWEE KUANG, and you have thereby committed an offence punishable under Section 302 of the Penal Code, Cap. 119.

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Further
Examination
(contd.)

THIRD CHARGE.

You Osman BIN HAJI MOHAMED ALI are charged that you, on or about the 10th day of March, 1965 at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore, did commit murder by knowingly causing the death of one YASNIN BIN KESIT, and you have thereby committed an offence punishable under Section 302 Penal Code, Cap. 119.

Signed Hubert Hill"

His Lordship: Yes, Mr. Seow. Mr. Kamil, you want to ask any questions? You want a little time?

Mr. Kamil: Yes, I think so. I think I had better see my clients first.

His Lordship: I don't know. You had copies of this, I believe?

Mr. Kamil: This one has just been given to me.

Crown Counsel: That is P.87A.

His Lordship: But then in the course of Mr. Hill's evidence I think a copy was supplied.

Crown Counsel: Yes, I was under the impression, that is why I recalled Inspector Hubert Hill to correct that picture.

His Lordship: No. I thought you handed a copy to Mr. Kamil.

Crown Counsel: Of what? The questions and answers?

His Lordship: The statement, yes.

Crown Counsel: The questions and answers - I thought so, too, and Inspector Hill told me that it had not been.

His Lordship: We will give Mr. Kamil a little time.

In the High Court in Singapore

Crown Counsel: As you please, my Lord.

His Lordship: Perhaps you can call Inspector Khosa now.

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Crown Counsel: As you please, my Lord.

Hubert Hill (recalled)

No.70

18th October 1965.

A.S.P. J. S. KHOSA (recalled)

Further Examination (contd.)

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His Lordship: You are on your former oath, Mr. Khosa. A. Yes, my Lord.

No.70 Prosecution Evidence.

His Lordship: You are witness No.38.

Crown Counsel: That is correct. P.88A he will be reading first, my Lord.

A.S.P. J.S. KHOSA (recalled)

His Lordship: Can I have copies of this also, Mr. Seow?

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Crown Counsel: Yes, my Lord. Copies of the original to His Lordship.

Further Examination

(Copies are handed to His Lordship)

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A. Reads "Interview conducted by A.S.P. J.S. KHOSA on 13.3.65 at 4.20 p.m. with Mr. SARUAN Bin Haji Abdul Rashid interpreting in the Malay language. I cautioned subject Harun bin Said as follows:- "You are not obliged to say, but anything you say may be given in evidence" I then questioned"---

His Lordship: He signed below that, is it? A. Yes.

His Lordship: Will you kindly read?

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Crown Counsel: Yes, read everything there.

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Court in
Singapore

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Prosecution
Evidence.

A.S.P. J.S.
KHOSA
(recalled)

18th October
1965

Further
Examination
(contd.)

A. Yes. Reads "Signed by Harun Bin Said.
I then questioned Harun Bin Said as follows:-

Q. What is your full name?

A. My full name is Harun Bin Said and I am
also known as Tahir.

Q. Where did you come from?

A. I came from Pulau Nyurop an island of the
Rhio Group.

Q. With whom did you come to Singapore?

A. I came to Singapore with Osman Bin Haji
Mohd Ali. 10

Q. When did you come to Singapore?

A. I came to Singapore on Wednesday at about
10.00 a.m.

Q. Where did you land in Singapore?

A. Osman and I landed at Pasir Panjang near
a factory.

Q. Where did you go after landing?

A. We went to Geylang, by three different
buses, one from Pasir Panjang to Tg.
Pagar, the second from Tg.Pagar to Arab
Street and the third from Arab Street
to Geylang. 20

Q. What did you do after that?

A. We had our lunch at a "sarbat" stall in
Geylang.

Q. Where did you go after lunch?

A. After lunch we went to Kg. Amber,
after that we went to 129, Chin Swee Road
and finally we went to a big building in
the town. 30

Q. What did you do at the building?

A. We entered the building and used the
staircase and placed two bundles at the
staircase. I placed one and Osman placed
one.

Q. After placing the bundles what did you do?

A. I lighted a match stick and burnt a fuse connecting my bundle.

In the High Court in Singapore

Q. After lighting the fuse what did you do?

A. Osman and I walked fast down to the ground floor and took a bus.

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Prosecution Evidence.

Q. Where did you go after this?

A. We went to Jalan Sultan.

A.S.P. J.S. KHOSA
(recalled)

Q. About what time was it when you lighted the fuse? A. It was about 3 p.m.

10

Q. How was the weather?

A. It was raining when I took the bus after leaving the building.

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Q. After Jalan Sultan where did you go?

A. We went to sleep in a junk at Tg. Rhu.

Further Examination
(contd.)

Signed by Harun Bin Said. Interpreted by Saruan Rashid, and recorded by me, J.S. Khosa."

Q. Would you read P.88B?

20

A. Reads "On 13th March 1965 at 5.15 p.m. in the office of the Staff Sergeant, Marine Police Station I read the attached charges under Section 302, Penal Code, to Harun bin Said, alias Tahir. Mr. Saruan Bin Abdul Rashid interpreted in Malay. Harun bin Said, alias Tahir, then signed the attached charges. I then administered the following caution:

30

Do you wish to say anything in answer to the charges? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken in writing and may be given in evidence. Signed Harun bin Said. The above caution was interpreted by me in the Malay language to Harun Bin Said, alias Tahir, and he signed beneath the caution as having understood. Signed Saruan Rashid."

Q. Saruan bin Haji Abdul Rashid?

A. "Saruan bin Haji Abdul Rashid. Translator, C.R.O., C.I.D.

In the High
Court in
Singapore

No.70
Prosecution
Evidence.

A.S.P. J.S.
KHOSA
(recalled)

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1965

Further
Examination
(contd.)

The statement:

On 10th March 1965, Wednesday, I came to Singapore with Osman bin Haji Mohamed Ali on instructions from Komando Operasi Tertinggi, Indonesia. My instructions as a sworn soldier were to carry the given parcel and light it at the electric power station or any other building. Because of this instruction I came to Pasir Panjang with Osman and later went to the big building" ---

10

Crown Counsel: To the building.

His Lordship: Is the word "big" there?

- A. Sorry - "to the building where I lighted the fuse to the bundle. The two bundles were placed on a landing of the staircase of the talk building. After lighting the fuse Osman and I took a bus to Jalan Sultan. It was raining when I took the bus. We spent the night in a junk anchored at Tanjong Rhu, Singapore. I did not know what happened after I lighted the fuse.

20

Signed Harun bin Said.

The above statement was concluded at 5.40 p.m. after which it was read over and interpreted to Harun bin Said, alias Tahir, after which he signed immediately at the end of the statement.

Interpreted by me Saruan bin Haji Abdul Rashid. My signature - J.S. Khosa."

His Lordship: The charges.

30

- A. Reads "You Harun bin Said alias Tahir are charged that you, on or about the 10th day of March, 1965, at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore, did commit murder by knowingly causing the death of one, Suzie Choo Kway Hoi, and you have thereby committed an offence punishable under Section 302 of the Penal Code, Chap. 119.

SECOND CHARGE:-

You, HARUN BIN SAID alias TAHIR, are charged that you, on or about the 10th day of March, 1965, at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore, did commit murder by knowingly causing the death of one JULIET GOH HWEE KUANG, and you have thereby committed an offence punishable under Section 302 of the Penal Code Chap. 119.

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Prosecution Evidence.

THIRD CHARGE:-

10

You, HARUN BIN SAID alias TAHIR, are charged that you on or about the 10th day of March 1965 at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore did commit murder by knowingly causing the death of one YASNIN BIN KESIT, and you have thereby committed an offence punishable under Section 302 of the Penal Code Chap. 119.

A.S.P. J.S. KHOSA
(recalled)

18th October 1965

Further Examination
(contd.)

Charges signed by me J.S. Khosa - A.SP.

OC Malaya & Others Section, C.I.D. 13.3.1965.

20

Also signed by Harun Bin Said.

Interpreted by me and explained to Harun Bin Said alias Tahir at 5.15 p.m. 13.3.65.
Saruan bin Rashid."

His Lordship: Yes, Mr. Kamil.

Mr. Kamil: I think I would like to have further time.

His Lordship: Will you stand down?

30

Crown Counsel: My Lord, whilst we are on this matter there is a statement recorded by Mr. Donald Yeo, the then 4th Magistrate. I was just wondering whether my learned friend wishes to have him recalled, and the Interpreter. If not, then I will just read the statement. Do you wish any one of those two gentlemen to be recalled? Any one, or both of them?

No.70a.

Prosecution Evidence

18th October 1965

Re Statement of Osman Bin Haji Mohd. Ali before Mr. Donald Yeo.

In the High
Court in
Singapore

—————
No.70a
Prosecution
Evidence

18th October
1965

Re Statement
of Osman Bin
Haji Mohd Ali
before Mr.
Donald Yeo

(contd.)

His Lordship: I do not know. Do you
want to examine Mr. Donald Yeo or not?

Mr. Kamil: Not necessary.

His Lordship: No, it is not merely
not necessary. It is up to you
Mr. Kamil.

Mr. Kamil: For that to be produced
by them, one of them should be called.

Crown Counsel: Which one?

Mr. Kamil: No, I think anyone. I 10
won't cross-examine.

Crown Counsel: If you don't want to
cross-examine, then I can read the
statement just as well. The point
is do you want any of them, or both
of them for cross-examination?

His Lordship: Perhaps you will read it
then.

Crown Counsel: Yes, if my learned friend
wants them I will have arrangements 20
made for them to be called immediately.

His Lordship: Yes, Can I have a copy of
that?

Crown Counsel: You don't want?

His Lordship: P.90 is it?

Crown Counsel: My Lord, I will read the
original; P.90.

(A copy is handed to his Lordship)

Crown Counsel: Reads Memorandum of 30
Inquiry. The accused, who is brought
to me by Inspector Tan Eng Bock, is
now left alone with me and my sworn
Interpreter (Mr. Ishak bin Haji Nawawi)
in a separate room at the 4th

Magistrate's Court. I inform the accused that I am a Magistrate. The time is now 6.15 p.m. date 13.3.65.

In the High Court in Singapore

Initialled Donald Yeo.

No.70

Prosecution Evidence.

18th October 1965

Re Statement of Osman Bin Haji Mohd Ali before Mr. Donald Yeo (contd.)

Q. What is your:

(a) Name -- Osman bin Haji Mohamed Ali.

(b) Race -- Indonesian.

(c) Address -- Pulau Merchang.

10

(d) Occupation -- Member of Corps Commander Angkatan Laut, R.I.

Q. What language/dialect do you usually speak?

A. Indonesian Malay.

Q. On what charge have you been arrested?

A. For causing trouble in Singapore.

Q. When were you arrested?

A. In the sea off Malaysia.

20

Q. In whose custody have you been since then?

A. Of the Police.

Q. Where have you been confined?

A. I was put in a room.

Q. Why do you come here?

A. To inform you and to give information to you regarding duties of which I had been instructed by my superiors.

30

I warn the accused that he is not obliged to make any statement to me if he does not wish to do so, but if he made any statement such statement may be used as evidence at his trial.

Q. Do you wish to make a statement?

In the High
Court in
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1965

Re Statement
of Osman Bin
Haji Mohd Ali
before Mr.
Donald Yeo
(contd.)

A. Yes, I still wish to make a
statement.

Q. When did you decide to make such a
statement?

A. After I was arrested.

Q. Has any police officer or any
person in authority made any
inducement, threat or promise to you
to make you decide to make this
statement?

A. No one induced, threatened or made
any promise to me to make me decide
to make this statement.

10

Initialled Donald Yeo.

From this initial inquiry, and from
his demeanour generally, I am
satisfied that the accused is about to
make a statement voluntarily.

Signed Donald Yeo, Magistrate.

Q. What is it you want to say?

20

A. I was instructed by Lieutenant
Paulus Subekti to cause trouble in
Singapore. I left Indonesia on
Monday 10.3.65. I entered
Singapore on Wednesday. I and a
friend went ashore. I then looked
for a taxi. We boarded a taxi and
went looking for a place to have
some refreshment. We had our
refreshment at one of the coffee
shops in Singapore. We then
boarded another taxi after that
to look for suitable targets.
After we had found a suitable
target we then went to an eating
shop and had our lunch. After
our meal we took a parcel contain-
ing explosives to the place which
we mentioned earlier.

30

Q. Do you know where?

40

A. According to my friend the building

where we should put explosives was the most suitable place. I do not know what kind of building it was. I was told by my friend the building belonged to a European concern.

Initialled Donald Yeo.

10 Soon after it began to rain. I then put explosives on 1st floor of the building. What I meant was the floor between the ground floor and the first floor. My friend then lighted the fuse. As soon as the fuse was lighted we left building and boarded the bus. I don't know where the bus took us to. My friend knows his way around Singapore. We slept in a taxi at night. The next day also we slept in a taxi. That would be the 20 second day. On the third day at about 11.00 p.m. we decided to leave Singapore Island. We boarded our motor boat. The boat smashed against a reef or rock. The boat was smashed to pieces. Each of us who got a plank from the smashed boat with its help we started swimming. The current was strong. Our idea was to go towards the 30 International Waters but because of strong currents we failed to do so. At about 7.00 a.m. we were still stranded within Malaysian waters. We were then arrested by Malaysian Police. I appeal for leniency.

Signed Osman bin H. Mohd. Ali.

40 Q. I am going to read this back to you. If you wish to make any correction you can do so.

A. I wish to correct"---

His Lordship: That is the answer? A. Is the answer?

Crown Counsel: That is correct, my Lord.

In the High Court in Singapore

No.70a
Prosecution Evidence.

18th October 1965

Re-Statement of Osman Bin Haji Mohd Ali before Mr. Donald Yeo (contd.)

In the High Court in Singapore

No.70a
Prosecution Evidence.

18th October 1965

Re-Statement of Osman Bin Haji Mohd Ali before Mr. Donald Yeo (contd.)

That is the question; that is the answer.
Reads "I wish to correct the part about when I left Indonesia. It was at 1.00 a.m. on Wednesday the 10th March, 1965.

I commenced reading the rest of the statement to accused.

Sd. Yeo Hock Chwee Magistrate 13.3.65. Sd. Ishak bin H. Nawawi Sworn Interpreter, Magistrates' Courts.

10

Q. Is that all you wish to say? A. Yes.

Before me,
Sd. Yeo Hock Chwee Magistrate. Sd. Osman bin H. Mohd. Ali

MEMORANDUM

I believe that this statement was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct and it contains a full and true account of what he said.

20

Sd. Yeo Hock Chwee Magistrate.

This document has been read, interpreted and explained by me in Indonesian Malay language/dialect to the accused who admitted it to be a true and correct statement.

30

Sd. Ishak bin H. Nawawi Sworn Interpreter, Magistrates' Courts.

Dated 13.3.65.

His Lordship: Mr. Seow, do you have any other witness?

Crown Counsel: No, my Lord. Subject to my learned friends's cross-examination I will be closing my case.

His Lordship: How much time you want, Mr. Kamil?

Mr. Kamil: About half an hour, my Lord.

His Lordship: Well, we will adjourn.

In the High Court in Singapore

No.70a
Prosecution Evidence

18th October 1965

Re-Statement of Osman Bin Haji Mohd Ali before Mr. Donald Yeo (contd.)

10.

(At 10.55 a.m. Court adjourns for half an hour)

(Court resumes after a short adjournment at 11.30 a.m.)

No.71
HUBERT HILL (recalled)

His Lordship: Do you want to cross-examine Inspector Hill?

Mr. Kamil: Yes, my Lord.

HUBERT HILL (On former oath) (recalled)

(Further cross-examination by Mr. Kamil)

His Lordship: You are on your former oath?

Witness: On my former oath, my Lord.

Q. Mr. Hill, during the interview with the first accused, did you ask the question as to the occupation of the accused?

A. May I refer to the statement?

His Lordship: Q. You can't remember?

A. I did not ask that

No.71
Prosecution Evidence

Hubert Hill (recalled)

18th October 1965

Further Cross-Examination

20

In the High Court in Singapore

No.71
Prosecution Evidence

Hubert Hill (recalled)

18th October 1965

Further Cross-Examination (contd.)

question
Q. I put it to you that you did ask that question of the first accused?

A. I did not. Every question I asked was recorded.

Q. You asked his name? A. Yes.

Q. You asked where did he come from? A. Yes.

Q. And you deny asking his occupation?

A. I did not ask the occupation.

Q. I put it to you that you did ask only these three questions - your name, where you came from and your occupation? 10

A. I asked the first two and the others which I recorded, but I did not ask about his occupation.

His Lordship: It is not true you only asked three questions, Mr. Kamil is asking you that you asked only three questions?

A. It is not true that I asked three questions. 20

His Lordship: Is it usual to ask for his occupation?

A. It is usual, but I overlooked asking that question that day.

Q. I put it to you that after the question of "Occupation", you charged him, or you accused him of murder and all the assault took place?

His Lordship: I don't understand you, Mr. Kamil. One thing at a time. 30

His Lordship: Mr. Kamil is putting to you that you only asked three questions of the first accused and then you charged him?

Mr. Kamil: Yes.

A. That is not correct.

- Q. After you charged him, then all the assault took place? A. That is not correct.
- Q. I put it to you that you never asked him when he came to Singapore? A. I did, my Lord.
- Q. And I put it to you that he never answered that he came to Singapore at 11 o'clock on Wednesday? A. He did, my Lord.
- Q. I put it to you that you never asked him about the date when he came? A. I did, my Lord.
- 10 Q. I put it to you that he never said that he came on the 10th of March 1965? A. He did say that.
- Q. I put it to you that you never asked him that he came alone?

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Court in
Singapore

No. 71

Prosecution
Evidence

Hubert Hill
(recalled)

18th October
1965

Further
Cross-
Examination
(contd.)

His Lordship: Are you going to go through all the questions one by one? It will take a long time. Your point is only three questions were being put, and they are your name, where did you come from and occupation?

20 Mr. Kamil: Yes.

His Lordship: The other questions and answers did not take place?

Mr. Kamil: Yes, he was not questioned.

His Lordship: If you are going through these questions, it will take some time.

Mr. Kamil: Subject to your direction, my Lord.

30 His Lordship: Unless you want to pinpoint any particular one.

Mr. Kamil: Yes, I think so.

Q. You did not ask him: Did he come alone?

A. I did, my Lord.

In the High Court in Singapore

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Prosecution Evidence

Hubert Hill (recalled)

18th October 1965

Further Cross-Examination (contd.)

- Q. You did ask? A. I did ask.
- Q. But you did know that he was arrested together with another person? A. I did.
- Q. Why was it necessary for you to ask him?
A. To satisfy myself in the investigation.
- Q. I put it to you that, apart from the three questions, no other questions were asked by you?
A. The other questions were asked and recorded.
- Q. And also the statement was not the statement given by the accused?
A. The statement 87B, exhibit 87B, was made by the accused.

10

His Lordship: Q. The first accused?
A. The first accused.

No re-examination by Crown Counsel.

Questions by Court

- Q. Why did you record these Indonesian words for explosives and fuse?
A. You are referring to 87A?
- Q. 87A, yes - Sumbu and Ledakkan?
A. In relation to these answers; when the questions were asked, I listened to the answers interpreted, and I caught these words. I thought them to be of some significance and I recorded them.
- Q. You heard the first accused use those words?
A. Yes, I did.

20

Crown Counsel: May I be permitted, with your Lordship's leave, to ask one or two questions arising out of this witness' answer regarding the meaning of those words?

30

His Lordship: Yes.

Q. Do you know yourself the meaning of the words when you heard them?

A. Only one word I knew the meaning and that is "Sumbu".

In the High Court in Singapore

Q. And the others? A. Ledakkan and sasaran.

His Lordship: Q. Ledakkan you don't know?

A. I suspected, but I did not know the meaning.

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Prosecution
Evidence

Hubert Hill
(recalled)

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10 Q. What did you suspect it to be?

A. From the verb ledak, to explode.

His Lordship: Do you want to ask any questions?

Mr. Kamil: No.

Further
Cross-
Examination
(contd.)

(Witness stands down)

NO.72

J.S. KHOSA (RECALLED)

His Lordship: You are on your former affirmation.

Witness: Yes.

20 Q. Mr. Khosa, in your interview did you ask the accused for his name?

A. Yes, I did.

Q. And where he came from? A. Yes, I did.

Q. And you asked for his occupation?

His Lordship: This is the second accused?

Mr. Kamil: Yes, the second accused.

A. I did not ask the third question. I did not ask his occupation.

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Prosecution
Evidence

A.S.P. J.S.
KHOSA
(recalled)

18th October
1965

Further
Cross-
Examination

In the High Court in Singapore

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Prosecution Evidence

A.S.P. J.S. KHOSA (recalled)

18th October 1965

Further Cross-Examination (contd.)

Q. This also did not occur to your mind?

A. I thought it was of no significance.

Q. But it is usual to ask the question?

A. We ask the question often; normal.

Q. I put it to you that you did ask that question?

A. No, I did not.

Q. But you did not record it, and then you started charging him with murder?

His Lordship: Are you putting to him that he has only asked three questions? 10

Mr. Kamil: Yes.

A. It is not true. I asked all the questions that are in this exhibit 88A. They are all recorded. This is a true statement.

Q. I put it to you that you never asked those other questions? A. No. I did ask.

Q. They were never answers to those questions?

A. The questions and the answers were all recorded.

His Lordship: Q. He gave the answers and they were recorded? A. Yes. 20

Q. And I put it to you that the cautioned statement, which is purported to be the cautioned statement of Accused No.2 has never been his statement?

A. It is his statement, the second accused's statement.

(Further re-examination by Crown Counsel)

Further Re-examination

Q. Although you did not ask for his occupation in this interview, did Accused No.2 at any stage of the statement tell you who or what he was? 30

A. Yes, he did, my Lord, when he gave his statement.

Q. What did he say he was? A. That 88B.

Q. What did he say he was, or who he was?

A. He said he had instructions from Kommando Operasi Tertinggi Indonesia.

In the High Court in Singapore

His Lordship: Q. He said he was a soldier? A. Soldier, sworn soldier.

No.72

Prosecution Evidence

(Witness stands down)

A.S.P. J.S. KHOSA (recalled)

His Lordship: What about the Magistrate? Do you want him?

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Mr. Kamil: Not necessary.

Further Re-Examination (contd.)

10

Crown Counsel: In connection with this matter, may I enquire from my learned friend whether there is any other witness he wishes to recall?

His Lordship: Do you wish to recall any witness?

Mr. Kamil: I don't think so.

Crown Counsel: It is not "I don't think so". It is whether he wants or not.

His Lordship: I take it that the answer means "I don't want them".

20

Crown Counsel: At any later stage if he wants he can make his application. That is the case for the Prosecution.

His Lordship: Do you wish to address the Court?

Mr. Kamil: No.

USUAL WARNING GIVEN TO BOTH THE ACCUSED-
1. OSMAN BIN HAJI MOHAMED ALI. (2) HARUN BIN SAID alias TAHIR.

His Lordship: They can consult their Counsel if they wish.

Mr. Kamil: May I see them?

His Lordship: Yes. (Mr. Kamil sees both the accused in the dock)

His Lordship: The first accused can tell me what he wishes to do.

Interpreter: The first accused wishes to give evidence from the witness box.

In the High
Court in
Singapore

NO.73

10

OSMAN BIN HAJI MOHAMED ALI (1st Accused)

No.73
Defence
Evidence
Osman Bin
Haji Mohamed
Ali
(recalled)
18th October
1965
Examination

His Lordship: You are aware that, if you wish, you can go over the same ground again.

Mr. Kamil: Yes. His statement?

His Lordship: The whole lot, I am just indicating to you that I would not be restricting you.

(Affirmed in Indonesian)

His Lordship: Q. What is your name?
A. Osman bin Haji Mohamed Ali.

20

Q. Is that right? A. Yes.

Q. Your age? A. 23 years old.

Q. Your residence? A. Which residence.

Q. Before you came to Singapore?
A. Post No.10 Pulau Merchan.

His Lordship: Q. Rhio Islands?
A. Rhio Islands.

Q. Your original residence?

A. In Purbolingo, Banyumas.

In the High
Court in
Singapore

Q. Central Java? A. Central Java.

Q. Your occupation?

A. A member of the K.K.O. of the Indonesian Naval Forces.

No.73
Defence
Evidence

Q. On the 10th of March, 1965, where were you?

A. I was in Indonesia at that time.

Csman Bin
Haji Mohamed
Ali
(recalled)

10 Q. When did you come to Singapore?

A. I came to Singapore at 2 a.m. on the 13th of March, 1965.

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1965

Q. What do you mean by "Came to Singapore at 2 a.m."?

What do you mean by that?

A. At 2.a.m. I left Pulau Merchan, proceeding to the waters of Pulau Dua.

Examination
(contd.)

Q. From where? A. From Pulau Merchan.

Q. How far Pulau Dua is from Pulau Merchan?

A. Approximately seven miles, my Lord.

20 Q. How did you go there?

His Lordship: Q. How did you leave Pulau Merchan? Did you walk or what? Don't waste a lot of time?

A. I left Pulau Merchan by boat.

Q. How far is Pulau Dua from Pulau Merchan?

A. He says seven miles.

Q. How long would it take from Pulau Dua to Pulau Merchan?

30. His Lordship: He never reached Pulau Dua. Did you reach Pulau Dua? When you first gave evidence that is your story unless there is something else now.

His Lordship: Q. Did you reach Pulau Dua or not? A. No, my Lord.

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Defence
Evidence

Osman Bin
Haji Mohamed
Ali
(recalled)

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1965

Examination
(contd.)

His Lordship: He never reached Pulau Dua.

- Q. Could you tell the Court what happened after you left Pulau Merchan?
A. About half-an-hour after leaving, my boat struck an object. The boat was wrecked.

His Lordship: Q. You used the word "Sampan"?

A. Yes, sampan. The sampan was wrecked.

- Q. By the way what kind of boat is that?
A. The sampan was made of wood.

10

His Lordship: Q. No, no. Did you have to row it?

A. An outboard motor sampan.

Q. An engine does not mean an outboard you know. Is the engine outside or inside? A. Outside.

Q. Then?

- A. The boat was wrecked and the engine was damaged. The sampan finally sank into the waters. I picked up a piece of plank from the base of the sampan. I swam together with my friend Harun.

20

- Q. Where was Harun before that?
A. He was together with me.

His Lordship: Your friend Harun, the second accused? A. Yes, my Lord.

Q. He was with you in the same sampan.
A. Yes, my Lord, at about eight or nine o'clock.

Q. What - in the morning or night?
A. In the morning, my Lord. We asked for help, from a Chinese sampan man, Chinese sampan.

30

- Q. You said you were swimming with the plank?
A. Yes, my Lord.

Q. Where did you intend to go?
A. To return to Indonesia.

In the High
Court in
Singapore

Q. Which part of Indonesia?
A. In the Rhio Islands.

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Defence
Evidence

Q. Yes, go on.
A. After I was rescued by the Chinese sampan,
about ten minutes later a Police boat came by.
I was transferred from the Chinese sampan to
the Police boat. I was taken by the Police
10 ashore. On being landed I was examined by the
police officers on shore.

Osman Bin
Haji Mohamed
Ali
(recalled)
18th October
1965

His Lordship: Police officers? A. Yes, my
Lord. From the Police, from the first
Police Station where I landed I was
taken to a second Police Station. After
several examinations or questions
asked ---

Examination
(contd.)

His Lordship: After what?
A. Several questions asked, I was
20 taken to the third Police Station.
Then I was told and taught the words
which are to be spoken to a high
police official. I was brought
before the high police official. I
told him what I was told by the police
officers. After I had seen the high
police official and after I had finished
talking to him I was taken back to the
third Police Station. Then I was further
30 examined and then brought to the Lower
Courts.

Q. Now, you remember signing any things?
A. I did, my Lord, but I signed was ---

His Lordship: What do you remember
signing? You remember signing a
document, is it?
A. I signed many documents.

Q. In one day? A. Yes, my lord.

Q. What about the other day?

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Examination
(contd.)

- A. Yes, my Lord, I did, on the following days I did sign some other documents.
- Q. How did you know about the documents, contents of the documents?
- A. Some of the contents are unknown.
- Q. Would you tell the Court which contents of the document which you did not know?

His Lordship: Perhaps you can tell us what you know, then, rather than the other way.

A. As far as I know, I gave a statement which I signed, that I was a member of the Indonesian ---

Q. "As far as I know I made a statement"?

A. A statement which I signed that I was a member of the Indonesian Armed Forces. I do not know the rest, my Lord.

- Q. Why did you sign the rest?
- A. After I was forced and had been assaulted I signed the other documents.
- Q. Can I get 87A and 87 B? Can you look at this thing?

(Exhibit is shown to witness)

You look at that document. Have you seen that document before?

- A. I have never seen this.
- Q. No, look carefully. Look at your signature there? A. Yes, my Lord.

His Lordship: Would you tell this witness, Mr. Interpreter, not to answer too quickly? You told us just now you have never seen it before, but it would appear that your signature is there. So do you recognize your signature there?

A. I recognize my signature.

10

20

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Q. And other signatures?

His Lordship: You recognize your signature?

A. Yes, the second signature I also recognize; the second one I also recognize.

His Lordship: So there are two signatures is it, of yours? Is he looking at only one document or several documents?

Interpreter: Several documents.

10

His Lordship: Show him one document at a time. Now, he is looking at 87A, is that right? A. Yes.

Q. Now, can you tell me how many signatures there are?

A. Two signatures, my Lord.

Q. That document is recorded by Mr. Hubert Hill. Do you know Mr. Hubert Hill?

(Inspector stands up in court)

A. Yes, my Lord. I do not know, my Lord.

20

His Lordship: You don't know? Mr. Hamil was asking you whether that document was prepared by this man. If you don't know say you don't know. You don't know, is it?

A. I do not - I cannot recognize this writing.

Q. Can you read that document?

A. I do not know, my Lord.

30

His Lordship: You cannot read, is it?

A. Yes, I cannot read.

Q. Now, you look at the document, I read to you in English. "What is your name?" It is questions and answers between you and Mr. Hubert Hill. "What is your name?", and the answer, "Osman Bin Haji Mohd Ali." What do you say to that?

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His Lordship: One thing at a time, please
Did the Inspector ask you, "What is
your name"? and you answered, "Osman
bin Haji Mohd Ali"? A. Yes, my Lord.

Q. And you told him?
A. I told him "Osman bin Haji Mohd
Ali".

Q. There is another question, "Where did you
come from?". A. I wasn't.

Q. You answered ----

10

His Lordship: What? Can I have his
answer? Not asked, is it?
A. I was not asked.

Q. So now he says he did ask you?
A. Yes, he did, my Lord.

Q. That is why - tell him - kindly
consider the question Mr. Kamil is
asking you. "Now I say he did ask
me," all right.

Q. And you answered from Banyu Mas in Java?
A. Yes, my Lord.

20

Q. Then he asked you, "When did you come to
Singapore?"
A. I was never asked that.

Q. He asked you also "What date was that?"
A. I was not asked.

His Lordship: Mr. Kamil, it would save
a lot of time if this thing is read
and explained to your client. Has
that been done? All the questions
and answers. What I am asking you
is: has that been done? Have the
the questions and answers been read
and explained to him?

30

Mr. Kamil: Yes, I have read to him.

Q. Then he asked you, "Did you come alone?"

His Lordship: No, no. He asked, "What date was that", is it?

Mr. Kamil: Yes.

His Lordship; I have not recorded it yet.

Q. "What date was that?"

His Lordship: You see, you haven't put to him the answer. Your Counsel asked you just now whether the Inspector asked you "When did you come to Singapore?" Your answer was that he never asked you, right?

A. Yes, my Lord.

Q. Then it is recorded here that you said, "I came to Singapore at about 11 a.m. on Wednesday." Did you say that?

A. I was not asked that.

Q. That is supposed to be your answer.

A. I did not answer. I did not answer as there was no question.

Q. No, I will put it to you once again. It was alleged that you said, "I came to Singapore at about 11 a.m. on Wednesday." A. No, my Lord.

Q. "Tidak" means what - you did not say that, is it? A. No, my Lord.

Q. Now your Counsel tells me that the questions and answers had been read to you? A. Yes, my Lord.

His Lordship: So, you see, this document has got many questions and many answers. A. Yes, my Lord.

Q. to cut short, tell me how many questions were put to you and how many you answered?

A. I was only asked what my name is, my occupation, from where I came. I

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replied that my name is Osman bin Haji Mohd. Ali, I am a member of the K.K.O. of the Indonesian Naval Force. I came from Indonesia.

Q. Your evidence is that he did not ask you any other questions?

A. No, my Lord.

Q. So you say that this is not a correct record of the questions and answers that were put to you? A. Yes.

10

Q. Look at P.87- A?

His Lordship: Q. Perhaps you could explain to me; your signature appears at the top? A. Yes.

Q. The next signature is at the bottom, one page and then the next page? A. Yes.

Q. It would appear when you signed the second time there were more than three questions? A. No.

20

Q. It appears that you do not understand my question. If your story is true that only three questions were asked, that would not occupy one whole page and the next page, would it, unless, of course, your answers are long? Do you agree or not, if three questions and three answers, it would not occupy one whole page and the next page? A. I do agree.

30

Q. What I am asking is that when you signed the second time you must have realised that this document contained more than three questions, what is your answer? A. No.

Q. You did not know when you signed?
A. I did not know what this document was.

His Lordship: Q. You just signed it?
A. Yes.

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Q. What made you to sign? A. I was assaulted.

His Lordship: Q. Can you tell me what
is the Indonesian Malay word for
"explosive"?

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A. Latusan is the Indonesian word for
explosive.

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Q. Look at this paper, P.87-B (shown)? A. Yes.

10 Q. Look at your signature?

A. I would like to know why the colour of the
ink is different.

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Examination
(contd.)

His Lordship: Q. Is that your signature?
A. Yes.

Q. At two places? A. Yes.

Q. What about the back portion? A. Three places.

His Lordship: Q. Now you want to know
why the colour of the ink is different;
what is the difference there?

20 A. The colour of two is the same,
whereas one is different.

Q. This one (indicates on P.87-B)?
A. Yes.

Q. You say your signature is in
different ink?
A. Yes, the first signature is
different from the second signature.

30 Q. I don't know. Perhaps you could
explain. This is supposed to be
signed by you; you said so. It
would appear that you have signed with
a different pen; is that a ball pen?

Crown Counsel: Perhaps the explanation
is, the pen ran out of ink.

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His Lordship: Q. You do not know?
(to witness) A. I do not know, Every
time I signed that I used the pen
given to me.

Q. You were given the pen?

A. The pen used by the man who took
statement.

Q. The point is, do you say these
two were made by you or not, your
signature?

A. I had signed a lot of things but
I do not know what.

Q. In your life you may have signed
many times but please look at the
documents and say whether they were
signed by you or not; look at P.87-B?
A. Yes, both are my signatures.

Q. So it does not matter in different
ink.

- Q. Can you read that document? A. I cannot read. 20
- Q. Do you know what it contains?
A. I do not know the contents.
- Q. I will read to you in English (Mr. Interpreter,
please interpret to him in Indonesian). You
were supposed to have said this: "I reached
Singapore on Wednesday at 11 a.m. I was not
alone. I came with Harun bin Said. We then
walked towards the main road to look for a
taxi. When we got to a taxi we went looking
for a place to eat. After eating actually 30
we went for a drink. After eating Harun and I,
I mean after drinking Harun and I went to look
for a target. After finding the target, we
went to eat. After eating we had some rest.
After resting we straight went to the building.
We then placed the two bundles of explosives
on stairs before reaching the first floor.
After placing the two bundles Harun lighted
the fuse. After that we left and took a bus.
It was raining, I did not hear the explosion." 40
- Q. What do you say to that?

A. I did not make this statement.

Q. You did sign that statement?

A. It is my signature but I do not know.
Whatever I signed I do not know.

Q. What made you to sign it?

A. I was forced to sign and I was assaulted.

Q. Now, you remember going to a high Police Officer in the evening? A. Yes.

10 Q. You remember giving a statement to him? A. I do.

Q. What did you say in that statement which you gave to the high police officer?

A. I cannot remember what I said.

Q. Why did you make that statement to him?

A. I was taught before I was taken to the High Police Officer.

Q. Was the statement the real happenings which took place, the statement which you gave to the high police officer? A. No.

20 His Lordship: Q. It is untrue? A. Yes.
(Cross-examination by Crown Counsel)

Q. You made P.90 knowing fully untrue? A. Yes.

Q. There is nothing in P.90 which is true, not a single word is true?

His Lordship: Q. Everything that you told this high officer is not true?
A. Yes.

Q. You understand the question?
A. Yes.

30 Q. You realise that you need not have made the statement to that high officer if you had not wanted to, yes or no? A. I do not know.

Q. He did not tell you that you need not make a statement? A. I cannot remember.

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(contd.)

Q. Now, you have told us that you are a member of the K.K.O.? Yes.

Q. And is it correct that your superior officer or one of your superior officers is a person by the name of Lieut.-Col. Paulus Subekti?

A. Yes.

Q. Now, if you were recorded as having said you were instructed by Lieut.-Col. Paulus Subekti to cause trouble in Singapore, is that correct or not?

A. That was taught by the Police. 10

His Lordship: Q. Is that true or not, you were instructed by Lieut.-Col. Paulus Subekti? A. That is not true.

Q. You were taught to say that?

A. Yes, I was taught to say so.

Q. Can you explain to this Court how the Police got the name Lieut.-Col. Paulus from?

A. Before that I was asked.

His Lordship: Q. Before what? 20

A. Before I was taught what I have to say, I was asked who ordered me.

Q. And you replied Lieut.-Col. Paulus? A. Yes.

Q. And he instructed you to cause trouble in Singapore? A. No.

Q. Did the Police ask you what instructions Lieut.-Col. Paulus gave you?

A. Yes, the Police asked me.

Q. And you replied to cause trouble in Singapore? A. No. 30

Q. What did you reply?

A. I was ordered to hand over some money to a Chinese man in Pulau Dua and to exchange boats.

Q. Incidentally, this sampan in which you left

Indonesia is an ordinary fishing sampan with an out-board motor?

A. Yes, but not a rowing sampan

His Lordship: Q. It was a fisherman's sampan? A. Yes, but not with oars.

Q. But with an out-board motor? A. Yes.

Q. Did you tell that high officer that you left Singapore on the 3rd day at about 11 p.m. in your motor boat? A. I cannot remember.

10 Q. Is it true if you were recorded as having said that? A. I cannot remember.

Q. The question is, is it true or not; it does not matter whether you remember; if you were recorded as having said that; is it true?

A. I cannot remember.

His Lordship: Q. Do you understand the question? A. Yes.

20 Q. Mr. Seow says that a high officer had recorded that you said to him that on the 3rd day at about 11 p.m. you left Singapore in your motor boat? A. I cannot remember.

Q. The question is, is it true that you left Singapore on the 3rd day? A. I cannot remember.

Q. Your story is that you left Pulau Merchan on the 13th March? A. Yes.

Q. But you cannot remember when you left Singapore? A. I cannot remember.

30 His Lordship: You are really amazing.

(at 1 p.m. Court adjourns to 9.30 a.m.
19.10.65)

His Lordship: Let us have the first accused. Your are on your former oath.
Witness: Yes.

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- Q. Now, in your statement to the high officer, do you remember saying, (P.90, my Lord) "My friend knows his way around Singapore"?
- A. I cannot remember, my Lord
- Q. That friend is Accused No.2? A. Yes.
- Q. Accused No.2, you know, has been to Singapore before this date? A. I do not know, my Lord.
- Q. I put it to you you know that? A. No, my Lord.
- Q. Before the 10th of March. I put it to you that you know that and he told you about it? 10
- A. Never my Lord.
- Q. That he has been to Singapore before that date on several occasions?
- A. I do not know, my Lord.
- Q. Now, on this trip when you left in the boat was Accused No.2 the leader of the party?
- A. The question of leadership was not mentioned there.
- Q. There were three of you in this boat, isn't that so? A. Only two persons, my Lord. 20
- Q. All right, of the two of you in the boat, one must be the leader?
- A. I do not know at all, my Lord.
- Q. Very well. Were you the leader? A. No, my Lord.
- Q. So, therefore, he must be the Leader?
- A. I do not know, my Lord.
- Q. Now, is it correct that wherever he went you followed him? A. No, my Lord.
- Q. And he followed you. Is that so?
- A. I do not know that question, my Lord. 30
- Q. You are also known as Djanatin. Is that correct? A. No, my Lord.

Q. Djanatin bin Haji Mohamed Ali? A. No, my Lord.

Q. And you also used sometimes another name called Samaran? A. No, my Lord.

Q. When you left Indonesia, were you each given \$ 300/- Straits currency?

A. I was not given at all at that time, my Lord.

Q. When were you given? A. I was never given.

His Lordship: Q. What about the second accused?

10

A. I do not know the question, my Lord.

Q. You know that money was given to the Chinese man at Pulau Dua. What are you talking ?

A. I was only given the duty of taikong, and also to exchange my boat with the other one.

20

Q. No, no. If I remember you yourself said that your mission with the second accused in Pulau Dua was to give some money to the Chinese man and exchange boats. You yourself said so if I am not mistaken?

His Lordship: Mr. Kamil, are you challenging that?

Mr. Kamil: No, my Lord.

9 His Lordship: I seem to remember that he said that.

A. My order from my superiors was only to be ---

30

Q. What I am telling you is earlier in these proceedings I remember, and so do your Counsel, that you told us that your mission was to give some money to this Chinese man and to exchange boats, and I think also to give some cloth?

Crown Counsel: That is right, my Lord.

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Mr. Kamil: That is right.

Crown Counsel: He does not now remember what he has said.

His Lordship: I want to make sure either he said it, or the second accused. Let me check it. (His Lordship checks his notes). No, my notes do not say so. I think it was the other man. I beg your pardon. It was the second accused who said that. 10

Crown Counsel: Who said that?

His Lordship: He did not say anything. That is what my notes say. All he said Mr. Seow, according to my notes, is that he was to exchange the boat with another boat in the island. It was the other person who said that.

Crown Counsel: That is correct, my Lord. 20
Yes, Accused No.2 said he was to bring some cash.

His Lordship: That is the second accused.

Crown Counsel: His boat was full of cloth for him to take back to Indonesia. Accused No.2 said this. That is correct.

His Lordship: I have read through my notes and you did not say that. 30

His Lordship: Q. You said you were given the duty of a taikong to exchange boats? A. Yes.

Q. "Taikong" is a Chinese word, isn't that correct? A. I do not know.

Q. Which you have used when you gave your evidence just now?

A. The word is also used in Indonesia.

Q. Which means a person in charge?

His Lordship: Q. Does it mean a person in charge?

A. No, my lord, it means that the man who is holding the rudder.

Q. He is the senior man. He is the man in charge of the whole boat. He is the helmsman, the man in charge of the boat as well as all the things in it?

A. The duty of the taikong is to take charge of the engine, and to ensure the safety of the boat.

Q. You were the leader I put it to you?

A. I was not told that I was the leader.

Q. Now, when you told the high officer in P.90 that you two slept in a taxi at night, that is not true?

A. I cannot remember, my Lord.

Q. Can you be refreshed with your statement? Can he be shown P.90? (Exhibit P.90 shown to witness) Mr. Interpreter, would you please read him that portion of his statement as recorded? It is the 5th paragraph from the top of his statement.

His Lordship: Page 2.

Crown Counsel: Have you got it?

Interpreter: Yes.

Q. "We slept in taxi at night. The next day also we slept in a taxi". That would be the second day". Can you read it back to him? Read that? It is recorded as such?

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(Interpreter explains statements to witness)

A. Both those two statements are untrue.

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His Lordship: Q. That is what the
Magistrate has recorded?

A. I cannot remember.

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Q. You cannot remember what you said?

A. I cannot remember, my Lord. The
question is quite a long time, At
that time I was only taught to say.

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Q. Look, witness, that is what has been recorded.
That is the original of the statement as
recorded by the high officer?

10

A. I do not know, my Lord.

Q; Your signature appears at the bottom of
that statement?

His Lordship: Q. Are you saying that
you don't remember at all what was
said to the high officer?

A. I do remember a little.

His Lordship: Q. This part you don't
remember? A. I don't remember this
part.

20

Q. Now that your memory has been refreshed by
Mr. Interpreter reading it back to you,
did you say those words to the high officer?

A. I don't remember at all.

Q. It is no question of remembering. That has
been recorded? A. But I don't remember,
my Lord.

Q. Read him also that portion, Mr. Interpreter,
at the bottom of the statement:

30

"Q. I am going to read this back to you.

If you wish to make any correction you can do so?

A. I wish to correct the part about when I left Indonesia. It was at 1.00 a.m. on Wednesday the 10th March, 1965."

Do you remember making a correction to that statement?

A. I don't remember, my Lord.

10 His Lordship: Q. You don't remember whether you made a correction?

A. I don't remember at all.

Q. Now that your memory has been refreshed, you still don't remember?

A. I don't remember.

Q. What does the word "ledakkan" mean in Indonesian?

A. The same as the word Letusan meaning explosive.

20 His Lordship: Q. Let us have no confusion about it. Now, when you said "Letusan", you mean something that explodes, a bomb?

A. Yes, my Lord.

Q. And just to keep a record of this, another word meaning the same thing is Letupan - Letupan to explode?

A. No such word.

30 Q. Now, I put it to you that you left Indonesia on the 8th day of March 1965 at about 11 p.m.?

A. No, my Lord.

Q. That was a Monday? A. No, my Lord..

Q. You left with Accused No.2?

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A. I actually left with him, but it was on
Saturday, the 13th of March at 2 a.m.

Q. But you could not get through to Singapore,
because of a Naval patrol boat which had
spotted you?

A. No, my Lord.

Q. And you returned to base that same night?

A. No, my Lord.

Q. You made another attempt at about 1 a.m.
on Wednesday with Accused No.2?

A. No, my Lord.

10

Q. This time you managed to get through?

A. No, my Lord.

Q. Please look at this photograph (Folder
containing photographs shown to witness)

His Lordship: What number is this?

Crown Counsel: This is something new.
It is not in that folder.

Look at it carefully? I put it to you
that was where you landed?

A. No, my Lord.

20

Q. Would you turn to the next photograph?

His Lordship: Mark that for
identification

Crown Counsel: As you please, my Lord.

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His Lordship: Can you detach it?

(Interpreter tries to detach photograph
from folder)

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Crown Counsel: Give it to me, and I will
tear that.

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(Folder handed back to Crown Counsel
who took out photograph from folder)

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His Lordship: Mark that for
identification.

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Photograph marked 91A for identification.

His Lordship: You are going to show him
several photographs?

Crown Counsel: Yes, my Lord.

- Q. Will you look at this photograph (Photograph
shown to witness) Look at it carefully?
That was the piece of plank, which you and
Accused No.2 walked up after you had landed
in Singapore?
A. No, my Lord.

His Lordship: That is marked 91B for
identification. Walked along or
walked to?

- Q. Walked up the plank after they had landed,
isn't that so?

His Lordship: Have copies been given
to Mr. Kamil?

Crown Counsel: I am arranging for my
learned friend to get copies.

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Q. I put it to you that Accused No.2 told you that you had landed at about 4½ milestone Pasir Panjang? A. I do not know, my Lord.

His Lordship: Q. Did he tell you or not?
A. No, my Lord.

Q. You landed at that beach at the 4½ milestone, Pasir Panjang, at about 8.30 in the morning, the beach as shown in that photograph?
A. No my Lord.

His Lordship: On what date? 10

Crown Counsel: 10th of March.

His Lordship: at 8.30 a.m.?

Crown Counsel: That is so.

Q. I put it to you that at the time you landed the place was very quiet? A. No, my Lord.

Q. And that both of you saw---

His Lordship: Q. "Tidak" means the place was not quiet, but your evidence is that you were not there? You don't know. Is that what you are answering? 20
A. I have never been to that place.

Q. You have never been there? A. Yes.

Q. I put it to you that you had not been there until the 10th of March when you were brought there by Accused No.2?

A. I have never been there at all since before.

Q. There were a few women about on the beach at the time collecting shells when you landed?

A. I do not know at all, my Lord.

Q. Do you remember taking a bus, a Keppel bus blue in colour, a blue bus, from there to a place opposite the Tanjong Pagar Police Station? 30

A. I do not know at all the question. At that time I was in Indonesia.

Q. You got off the bus there, both of you?

A. I do not know the question, my Lord.

Q. And you both had breakfast in an Indian coffee shop there?

A. I do not know at all the question, my Lord.

Q. After your breakfast, do you remember taking a S.T.C. bus, or another bus, from there to a place near Arab Street where you got down?

A. I do not know the question, my Lord.

10 Q. At the place where there is a big mosque?

A. I do not know at all, my Lord.

Q. Both of you walked for a short distance and then boarded a Changi bus, this time for Geylang Serai?

A. I do not know the question, my Lord.

His Lordship: You deny? A. Yes.

Q. and from there both of you went to the Garrick Cinema?

20 A. I have never seen. I have never seen the picture.

His Lordship: Never what? Seen the Garrick Cinema?

A. I do not know. I have never been to the Garrick Cinema.

Q. To meet someone there?

A. I do not know the question.

Q. But he was not there? A. I do not know at all.

30 Q. But - this is not funny, you know. So would you stop laughing? Accused No.2 led the way, isn't that so?

A. I do not know at all the question, my Lord.

Q. You then had a drink at a Chinese coffee shop near by?

A. I do not know at all the question, my Lord.

Q. Both of you then walked and later took a taxi for Kampong Amber?

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Defence
Evidence
Osman Bin
Haji Mohamed
Ali
(recalled)

19th October
1965

Cross-
Examination
(Contd.)

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Cross-Examination (Contd.)

A. I do not know at all that question, my Lord.

Q. Do you have a gold ring? A. No, my Lord.

His Lordship: You do not have it now, is it?

A. I have never had one since before.

Q. You lost it in the sea, did you not?

A. I have never had a gold ring.

Q. I want you to have a look at this gold ring.

His Lordship: Never had one, is it?

A. Yes, my Lord.

10

(Ring is shown to witness)

Q. You had one like that?

His Lordship: We will mark that for identification, "P.92"

Q. Isn't that so?

A. I have never had a ring like this.

Q. Now, that is a ring you know belongs to Accused No.2? A. I do not know, my Lord.

Q. Look at these two photographs.

(Photographs are shown to witness)

20

His Lordship: We will mark for identification - 81C and 81D.

Q. 86 shows the outside of the shop, and 87 its inside. You recognise the shop, don't you?

His Lordship: Which one?

Crown Counsel: Well, one shows the exterior and one is the inside.

A. I do not know at all any place in Singapore.

Q. I put it to you ---

His Lordship: You don't recognise this shop, is that what you say?

A. No, my Lord.

Q. Each one of you bought a ring like that P.92?

His Lordship: On what date, Mr. Seow?

Crown Counsel: On the same day, on the 10th. I am still on the 10th.

A. I have never bought anything in Singapore.

Q. For \$39 each? A. I do not know the question.

10 His Lordship: You never bought a ring?

A. I have never had a gold ring.

Q. "Had"? "Bought" - the question is "bought". A. No, my Lord.

Q. And both of you went on a shopping spree?

A. No, my Lord. I do not know the question, my Lord.

His Lordship: What do you mean by that? What do you mean by "I do not know the question"? The answer is that you deny that you went on a shopping spree? A. I deny that.

20

His Lordship: Say so, then.

Q. You bought a Camay watch, shirt, trousers, shoes, jacket.

His Lordship: Camay watch?

Crown Counsel: A Camay, shirts, trousers, shoes, jacket.

A. No, my Lord.

His Lordship: Shirts, is it?

30

Crown Counsel: Yes, shirts and singlets.

His Lordship: Shirts, What else?

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Crown Counsel: Trousers, jackets, shoes
jackets and singlets, my Lord.

His Lordship: He bought?

Crown Counsel: He. Both; both of them
my Lord.

Q. You bought so many shirts, he bought so many
shirts. You bought so many shoes, he bought
so many shoes? A. No, my Lord.

Q. And you lost them all when the boat capsized
on the night of the 13th?

A. I do not know the question, my Lord. 10

Q. Now, after your shopping spree, you then
went to MacDonald House? A. No, my Lord.

Q. That tall, chocolate coloured building?

A. I do not know, my Lord.

Q. Which Accused No.2 pointed out to you as a
place where there are full of Europeans.

A. I do not know the question.

Q. That was one of the places marked on your
map which you had in your possession, is
that so?

A. I do not know the question, my Lord. 20

Q. And both of you placed your explosives on the
Mezzanine Floor landing of this building?

A. I do not know the question, my Lord.

Q. I put it to you it was Accused No.2 who lit
the fuse? A. I do not know, my Lord.

Q. And then you walked out as fast as you could
after the fuse had been lit?

A. I do not know the question, my Lord. 30

Q. Was it raining, that day?

A. I do not know the question, my Lord.

Q. And both of you then boarded a Hock Lee Bus
at the traffic lights near by?

A. I do not know the question, my Lord.

Q. You remember the conductor of the bus, Tan Ho Eng, his evidence in this court?

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His Lordship: One thing at a time. Do you remember? A. No, my Lord.

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Q. Do you remember that he picked both of you out at an identification parade? Do you remember?

A. I don't remember, my Lord.

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Q. Do you remember he said that you two boarded the bus, his bus, on this day at a little past three?

10

A. I do not know the question.

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His Lordship: No, no. Did you hear him give evidence in Court? Everything you say, "Saya tak tau, saya tak tau". Look! Both of you have been sitting down there and listening very carefully to the evidence, with two interpreters, you know, translating to you. You don't mean to tell me you don't know, you don't know. Mr. Seow is asking you Did you hear this man pick the two of you in this bus at the traffic lights? Did you hear him say that or not? A. I don't remember, my Lord.

Cross- Examination
(Contd.)

20

Q. Can you say or give any explanation why he should pick you two persons out, out of a line of persons, as having been in Singapore on the 12th of March?

His Lordship: He said he does not remember where he was picked out. Do you remember somebody picking you out in the parade?

30

A. I remember at the second Police Station, my Lord.

Q. What did he say?

His Lordship: I remember someone at the Second Police Station, is it?

A. Yes, my Lord.

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Q. "Picked us out at an identification parade", is that right? A. Yes, my Lord.

Q. You remember whether that man who picked you out was the bus conductor who gave evidence here?

A. I do not remember that.

Q. And I suppose you want to tell this Court that you don't know why he picked you two out?

A. I do not know at all, my Lord.

Q. Well, I put it to you that on the night of the - nobody told you, even up till now you don't know why he picked you two out?

10

A. No, my Lord.

Q. I put it to you that both of you on the night of the 10th and 11th, you slept in a couple of ships in Singapore? A. Never, my Lord.

Q. And that on the night of the 12th you were given a sampan by this Chinese called Tan?

A. No, my Lord.

20

His Lordship: Mr. Seow, I don't know - you seem to spend so much time putting things to him which he has denied. I thought you were going to produce some photographs, statements or anything. I thought the other day you produced something to discredit him. You must realise, as things stand, apparently it is worthless since he has denied.

30

Crown Counsel: Yes.

His Lordship: I thought you were going to produce something.

Crown Counsel: I am afraid I can't produce that.

His Lordship: You must realize that.

Crown Counsel: Yes, I do.

His Lordship: Mr. Kamil, let me convey to you what I think about it, everying that has been put by Mr. Seow to this man and has been denied amounts to nothing.

Mr. Kamil: Yes. No re-examination.

His Lordship: Yes, all right.

(Witness returns to Dock)

10 His Lordship: Mr. Interpreter, will you ask the second accused what he elects to do? Mr.-Interpreter, what is the trouble? Yesterday I took so much trouble to explain to both of them what they can do. Today I am asking you what he wants to do: to give evidence on oath, or make a statement in the Dock, or to say nothing?

Interpreter: He elects to give evidence.

20

NO.74
HARUN BIN SAID alias TAHIR

Q. Your name, please.
A. Harun Said, alias Tahir.

His Lordship: Harun bin Said, is it?
A. Harun bin Said, alias Tahir.

Q. Your age? A. I am 21 years old.

His Lordship: Younger than the first accused, is it?

Interpreter: Yes, my Lord.

30 His Lordship: First accused was 23.

Q. Your occupation? A. I am a member of the KKO.

Q. Your residence before coming to Singapore?

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A. Post No.10 Pulo Nyurup.

His Lordship: Spell it for me.

Interpreter: N-A-L-U ---

Crown counsel: N-Y-U-R-U-P, is that right?

A. N-Y-U-R-U-P

His Lordship: That is Rhio Islands, is
it? A. Yes, my Lord.

Q. That is where you work in the "K.K.O."?

A. Yes, my Lord.

Q. Now, your original residence?

A. Gong 100. G-A-N-G 100, Tanjong, Priok, Jakarta. 10

Q. Now, on the 10th of March, 1965, this year,
where were you?

A. I was at Post No.10, Nyurup.

Q. Could you tell the Court where did you live
in Indonesia?

A. On the 13th of March, 1965, at 2 a.m.

Q. From which part of Indonesia?

A. From Pulau Mercham in the Rhio islands.

Q. With whom? A. With the Accused No.1

Q. How did you leave Pulau Mercham? In what
vehicle? A. In a motor sampan, my Lord. 20

His Lordship: He was talking about
"prentah". Maybe he wants to say
something. A. I was ordered, my Lord.

Q. What was your instruction?

A. Lieutenant-Colonel Paulus told me, both the
accused ---

His Lordship: "Both of us"?

A. Yes, both of us on that night.

"Both of you leave for Pulo Dua
bringing this cash". 30

Q. No, no, let us have this clear.

He gave you cash, or - this is the conversation, is it? You are telling me about the conversation?

A. Conversation, my Lord.

Q. Your instructions? A. Yes, my Lord.

Q. Instructions given to you or both of you, or to him?

Interpreter: To him only.

10 His Lordship: Just confine to yourself.
So "Lieutenant Colonel Paulus told me" or "instructed me" - to bring money?
A. Money, my Lord.

Q. Yes?

A. With a letter to be surrendered to a Mr. Tan.

His Lordship: To be surrendered - given, you mean?

Crown Counsel: Did he use the word "serakan"?

20 His Lordship: "Serakan" can also mean "to give".

Mr. Kamil: Yes, give.

His Lordship: To give - what? Money, and the letter, is it?
A. The money and the letter.

Q. To a Chinese, is it?

A. A Chinese; a Mr. Tan.

Q. Who was at Pulo Dua.

30 A. He was waiting at Pulo Dau, as I was told.

Q. Any other instruction?

A. And on arrival at Pulo Dau the boat belonging to Mr. Tan is already there, is already loaded with goods

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Examination (Contd.)

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that would be brought by me to
Indonesia and the boat brought by the
first accused is to be surrendered to
Mr. Tan.

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- Q. Then, that is only the instruction?
A. On arrival I was told to return immediately
to Indonesia, on the same night, my Lord.
That is all, my Lord.

His Lordship: Those were the instructions
yes.

10

- Q. Yes, after receiving those instructions what
did you do? A. I got ready.
Q. No, did you leave Indonesia?

His Lordship: "I got ready" - what?
To leave, is it?
A. To wait for the time to depart
from Indonesia.

Q. Tan, or time?
A. To wait for the time to depart
from Indonesia.

20

- Q. Could you tell the Court after you all left--

His Lordship: So, what time did you
leave? A. about 2 a.m., my Lord.

- Q. Could you tell the Court what happened after
you left Pulau Mercham?
A. About half an hour later, the boat collided
with an object which I do not know. Then
everything that was in the boat began to
float. I quickly threw out the water, but
it was of no use. Then I pulled out a piece
of plank from the base. I pulled out a
piece of plank.

30

His Lordship: What - where from?
A. From inside the boat.

Q. Can you tell us - this piece of
plank, is it part of the structure
of the boat, or is it a loose plank?

It is a loose piece of plank, is it,
at the bottom of the boat?

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His Lordship: Q. I am asking you whether
it is a loose plank or is it nailed?

A. It is a loose piece of plank.

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Q. At the bottom of the boat?

A. In the boat.

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10

Q. Yes, was it at the bottom, was it
underneath the boat?

A. A loose piece of plank in the boat
at the bottom.

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Q. Not on the side, not at the
bottom? A. No.

Examination
(Contd.)

Q. The plank is a loose plank? A. Yes.

Q. In the boat? A. Yes.

Q. It is at the bottom, not at the
top, not at the side?

A. Yes, my Lord, at the bottom.

20

His Lordship: I am not trying to catch
you; I am trying to understand you.
When you go out fishing you put the
fish underneath the plank. May be
you are not a fisherman, I don't know.
Yes, at the bottom. I am trying to
understand your evidence, that is all.

His Lordship: Q. Did you rip the piece
of wood from the boat, after all the
sampan is made of wood?

30

A. The plank was pushed into the sea
and the other accused also clung to
the piece of wood.

Q. The same piece or another plank?

A. The same piece of plank.

Q. What did you do? A. I was swimming all the
time.

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(Contd.)

Q. What was your intention?
A. To save myself. At first I thought of going to Indonesia but as it was far I decided to make for the nearest island.

Q. Yes, did you see any people afterwards?
A. That night I did not see anyone.

Q. When did you see anyone?
A. In the morning at about 9 a.m.

Q. What happened then?
A. I quickly asked for help.

10

His Lordship: Q. The next morning you saw a boat?

A. Yes I saw a boat with some people.

Q. Did you shout for help? A. Yes.

Q. And then?
A. Then a boat came near me. Then it began to draw away. Not long afterwards another boat came. I waved to him and the boatman came close to me. I then jumped into the boat. Not long afterwards a Marine Police boat passed nearby and the sampan man beckoned to him, waved to the Marine Police boat and the Marine Police boat came to the scene and I was told to board the Police boat. Then I was taken ashore in Singapore. On arrival I was handed over to an officer in the Police Station, a man with the rank of an adjutant.

20

His Lordship: He used the word adjutant?

Interpreter: Yes, my Lord.

(Witness continues) Then my name was asked, from where I came, my occupation. That is all I remember, my Lord.

30

Q. Was that at the first Police Station or the second Police Station?
A. The first Police Station. Then I was taken out of the Police Station and told to stand outside together with the first accused.

Then I was taken to another Police Station.

(At 11 a.m. Court adjourns for a few minutes)

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Q. You remember you were taken to the Second Police Station? A. Yes.

Q. You remember seeing A.S.P. Khosa?
A. At that time I did not know his name, but I know the person.

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10 Q. You remember some time about 4.20 in the evening you saw him in that Police Station?
A. I don't know the time but it was in the afternoon.

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Q. Did he ask you some questions?
A. He and three other persons.

Examination (Contd.)

His Lordship: Q. Asked you questions?
A. Yes.

20 Q. You cannot ask yourself questions. You said he and three others asked you questions?
A. Three other persons, including me four.

Q. You did not ask yourself questions. Please tell us how many persons questioned you, that is all; it is a simple question, how many persons questioned you?
A. He was the only person, but there were others interpreting in the Malay language.

30 Q. A.S.P. Khosa asked you questions; he was the only one? A. Yes.

Q. The other two interpreting?
A. One person remained silent and the other was explaining to me.

Q. Will you look at P.88-A, look at your signatures, all the signatures?

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His Lordship: Q. How many times did you
sign? A. Twice.

Q. Do you recognize that paper?
A. It is a white plain paper.

His Lordship: Q. He did not ask you the
colour; do you recognize the paper?
A. Yes.

Q. You did not see it before?
A. I cannot remember.

Q. Do you know what is written in that paper,
or can you read? 10

A. I do not know; it is written in the English
language.

Q. Now that is, I tell you, a paper supposed to
be written by A.S.P. Khosa?

Crown Counsel: We have evidence, it was
written by him; not supposed to be
written.

Q. Now he told the Court that these are questions
and answers that took place between him and
you at that time. Now I will read to you
some of the questions and some of the answers
here. What is your full name, and then you
answered; my full name is Harun bin Said
and also known as Tahir? 20
A. Yes, that is correct.

His Lordship: Q. Do you agree that he
asked you what your name was?
A. He used the Malay language.

Q. He asked you in Malay? A. Yes. 30

Q. And you replied, "Harun bin Said
alias Tahir"? A. Yes, my Lord.

Q. He also asked you, "Where did you come from"?
A. Yes, my Lord.

His Lordship: Q. He asked you in Malay
also?

A. He was speaking to me in English, but it was interpreted to me in Malay.

Q. What about the first question, because as regards the first question A.S.P. Khosa asked you in Malay, "What is your full name"?
A. The first question was asked in Malay.

10 Q. You told him, "I came from Pulau Nyurop an island of the Rhio Group"? A. Yes.

Q. And he asked you "With whom did you come to Singapore?"

A. The third question was my occupation.

Q. And you told him your occupation? A. Yes, my Lord.

His Lordship: Q. And you replied?

A. A member of the K.K.O.

Q. Did he ask you the question, "With whom did you come to Singapore?"

20 His Lordship: He said he did not ask me.

His Lordship: Q. That is correct, isn't it? A. No, my Lord.

Q. Did he ask you any other questions?

A. After that I was told that I had committed murder.

His Lordship: Will you kindly answer the questions by your Counsel?

Q. Were you asked any other questions?

A. He only said that I had committed murder.

30 Q. Apart from saying that you committed murder and apart from these three questions, did he say anything to you? A. Nothing else, my Lord.

His Lordship: Q. Is it your evidence, that he only ask you three questions?

A. Yes, my Lord.

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Q. That is your name, where you came from and your occupation?

A. Yes, my Lord.

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Q. And after the end of the three questions he accused you of murder?

A. Yes, my Lord.

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Q. When he said that you killed people what did he do?

A. Immediately the Malay fellow who interpreted hit me on both ears.

10

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(Contd.)

His Lordship: Q. Can you tell us anything more that happened before he started asking any questions? Can you tell us anything that happened? He hit you on both ears?

A. Then I said, "It is painful. Do not hit me".

Q. I told him it was painful and not to hit me? A. Yes.

Q. Hit where? A. On my ears.

20

Q. Then what happened other than that?

A. Then the Malay interpreter hit me on the stomach. Then I told him it was painful, and I could not stand it any more. Then I asked for food. Then I was told to wait. Then I was told to sign the letter, the paper.

Q. Yes?

A. I refused to do so. Then I was slapped on the ear.

His Lordship: Q. Ears again?

A. Yes, on both ears.

30

Q. The same Malay man?

A. Yes, the same Malay interpreter. Then he showed his fist. The Police officer, A.S.P.Khosa showed his fist at my face. I was afraid as his hand was big.

Q. His fist was big?

A. All the parts seem big.

Q. What is big? A. His arm and the fist.

Q. Yes?

A. As I was afraid, I asked him what the letter was, what the paper was. The letter said.

Q. You said the letter said?

A. Both of them said that.

Q.No, no, no, that is not good enough. Both of them said. You were there. Can you tell us who told you the contents. It cannot be both of them because he was using some other language?

A. Then he told me in Malay.

Q. Do you mean he spoke in Malay? On other occasions he spoke in English and the Malay interpreted it to you. So now you can tell us precisely what took place? When you asked A.S.P. Khosa what the paper contained, what did he say to you? He said to you in Malay your evidence is?

A. He spoke to me in Malay about my arrest at sea.

Q. What I am asking you is: Was he having a conversation with you, or was he telling you this piece of paper contained such a thing?

A. The letter said that I was arrested at sea and saved and detained in Singapore, and you should know as you are a member of the armed forces.

Q. This is what was written down?

You must give your evidence clearly. You are now telling me what he told you was written down in the paper.

That is all he told you that the paper said I was arrested at sea and saved

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and detained in Singapore?
A. That is all.

His Lordship: Q. And then he told you something?

A. Then he talked to me that as a member of the armed Forces I should know the regulations that I have to sign.

Q. Yes?

A. He asked me whether I understood what he told me. It took me some time and yet I still did not sign it.

10

Q. That is the man who said nothing?

A. The other Malay fellow, the man who said nothing.

Q. Is he a Malay?

His Lordship: He said so.

A. I don't know his reply

His Lordship: Q. Why did you say Melayu? A. The other person.

20

Q. But you said Melayu?

Crown Counsel: In reference to the interpreter.

His Lordship: Q. The other man who did not say a word?

A. The friend of the Malay.

Q. You don't know his race? A. Yes.

Q. What I meant was that this man was a friend of the Malay interpreter?

A. Yes, my Lord.

30

Q. So he said this man hit you on the stomach?

A. He hit me with the back of his arm on my stomach sideways.

His Lordship: Q. With his fist a side blow? A. A side blow with his fist.

Q. And then?

A. Then the Malay asked me "How"?

His Lordship: Q. When you say, "The Malay" you are talking of the interpreter?

Tell us if it was the interpreter?

A. Yes, my Lord.

Q. The Malay interpreter asked me, "How"?

10

A. Yes. I remained silent.

Q. He said something about his being hungry?

A. Yes, in my memory, in my own thoughts.

Q. Why? There is plenty of time to tell us why you remained silent? What I am asking him now is: Is he trying to tell us why he remained silent, because he was talking about lapar. lapar?

20

A. Just to feel the after effect of the blow.

Q. You remained silent because of the after effect of the blow? A. Yes, my Lord.

Q. I don't understand you. We will try once again. You wanted to tell me why you remained silent? Ask him does he want to tell me or not?

30

A. Yes, I want, As I was touching my stomach for the after effect of the blows, I remained silent.

His Lordship: Q. The after effect of the blows can mean anything? It could mean that you wanted to ease yourself. It could mean that you felt hungry. It could mean that you felt pain. The words mean a lot of things. It could mean the side effect or what effect?

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A. I was only feeling the pain. Then there was a paper like this also, but I do not know whether this is the one or not.

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- Q. That is Exhibit P.88A?
A. I was told to sign. As I thought I could not stand the blows any more, I was given a pencil and I signed it.
- Q. You signed only one?
A. I cannot remember how many times, but I did sign. 10
- Q. Only that paper or also other papers?
A. That was the only paper.
- Q. How many times?
A. I can't remember. After I had signed it, A.S.P. Khosa patted me on my back and smiled at me. I remained silent. Then I was taken downstairs. Not long afterwards, I was taken in a motor car.
- Q. So you went to some place, to some other place?
A. I went into a building. I was taken to a building. 20

His Lordship: Q. Is that the Police Station that you have been telling us?
A. I was taken to the Police Station.

- Q. Do you remember that in the course of your evidence you mentioned the first Police Station, you mentioned the second Police Station and you mentioned the third Police Station. What I am asking you is whether this place you were taken to was the third Police Station? A. Yes, my Lord. 30
- Q. Before you went to that third Police Station, I will come back to the incident in that second Police Station? A. Yes.
- Q. Now, this paper, which is with you, contains questions and answers, more than just your

name, your occupation and where you came from.
What would you say to this?

A. I was told that the letter contains the statement that I was saved from the sea, arrested at sea and saved.

Q. Now, Mr. Khosa told the Court that these questions and answers were questions asked by him and answered by you? A. No, my Lord.

10 Q. So I will read some examples: "When did you come to Singapore?", he asked you. And you answered ---

His Lordship: Q. No, no, the first thing is: Did he ask you or not?
A. No, my Lord.

Q. And you answered to him, "I came to Singapore on Wednesday at about 10.00 a.m."?

His Lordship: The statement: Is it 88 or is it 87, Mr. Seow?

20 Crown Counsel: 88, my Lord, Accused No.2. 87 is for Accused No.1 Look at the document? It is chopped there?

Interpreter: Yes.

Crown Counsel: The first accused, my Lord.

Interpreter: It is 88A.

Crown Counsel: Mr. Interpreter has found it (Interpreter reads portion of statement to witness)

A. I did not make the reply, my Lord.

30 Q. Then he asked you, "Where did you land in Singapore?" A. I was not asked, my Lord.

Q. Then you answered, "Osman and I landed at Pasir Panjang near a factory"?

A. I did not make that statement, my Lord.

Q. Then he asked you "Where did you go after

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landing?". A. I was never asked, my Lord.

Q. Then you answered, "We went to Geylang, by three different buses, one from PasirdPanjang to Tanjong Pagar, the second from Tanjong Pagar to Arab Street and the third from Arab Street to Geylang"? A. I never said so.

Q. Among other questions, he asked you, "What did you do at the building?" A. He never asked me.

Q. Then you answered, "We entered the building and used the staircase and placed two bundles at the staircase. I placed one and Osman placed one"?

10

A. Never, my Lord, I never said that.

Q. Then he asked you after placing the bundles, what did you do? A. No, my Lord.

Q. Then you answered, "I lighted a match stick and burned the fuse connecting my bundle"?

A. I never said so, my Lord.

Q. There were some other - further questions and answers. What do you say to that?

20

A. I was never asked, my Lord.

His Lordship: What?

A. Further questions and answers;
never, my Lord.

Mr. Kamil: Can I see 88B?

Q. Can you look at this paper - 88B?

(Exhibit is shown to witness)

Look at your signature. Look at all the papers.
A. Three in all.

30

Q. Now, this paper, we are told by A.S.P. Khosa was your statement to him that day. All right, do you know the contents of it, by the way can you read that? A. I cannot, my Lord.

Q. I read to you the contents, some of the

contents. "On the 10.3.65. Wednesday, I came to Singapore with Osman bin Haji Ali on instructions from Komando Operasi Tertinggi, Indonesia. My instructions as a sworn soldier were to carry the given parcel and light it at the electric power station in Singapore or any other building. Because of this instruction I came to Pasir Panjang with Osman, and later went to the building where I lighted the fuse to the bundle. The two bundles were placed on a landing at a staircase of a tall building. After lighting the fuse Osman and I took a bus to Jalan Sultan. It was raining when I took the bus. We spent the night in a junk anchored at Tanjong Rhu, Singapore. I do not know what happened after I lighted the fuse". What do you say to this statement?

10

A. I never said, I never made the story.

20 Q. Now, has what is told in this statement really happened? A. No, I never said so, my Lord.

His Lordship: No, the point is this: Mr. Kamil is asking you what is in there, is it true or not?

Mr. Kamil: No, not what he said. What is stated there is really what is happening in the world.

His Lordship: In Singapore, you mean, Orchard Road?

30 A. I do not know, my Lord.

Mr. Kamil: That is all

His Lordship: Yes, Mr. Seow.

Q. Now, you are not 21 years old?

A. Yes, I also made a statement to the police station that I am 21 years old.

Q. Never mind about at the police station. The point is you are not 21 years old.

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His Lordship: When did you make a statement? What - to the Inspector, is it? A. When I first landed.

Q. Let me remind you. You know, you said when you first landed you were only asked your name, where you came from and your occupation. That has always been your story throughout. Now, it would appear that you were also asked your age. I am just reminding you, your story all along has been that you were asked three questions by the Police: your name, where you came from, and your occupation. Now, it would appear that you were also asked your age? A. I was never asked about my age. I was asked.

10

Q. "I was never asked"? A. No, I was asked.

Q. "I was asked", I see. Well, never mind about whether or not you were. You have said in your examination-in-chief that you were 21 years of age in answer to my learned friend. You remember saying that, or don't you? 20

His Lordship: Yes, all right. He insists he is 21.

Q. Well, let us get his answer, please, Mr. Interpreter. What did he say just now? A. I am really 21 years old.

Q. That is all. And I put it to you, you have never been a soldier "Ka-Ka-O" or otherwise? A. I was. 30

Q. All right, for how long? Many years? A. I joined the "Ka-Ka-O" on the 15th of April 1964.

Q. How do you use your name Tahir? A. It was used as an alias.

Q. I see, alias Tahir. So you are Tahir bin Said?

A. When I was young, I was called by the name Tahir bin Said, but when I have grown up I used the name Harun bin Said.

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Q. And, presumably, you are not known as Tahir Mahdar?

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His Lordship: Tahir what? Mada?

Crown Counsel: Tahir Mahdar - (spelt) M-A-H-D-A-R, my Lord.

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Q. Is that true? A. Mahdar is my grandfather.

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10 Q. Yes, are you known as such? Do you use the name Tahir as such or not? A. I was never called.

Cross-Examination (Contd.)

His Lordship: You were never what? Tahir bin Mahdar?

A. I was never called Tahir bin Mahdar.

Q. And you have never used your name as such - Tahir Mahdar? Yes or no?

A. Never, my Lord. Only Harun bin Said

Q. Look at this document.

20 (Exhibit is shown to the witness)

That is your passport, isn't that so? Is that your passport showing your photograph?

A. When I was at Tanjong Pinang, yes, my Lord.

His Lordship: We will admit that, P.93.

Q. That is your photograph, of you? A. Yes, my Lord.

His Lordship: "My photo is on Exhibit 93."

30 Q. And your name is shown there as Tahar or Tahir Mahdar?

A. Mahdar is my grandfather, not my father.

His Lordship: I know. We all have our forefather's name, isn't it? The

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Cross-Examination (Contd.)

point that is being made is that on this passport your name is given as Tahir Mahdar. Or do you deny it?
A. Yes, it is written there.

Q. So you were telling a lie when you said that you never used the name Tahir Mahdar?
A. Well, Mahdar is not my father's name, it is my grandfather's name.

His Lordship: The point is that you were asked whether you have ever used the name Tahir Mahdar. You said you have never used the name Tahir Mahdar.

10

Q. Isn't that so?

His Lordship: You see, your name Tahir appears in an official document, a passport issued by your Company, I take it? A. Yes, my Lord.

Q. So, you have used the name Tahir Mahdar.

A. But I have never read this passport although I have been holding it.

20

His Lordship: Unless you have used your name Tahir Mahdar, the Government would never have thought of the name Tahir Mahdar?

A. At the time of making the passport, all these names were written.

Q. So your answer is, you have never read this thing?

A. I have never read this name.

30

Q. You have never read this document?

A. Never, my Lord, as I was just issued ---

Q. Just issued? A. Just issued.

Q. When you say it was just issued ---

His Lordship: Can I have a look?

(Exhibit is shown to His Lordship)

This has the stamp 14th of August, 1963. There is the document which speaks for itself. Don't lie. There is the stamp on it, "1963". So it cannot be just issued.

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Q. Show him, please, Mr. Interpreter - the date of issue. A. Yes, my Lord.

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10 His Lordship: You are wasting a lot of time. No use lying on something which is on the document, you know.

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Q. Now, you were born in June, 1936. Show him the date of his birth.

Cross-
Examination
(Contd.)

His Lordship: No, no. Let us have his answer first. What is it? Were you born in June 1936?

A. I do not remember the date.

20 Q. Well, please look at P.93. What does the date of your birth show as, the date, month and year? What? A. 16th June, 1936.

Q. Yes, which makes you a little over 30 years of age. Oh, I beg your pardon - 29; a little over 29 years of age?

A. No, my Lord. I am still 21.

Q. So you gave untrue particulars to your own Government?

A. Because at that time a sailor could not join a ship if he is about 20 years old.

30 His Lordship: At that time a sailor could not?

A. Could not join a ship if he is about 20 years old.

Q. I don't understand. You mean you have got to be over 20 years?

A. Yes, my Lord.

Q. So what you are trying to say is you lied,

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you gave false particulars? Isn't that so?
A. Well, the shipping agents were the people.

His Lordship: Are you saying that you
got that passport to get a job as a
sailor? A. Yes, my Lord.

Q. To get a job as a sailor. In
what boat? A. Any vessel, my Lord.

Q. I ask you that because I don't
want you afterwards to tell me that
you joined a naval vessel or something. 10
A. Yes, my Lord.

His Lordship: It is not for the
purpose of joining the Navy, is it?
A. The Navy does not require a
passport.

Q. That is why I am asking you. I
just want to make sure. Yes, my Lord.

Q. So the particulars you gave - you haven't
answered my question - were false particulars
to enable you to get a job, regarding your 20
birth if you are still 21? A. Yes, my Lord.

Q. So if you were 21, you couldn't possibly
have been born in 1936? It follows.

His Lordship: Can I see the thing?
That was issued when?

Crown Counsel: The 14th of August, 1963.

Q. Do you agree to it? You would be born in the
year 1944? A. Yes, more or less.

Q. Have you used the name Tahir Mahdar in any
other document? A. I cannot remember. 30

Q. Is this your Seaman's Book (shown) A. Yes.

(Seaman's Book admitted - Ex. P.94)

Q. And that again shows that you were born in
the year 1936? A. Yes.

His Lordship: Q. When was that issued?
A. Issued on the 8th November, 1962.

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Q. Your grandmother is called Maria; is that correct? A. Yes.

Q. And she is now dead? A. Yes.

Q. She used to live in Singapore? A. Yes.

Q. In Kampong Amber?

A. I have forgotten the name of the Kampong.

Q. In Kampong Amber, try to think, No.22 Kampong Amber? A. It was quite a long time ago.

10

His Lordship: Q. Lived there a long time ago

A. My grandmother lived there a long time ago.

Q. And you have visited her in Singapore?

A. Once before.

Q. You first came to Singapore on the 29th August 1956, as a crew member on board the motor vessel Eng Siong, is that not so?

20 A. I don't remember the date.

Q. But you remember the ship? A. Yes

Q. Owned by a shipping company known as Hiap Hong? A. I cannot remember.

His Lordship: Q. You know Eng Siong; you admit you were a crew on that ship? A. Yes.

Q. You were employed by this company, Hiap Hong, 46 Boat Quay?

30 A. It was an Indonesian vessel with an Indonesian flag.

Q. That may well be so, these are companies with ships between Singapore and Indonesia, Indonesian Chinese shipping companies?

A. Yes, it belongs to a Chinese.

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- Q. And you have been in and out of Singapore on this ship, or ships owned by this company?
A. About two or three times.

His Lordship: Q. You have been to Singapore about two or three times?
A. Yes, only at sea.

Q. You did not come ashore, is that what you say? A. At the Clifford Pier only.

- Q. You left Singapore for good on the 22nd November, 1960? A. I cannot remember. 10

- Q. But it was towards the end of 1960 that you left Singapore for Indonesia, is that not so?
A. I cannot remember.

- Q. In the year 1960, come on, in the sampan SR. 9/3026? A. I cannot remember.

- Q. But you were in a sampan which brought you to Indonesia, do you remember that, no think carefully? A. From the Immigration Depot.

- Q. But you came back again to Singapore?
A. Yes, bringing fish. 20

- Q. And you stayed in Singapore at No.16 Borneo Road? A. No.

- Q. Where did you stay then?
A. I plied to and fro bringing fish.

- Q. Between Indonesia and Singapore? A. Yes.

His Lordship: Q. Where were you then in Indonesia?
A. At Batu Besar in the Rhio Islands.

- Q. You left Singapore on the 22nd December, 1963 for Indonesia? A. I cannot remember the date. 30

- Q. But you left for Pulau Samboe to be precise in sampan No.9/1413?

- A. Yes, I don't remember the number of the sampan.

His Lordship: Q. Did you leave Singapore for Pulau Samboe? A. Yes.

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Q. Apart from your grandmother, who is now deceased, you have other distant relatives and friends in Singapore?

A. At the Clifford Pier only I make friends.

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His Lordship: Q. The question is: apart from your grandmother, you have other distant relatives and friends, what is your answer to that?

10

A. I don't know whether I have any other relatives in Singapore.

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Q. But you have friends in Singapore?

A. Only friends at the Clifford Pier, people who used to purchase fish from me.

Cross-Examination (Contd.)

Q. And Vauxhall is he one of your friends?

A. Yes, at the Clifford Pier.

His Lordship: Q. Was he an Indonesian?

A. I was told he is a local man.

20 Q. His full name or proper name is Salleh bin Ataham? A. I don't know.

Q. Now, you have seen this boy before, look carefully at him (Snin bin Abdullah produced)?

A. He is not Vauxhall.

Q. He is not Vauxhall, I ask you to look at him carefully, have you seen him before; nobody is saying that he is Vauxhall; think carefully and look hard at him; you spoke to him in Kampong Amber, did you not?

30 His Lordship: Q. Have you seen him before?

A. When I was taken by the Police to Kampong Amber I was shown that person.

Q. You went to Kampong Amber to look for Vauxhall, did you not? A. No, I was taken by the Police.

Q. Did you speak to him?

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A. I never spoke to him I was taken by the Police to see him.

Q. I put it to you on the morning of the 10th March after you had landed in Singapore you went up to Kampong Amber to look for Vauxhall and you asked Snin bin Abdullah where was Vauxhall?

A. At night I was taken by the Police to see Vauxhall.

His Lordship: Q. What night was it; there are many nights?

A. On the second night I was arrested.

, 10

Q. Can you explain how the Police knew that you got a friend called Vauxhall?

A. The Police asked me whether I had any friends in Singapore and I replied that I had one by the name of Vauxhall who works there; he could not always be found at Clifford Pier.

Q. You never went to Clifford Pier to look for Vauxhall? A. When was that.

Q. At any time, with or without the Police, ins't that so; yes or no? A. No.

20

Q. And I put it to you that you brought the Police there, not the Police brought you there to Kampong Amber?

A. At first the Police showed me a photograph of Vauxhall and asked me whether it was him.

His Lordship: Q. It is put to you that it was you who took the Police to Kampong Amber? A. No.

Q. And I put it to you that the Police never showed you Vauxhall's photograph? A. Yes.

30

Q. You were shown this photograph?

A. I don't recognize him.

(Photograph P.95 for identification)

Q. Look at it again?

A. The photograph of Vauxhall was smaller.

Q. That was the only size photograph that was shown to you of that person? A. A little bigger.

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Q. This is a photograph of a friend of yours named Ahmad Ghani (shown)? A. He is not my friend

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Crown Counsel: May that be marked P.96 for identification.

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(Photograph marked P.96 for identification)

10 Q. Whose full name is Ghani Raub Lraub?
A. I don't know.

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Q. I put it to you that he was the man who piloted you through Singapore on the morning of the 10th March?

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A. I never entered Singapore on the 10th March; at that time I was in Indonesia.

Q. Will you please look at this document; this is a receipt given to you at the C.I.D. on the 14th March, 1965, a receipt for your belongings?

20

His Lordship: Is it a copy?

Crown Counsel: This is the original.

A. No, my Lord. I had no gold ring.

Q. Now was that receipt handed to you on the 14th March at the C.I.D. which Inspector Hill subsequently took back from you?

A. I got the receipt in the lock-up.

Q. Yes, that is the receipt?

30

A. I don't know because I was taken to Remand Prison, and I left it behind.

Crown Counsel: May that be marked P,97 for identification.

(Receipt marked P.97 for identification)

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Q. You agree your name appears on that receipt?
A. Yes

Q. Your watch is a Camy wristwatch? A. Yes.

Q. It was a new watch which was destroyed in the sea or spoilt as a result of your being in the sea? A. It was an old watch.

Q. Now it is old because it is completely ruined?

A. I used that for quite a long time.

Q. I put it to you that was the watch which you bought when you and accused No.1 were on a shopping spree on the morning of the 10th March before you plunged the bomb at MacDonald House?

A. No, I remember that watch I bought in Jakarta.

Q. Please look at that ring, that was the ring taken off you upon your admission to the C.I.D.? A. I never owned this ring.

Q. You now disclaim ownership of it?

A. I never owned this ring.

Q. Will you try it for the time being?

His Lordship: Mr. Seow, why is this ring not put in by the Prosecution?

Crown Counsel: In fact it is my fault, my Lord. I did not anticipate this line of defence.

(Witness tries the ring on his finger)

Q. Try it on, you don't seem to be keen in trying, push it right in?

A. It cannot go in further.

Q. Put it on your left finger? A. Cannot go in.

Crown Counsel; Mr. Interpreter, would you do it for him, please.

Interpreter: Can't go in further.

10

20

30

Q. But would it go in on your little finger?

A. Yes, it is loose.

Q. Try it on the other finger? A. It is also loose.

(At 1.05 p.m. Court adjourns to 9.30 a.m.
20.10.65)

2010.65 His Lordship: Tell the accused that he is
on his former oath?

Interpreter: Yes, my Lord.

10 Q. Now, after your arrest, did you go with the
Police to various places in Singapore?

A. To three places, my Lord.

Q. One of the places is, or was at the 4½
milestone Pasir Panjang?

A. I don't remember, my Lord.

Q. Do you remember going to a beach? A. I do.

Q. Please look at P.91A (Exhibit shown to witness)
Does that show the beach where you went?

A. I cannot remember, my Lord.

20 Q. Look at P.91B (Exhibit shown to witness) That
is near the beach in question. Do you remember
going there?

A. I cannot recognize the place, my Lord.

Q. Do you remember walking down a flight of steps
as shown in P.91B, or going up?

A. I did not pay particular attention at that
time, my Lord.

Q. Did you also go with the Police to No.9 Chitty
Road?

30 A. I forget. I do not remember. I do not know
the places where I was brought to.

Q. You have a friend called Daud staying there?

A. No, my Lord.

Q. He - Duad - used to stay there during pre-
confrontation days? A. I do not know, my Lord.

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Q. Do you remember going to a house in that vicinity?

His Lordship: Where is Chitty Road?

Crown Counsel: It is off Serangoon Road, somewhere around Jalan Besar.

A. I was taken at night, so I could not recognise the places.

Q. But does he agree that he had been to a house with or without the Police?

A. But I was taken to many places by the Police at night. 10

Q. To more than three places?

A. I cannot remember, my Lord,

Q. Do you remember going with the Police to 129 Chin Swee Road?

A. I cannot remember, my Lord, as I was taken at night.

Q. Look, you have a friend called Suki, haven't you? A. No, my Lord, I don't have.

Q. Do you know a person called Nawam bin Rawi? 20

A. I don't remember the names.

Q. He is an oldish man, whom you have known for years and years when you used to stay in Singapore?

A. I don't remember the name, my Lord.

Q. Do you remember meeting him whilst you were in Singapore?

A. I don't know, because I don't know the feature of the person.

Q. Do you know a motor vessel by the name of "Silat Sunda"? A. I do not know, my Lord. 30

Q. Do you know that it has been re-named "Anfa"? A. I don't know, my Lord.

Q. Do you know the shipping concern Kie Hock

Company of Cecil Street, Singapore? A. I don't know.

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Q. That has ships that ply between Singapore and Indonesia or used to ply?

A. I do not know, my Lord.

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Q. For how long have you been a seaman?

A. About two or three years.

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Q. And you say you do not know this firm, this Indonesian Chinese firm?

10

A. I don't know, my Lord.

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Q. Do you know a person called Mastor Hataja?

A. I don't remember the name, my Lord.

Cross-Examination (Contd.)

Q. He worked on this vessel "Anfa"?

A. I don't know, my Lord.

Q. Look at P.91C and 91D? (Exhibits shown to witness) Do you remember going to that goldsmith shop with the Police?

A. I cannot remember it.

Q. Do you remember going to a goldsmith shop?

20

A. I was taken to many places by the Police.

His Lordship: Q. No, no, do you remember going to a goldsmith shop with the Police? A. I do, my Lord.

Q. And this was the shop in question?

A. I can't recognise the place, my Lord.

Q. Why did you go there?

A. I was taken by the Police. I did not know anything.

Q. Do you agree that there are many goldsmith shops in Singapore, or even along that stretch of street?

30

A. I do not know, my Lord.

His Lordship: Q. You say you remember being taken to a goldsmith shop by the Police. Do you remember the street? A. I do not know, my Lord? I was just taken there in a car.

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Q. Of all the goldsmith shops in Singapore, why did you and the Police go to that particular one? A. I do not know, my Lord.

Q. Do you remember going to Tanjong Rhu amongst other places? A. I do not know the place.

His Lordship: Q. You don't know where Tanjong Rhu is? A. Yes.

Q. You are a seaman, you know?
A. Yes, but I do not know where Tanjong Rhu is.

Q. You don't know where Tanjong Rhu anchorage is? 10
A. I do not know, my Lord, the anchorage, the Tanjong Rhu anchorage. What I know is the Clifford Pier.

Q. You don't know where the inner roads is?
A. Inside the mole. Clifford Pier.

Q. And beyond the mole what is it called?

His Lordship: Is it the break-water?

Crown Counsel: It is called the mole.

A. Outside the mole is the harbour. 20

Q. It is known as the outer roads?
A. It is the harbour.

His Lordship: Q. You don't know that it is called the outer roads?
A. I do not know the name, my Lord.

Q. Do you know where the Teluk Ayer Basin is?
A. I do not know, my Lord.

Q. Do you remember going with the Police to the end of a road where there are many junks, and ships, some complete, some incomplete and some disused? 30
A. The Police took me there.

His Lordship: Q. Do you remember going there?

A. Yes, I do, but I do not know the place.

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Q. Do you remember going on board a disused junk?

A. I can't remember, my Lord.

Q. Come on, it is not everyday that you go out on board a disused junk with the Police. Think hard?

10 A. But I was taken to the junk, my Lord.

Q. I put it to you that that was where both of you slept on the night of the 10th of March?

A. I was at that time in Indonesia. How could I be there?

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Cross-Examination (Contd.)

Q. I put it to you that the next night you slept on board the motor vessel "Anfa" which was then anchored in the inner roads?

A. No, my Lord, I was still in Indonesia at that time.

20 Q. And I put it to you that after you had slept on board the "Anfa", you shifted to the motor vessel "Romeo", where both of you spent a part of the night of the 12th?

A. No, my Lord. I was in Indonesia at my post.

Q. I put it to you that both you and the first accused were responsible for putting the bomb on the mezzanine floor landing of Macdonald House on the 10th of March this year at about 3 p.m.

30 A. No, my Lord, I did not do it. I was still in Indonesia at that time.

His Lordship: You are not cross-examining him about the statement that he made to the Police?

Crown Counsel: To the Inspector, my Lord?

His Lordship: Yes.

Crown Counsel: No, my Lord.

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His Lordship: I am just wondering
whether you have forgotten about it,
or you do not intend to.

Crown Counsel: Actually it has completely
slipped my mind. May I just put a
blanket question to him for the
record?

Q. I put it to you that the statement, which
you made to A.S.P. Khosa, was made by you
after he had cautioned you - that is to say 10
warned you that you need not say anything
if you do not wish to do so, but anything
you say would be taken down in writing and
used as evidence at your trial?
A. No, my Lord, I was forced.

His Lordship: Q. You were forced to
do what? A. I was forced to sign.

Q. I want to make this clear. It is
not your evidence that you were
forced to say anything. Your 20
evidence is that you were forced to
sign. That is all?
A. I do not know what the statement
was like.

Q. Let us get this clear. Is it
your evidence that you did not make
the statement, first of all? You say
the A.S.P. said you made the statement.
Is it your evidence that you did not 30
make any statement? Is that what
you say or not?
A. I did not make a statement.

Q. It is not your evidence that you
were forced to say something?
Please answer my question? Is it
your evidence that you were forced to
say anything or not?
A. I was forced to say many things.

Q. You were forced to say many things?

A. Yes, my Lord, but I remained silent. I did not want to follow.

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Q. Let us get this clear. What you mean is that you were asked a lot of questions, but you did not answer. Is that what you say?

A. Yes, my Lord, I did not know anything.

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10

Q. I am asking you, is it your evidence that the A.S.P. asked you many questions, but you refused to answer, or is it, you say, to all the questions you said that you did not know anything - which is it?

A. I told him that I did not know anything.

20

Q. So it is not a question of your not wanting to answer? Mr. Interpreter, will you tell this man that I am trying to understand his evidence? We will try once more. A.S.P. Khosa asked you many questions. Is that right? A. Yes.

Q. Did you answer the questions or not? A. No, my Lord.

Q. Are you saying that you just shut your mouth? You did not say anything at all, or did you say, "I don't know" to every question he asked you?

30

A. I said, "I don't know".

Q. It is quite different from keeping quiet, you know, isn't it? That is why I am trying to understand your evidence?

A. I replied, "I don't know".

Q. The A.S.P. asked many questions and to all the questions you said, "I don't know"? A. I don't know.

Q. Now, the next thing I want to ask you is this: Did he force you to say anything? Is it your evidence

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that he forced you to sign? You wouldn't sign, and you were given a beating? A. He did, my Lord.

Q. He forced you to say something?
A. Yes, my Lord.

Q. What were you forced to say?
A. Murdering people.

Q. That is why you are very puzzling in your evidence. One minute you said to the questions you said "I do not know. I do not know anything", and now you say that he forced you to say that you murdered people?
A. I did not know the contents of the statement.

10

His Lordship: Q. But the point is this: Your evidence is that you did not make any statement to the man, and then the next minute you tell me that you were forced to say you murdered people, so you did make a statement? Please make up your mind? Did you make a statement or you did not make a statement?
A. I just furnished him with my name.

20

Q. What about the other one that you were to say you murdered people?
A. After I was asked to state my name, the place where I came from and my occupation, it was said that I murdered people.

30

Q. You were not forced to say that. It was the A.S.P. who said it, not you?
A. At that time I was assaulted, It means to me I was forced.

Q. Let us get this clear once and for all. You said that he said you murdered people. What did you say?
A. I replied, no.

Q. You were not forced to say, because you did not say it. So your evidence is you were forced to say you murdered people, but you refused to say it. So I take it that your evidence is that you did not make any statement to A.S.P. Khosa, and all you did was to answer three questions?
A. Yes, my Lord.

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10 Q. And you signed the paper, because they beat you. That is what you say, Right? A. Yes, my Lord.

Q. That statement was never interpreted back to you? A. No, my Lord. I don't know anything.

Q. And you don't know the contents of the document there up to today?

His Lordship: It can't be, because it was read to him.

20 Crown Counsel: You might get an astonishing reply.

His Lordship: A copy was given to him.

His Lordship: Q. When did you come to know of the contents of this document?
A. After it was read out by the defence counsel.

Q. After it was read out by your counsel yesterday?
A. Yes, my Lord, yesterday.

30 Q. In the course of his examining you in chief?
A. Yes, my Lord.

Q. You were never served with a copy of the statement of Accused No. 1 on you?
A. Accused No.1?

Q. Yes, his statement on you?
A. I was given my papers, my Lord.

Q. And you never bothered to read them?

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Cross-Examination (Contd.)

A. I don't know, my Lord, because I never went to an English school.

Q. Neither did you take steps to find out what they were?

A. I wanted to know about it, but it was written in English.

Q. You took no steps to find out what they were or to ask anyone?

A. Whom could I ask when I was in the lock-up.

His Lordship: Q. You could have asked the Prison authorities? You could have asked your counsel when he went to the Prison to interview you? 10

Look, if there is a will there is a way, you know. It is not a question of just telling us this. You took all the trouble to tell your counsel that your uniform was taken away from you. Why didn't you tell him, "I have been served with this document. I can't read it, because it is all in English. Please explain it to me"? 20

A. My property was taken from me, so I got to report to my counsel.

Q. So of the documents served on you, you just did nothing. It means nothing?

A. When I was taken to the Remand Prison, I left the documents at the lock-up. I was told to keep the documents, but when I was taken to the Remand Prison, I forgot to bring them there. 30

Q. Now, you know that your co-accused was also served with many documents?

A. He just told me that he had been served with many documents.

Q. You took no steps to find out from him what they were? A. He also did not know the contents.

Q. He never told you?

A. He did not know anything. He did not understand the contents.

Q. Do you remember a caution being administered to you before the questions were asked?
 A. I was never cautioned. Only I was threatened.

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Q. I put it to you that you gave your answers to the questions put by A.S.P. Khosa voluntarily? A. No, my Lord.

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Q. And after they had been recorded, they were read back to you? A. No, my Lord.

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10 Q. After which you signed your name, knowing full well what the contents were?

A. No, my Lord, it was only after I was threatened

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His Lordship: Q. You signed it after you were threatened? A. Yes, my Lord.

Cross-Examination (Contd.)

Q. Please make up your mind? You signed it after you were threatened, or you signed it after you were assaulted? These are two different things, you know?

20 A. After being beaten I signed.

Q. Say so then. Why did you say threatened? One minute you tell me you signed after you were assaulted and the next minute you signed after you were threatened?

A. After being assaulted and threatened.

Q. After the three charges had been read to you and interpreted by the interpreter?

30 A. The murder charges were read by Inspector Hill as he accused me that I understood English.

Q. This Inspector Hill.

His Lordship: Q. Not A.S.P. Khosa?

A. Not, A.S.P. Khosa.

Q. He said something about English?

A. As he accused me of knowing the English language.

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Q. He said I knew the English language? A. Yes.

- Q. He spoke to you in English and he read the charges in English?
A. He read the charges to me in English, and he told me that as a soldier you should know the English language.

His Lordship: Q. He told you that as a soldier you should know the English language? He said that in English?
A. In Malay, my Lord.

10

Q. Now, make up your mind? The charges were read in English, or in Malay?
A. In the English language, my Lord.

Q. But he told you that as a soldier you should know English. He said that in Malay? A. In Malay, my Lord.

- Q. Now, so was Inspector Hill, the fourth man in the room. Was he the fourth man in the room? 20

Mr. Kamil: I think, let him answer that.

A. He was not the fourth person.

- Q. What - he was the fifth, was he?
A. The charges were made at the third police station.

His Lordship: I see, the charges were read, is it?

A. The charges were read at the third police station. 30

- Q. Not at the second, that is to say the Marine Police Station?
A. No, my Lord, all letters are received at the third police station.

His Lordship: We are not talking about letters. We are talking of the

charges read to you, not handed to you.

A. The third police station.

Please don't confuse the evidence. You make it more difficult to follow. Mr. Seow is not talking about you being given a piece of paper on which were written the three charges. He was talking about the A.S.P. reading them to you and translated to you by the Malay interpreter - the three charges. So, forget about the third police station.

A. Mr. Hill read the charges at the third police station.

His Lordship: So your evidence is that A.S.P. Khosa did not read to you the charges, anywhere? He questioned you, that is all, but he never read the charges to you? A. Never, my Lord.

Q. And all he did was to accuse you of murder, that is all? A. Yes, my Lord.

Q. At any time? A. Yes, at any time.

Q. In any police station? No, my Lord.

Q. He never cautioned you, gave you a long caution of which we have heard so much about?

A. No, my Lord, he did so only very roughly to me.

Q. And that statement under which your signature appears is not your statement as you have told us? A. It was not my story.

Q. It is a pure concoction or fabrication by A.S.P. Khosa? A. I do not know, my Lord.

His Lordship: You don't know?

A. I do not know whether it was concocted or fabricated by him; I do not know.

Q. I see. Now that you have heard what the contents are, are the facts therein true?

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Re-
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A. No, my Lord.

Q. Where did he get these facts from, if it wasn't from you?

A. I do not know, my Lord, as he is a police officer.

His Lordship: "I don't know where he got the story from"? A. Yes.

His Lordship: Yes, Mr. Kamil

Q. You said you were brought to many places in Singapore?

10

His Lordship: By the Police.

A. Yes, my Lord, the Police brought me to many places.

Q. What did the Police do to you when they brought you to these places?

A. I was handcuffed, and I was told to follow.

His Lordship: "Di-tarek", I take it - "pull"? A. Pull.

Q. You were pulled, is it?

A. I was handcuffed and escorted.

20

Q. "Tarek" and "pagang" are different?

I understand the whole thing.

"Pagang" is to hold your hand;

"tarek" is to drag you, pull you.

Which is it?, please?

A. We walked together, but I was being held by the Police.

Q. You were held by the hand, isn't it? A. Yes, my Lord.

Q. And you walked with the police officer? A. Yes, my Lord.

30

Q. Now, you told us that you were -- you remember that you were brought to a beach? A. Yes, my Lord.

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Q. Now, what did the Police do to you, then?

Crown Counsel: If anything.

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A. I was taken to the beach, and I was asked to walk to and fro on the beach, while the Police were writing.

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10 Q. Did the Police say anything to you?
A. I cannot remember, my Lord.

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Q. You can't remember all, but maybe some or one or two of them?

Re-Examination (Contd.)

A. After writing, they told me to return to the car.

His Lordship: Police officer, is it?

Q. By the way, did the Police say anything which you don't remember?

20 His Lordship: No, Mr. Kamil, he might be made to say what Mr. Seow himself couldn't bring out. I leave it to you, but I think you should be careful with this sort of question you ask. Mr. Seow is prevented from asking, and you might bring out something which Mr. Seow couldn't bring out in evidence.

Mr. Kamil: That is right.

Q. You don't remember? A. I don't remember, my Lord.

30 Q. Now, you remember going to that goldsmith? You said you went to the goldsmith's shop?
A. I don't remember, but I do know the place.

Q. What did the Police do to you?

A. I was told to enter the shop, to identify persons. I replied that I did not know anyone.

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His Lordship: Mr. Kamil, you know that
is not admissible in evidence -
what he said to the Police.

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Q. And then you went to other places, you were
brought to many places? A. Yes, my Lord.

Q. Some of the places you did not remember?
A. I do not know, my Lord. I do not know what
the places were.

Q. Do you know why did the Police bring you
there? 10

His Lordship: I don't know, Mr. Kamil.
I mean --- (Witness answers)
--- all right, he said "makan angin."
He might have blurted out something.
A. Mr. Hill told me that it was a
joy ride.

Q. You do not know anything else?
A. I do not know, my Lord, only a joy ride.

His Lordship: Well, I hope you enjoyed
it? 20

A. I was given drinks also. I was
given drinks on the way.

Q. What - in the car?

A. We alighted and had some drinks
by the roadside.

Q. By the way, when this happened is it the
first day or the second day or the third
day or the fourth day? when you were
arrested? A. After one day I was arrested.

His Lordship: Look, you were arrested 30
on the 13th of March? A. Yes, my Lord.

Q. So, do you say that this
happened on the 14th of March, that
you were taken around by the Police?

Q. Or after that?

A. Between 14th and 15th, my Lord. I cannot---

His Lordship: Between 14th and 15th
March, at night, is it?
A. Day and night.

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Mr. Kamil: I think that is all, Sir.

His Lordship: Yes, go back.

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His Lordship: Yes, any other witness?

Mr. Kamil: I think I like to call one
of the Interpreters here, a Malay
Interpreter here, just to say whether
the words "Sasaran", "Sumbu" and
"Ledakan" are Malay words.

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(Contd.)

His Lordship: Which Malay Interpreter
would you want?

Mr. Kamil: Any Malay Interpreter, if
we can have, of course, the one in the
Police Court.

His Lordship: We have a Malay Interpreter
here?

Mr. Kamil: Inche Sayadi is here.

His Lordship: You want to ask him about
some ---

Mr. Kamil: Some Malay words.

His Lordship: So you want a Court
Interpreter, is it?

Mr. Kamil: Court Interpreter is
better. It is only a question of
interpretation.

His Lordship: Inche Sayadi, Mr. Kamil
wants to ask you a few questions about
some Malay words.

10

20

30

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NO. 75
SAYADI BIN HASSAN

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Examination

Witness: My name is Sayadi Bin
Hassan (Spelt S-A-Y-A-D-I);
employed as a certificated
Interpreter in the High Court.

- Q. You are Interpreter of Malay language?
- A. Yes.
- Q. And qualified? A. Yes.
- Q. You look at this Dictionary - Wilkinson Dictionary. You know Wilkinson? A. Yes. 10
- Q. He is a Scholar of Malay? A. Yes.
- Q. That is a Malay/English Dictionary, is that right? A. Yes.
- Q. Now, you look at the word "Sumbu". Now can you tell the Court: "sumbu", is it a Malay word?
- A. Yes, "sumbu" is a Malay word; as far as I know, it is a Malay word.
- Q. If I am not wrong, there is no other word "Sumbu"? A. No. 20
- Q. There is no other word meaning "sumbu". And that dictionary also agrees with that?
- A. Yes.
- Crown Counsel: That dictionary what?
- Mr. Kamil: Agrees with the meaning.
- A. Meaning "sumbu".
- His Lordship: What did that dictionary say?
- A. Same - sumbu, dictionary says. 30
- Q. Can you read that?
- A. "Sumbu" means "wick or fuse or slow match".

His Lordship: M-A-T-C-H? A. Yes.

Q. Another word "sasaran" - "sasa"?

His Lordship: "Sasaran" - how do you spell it?

Mr. Kamil: S-A-S-A-R-A-N. That is also a Malay word?

A. This word is seldom used here in Singapore, as far as I know.

Q. Is it used in the newspapers? A. Yes.

10 His Lordship: Yes what?

Mr. Kamil: Yes, in a newspaper, Malay newspaper.

Q. So if it is spoken, it is understood?

A. Yes, by ---

Q. By Malays, majority of them?

A. Not all; by some.

Q. Educated Malays? A. Educated, yes.

His Lordship: If this word is used in Singapore, is it? A. Yes.

20 Q. It would be understood by educated Malays? A. By educated Malays.

Q. What the dictionary says?

A. It means mark, (spelt) M-A-R-K target.

His Lordship: Target? A. Target, yes.

Q. T-A-R-G-E-T? A. T-A-R-G-E-T.

Q. I think there are other - many?

A. No, that is only that.

Q. Only that?

30 His Lordship: Mark, target - two meanings, is it? Mark and target?

A. Yes, it goes on: "Menembak",

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Examination
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"Sasaran"; it means target practice.
Sasar means ---

Q. S-A-S-A-R, is it?

A. Yes; means practising ground.

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Q. Now, that dictionary is a Malay/English
Dictionary? A. Yes, it is.

Sayadi Bin
Hassan

Q. Look at the word ledak (spelt) "L-E-D-A-K".
What does it give there?

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A. "Ledak" means to explode, to burst out.

Examination
(Contd.)

Q. It is not given - ledak - there? A. No.

10

Q. But from the grammatical conjugation it can
be?

His Lordship: So no word "ledakan"?

A. "Ledakan" is not given; with the
word "kan" it is a noun.

Q. But we can make "ledakan" from conjugation
of the grammatical process? A. Yes.

Q. "Makan", "Makanan"?

His Lordship: It is not given in the
dictionary? Can you tell us whether
it can be used in this form, "ledakan"
or not?. A. Yes.

20

His Lordship: Not given in the dictionary.

Q. Can it be used, "Ledakan"?

A. Yes, it can be used, "ledakan". Similarly,
like the word "Letop", "Letopan".

Q. "Letus"? A. "Letus", "Letusan".

Q. "Letusan".

His Lordship: Making it a noun is it?
A. Yes.

30

Mr. Kamil: Thank you very much.

His Lordship: So, "Ledakan" means

explosive? A. Explosion.

His Lordship: You mean to say it is a noun?

A. May I explain this word "Ledakan"? This word is rarely used in Singapore.

Q. "Ledakan" means explosion; this word - what, "Ledakan", is it?

A. Yes, "Ledakan".

Q. Is seldom used?

10 A. Is rarely used. The word we use here is always "Letopan", bomb.

Q. Is "Letopan", is it?

A. "Letopan", that is explosion.

Q. But if we say "Barang barang ledakan", can it remain explosive? It can be understood, but there is no word as ---

A. It could hardly be understood by most of the Malays here, because we consider it as an Indonesian word.

20 His Lordship: Which one - "Letopan"?

A. "Ledak", "Ledakan".

Q. Is there any such word as "explosive" in Malay? A. Explosive?

Q. Technical word "an explosive". There is no such word, I think?

(No answer)

No such word, Sir.

His Lordship: No such word?

A. We can say ---

30 Q. Barang barang Letopan?

A. No, we can say like "senjata api"; like anything that bursts, we say "senjata api". Like firearm, we can say "senjata api" also, because it gives some sort of explosion.

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Examination (Contd.)

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His Lordship: "Senjata api" was
formerly known as rifle? A. Firearm.

His Lordship: Firearm.

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Q. So there is no such word as "explosive"?
A. As far as I know ---

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Hassan

His Lordship: No, no. As far as you
know, how do you say? What is the
word used for explosive in Singapore?

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Q. Can I be understood if I say "barang barang
letopan"?

10

Examination
(Contd.)

His Lordship: Mr. Kamil, I am asking
the Interpreter. He has not answered.
A. "Barang barang yang boleh meletop".

Q. That is very long? A. Yes.

Q. I am asking you, is there such a
word?

A. As far as I know, my Lord, there
is no such word.

Q. But how would you express it if
you were to tell me that somebody
was carrying explosive? How would
you say explosive?

20

A. We must know the object. What is
that thing? Is it a grenade? We
say grenade "bomb tangan". If it
is a bomb, "bomb".

Q. There is no general word?

A. As far as I know there is none,
unless they now have adopted one
by the Lembaga Dewan Bahasa.

30

Q. But if I say "Barang barang letopan", you
can understand?

A. Yes, can be understood.

Q. Can be understood, as explosive?

His Lordship: "Barang barang letopan":
it means explosive.

Q. Also for educated Malays. If I say "Barang barang ledakan", can also be understood?

A. Well, I cannot say, because that word is hardly understood by most of the Malays - "ledakan".

Q. Highly educated Malay?

A. Those who, what you call, who study the new words, maybe.

10 Q. But that one is not a new dictionary, isn't it?

A. I know, but it is not used commonly by the Malays.

His Lordship: So you say "Ledak" is not used in Singapore? A. Yes.

Q. They understand? A. Yes, I think I agree.

His Lordship: What - they understand "Ledak"?

Q. Ledak? A. Yes.

20 Q. And the interpreters, of course, they understand? A. Yes.

Mr. Kamil: Thank you very much

His Lordship: Yes, Mr. Seow.

Q. Mr. Interpreter, if my memory serves me right, I have seen you throughout this trial sitting here, interpreting to the two accused, is that correct?

30 A. I did not interpret. I stood by there in case the accused did not understand, because we have engaged an Indonesian Interpreter, Malay Interpreter.

Q. Well, if my ears have not deceived me, I have heard your voice talking to the two accused persons.

A. Yes, when they did not understand.

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Examination (Contd.)

Cross-Examination

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Singapore

His Lordship: To explain anything
which the accused did not understand?
A. Yes, my Lord.

No.75
Defence
Evidence
Sayadi Bin
Hassan
20th October
1965
Cross-
Examination
(Contd.)

Q. And he agrees he has been talking to them,
explaining to them. And what language do
you use?

A. I speak Malay language.

Q. And did they understand you, or was there a
blank look on their faces showing that they
did not comprehend you at all??

A. I think they understood me.

10

Q. These words that my learned friend has
referred to you: "Sasaran", "Ledakan" - they
are all Malay words, aren't they, to be
found in any ordinary Malay Dictionary?

A. Yes, my Lord, but these are rarely used by
Malays in Singapore.

Q. When you say rarely used, you are referring
to conversational Malay? A. Yes.

Q. But any conscientious reader of the "Berita
Harian" or the "Utusan Melayu" would com
across these words, especially nowadays
with confrontation?

20

A. Yes, I agree with you.

Q. Just to round up on one point: "Sumbu", in
other words describing "Sumbu", you could
say is "tali api", fire-rope or fire-string?
Before you answer that, I would have you
know that I have inquired from this
Dictionary here ---

His Lordship: What dictionary is it?

30

Crown Counsel: Collins.

His Lordship: By whom?

Crown Counsel: This was published by
Collins, my Lord.

His Lordship: I know, but it has been
written by whom?

Crown Counsel: Oh yes, by a Malay gentleman by the name of Abdul Rahman bin Yusof - whoever that worthy gentleman is. Do you agree you could describe "Sumbu", if somebody is not bright enough to understand what "sumbu" is, you could explain to him it is "tali api"?

In the High Court in Singapore

No.75
Defence Evidence

Sayadi Bin Hassan

20th October 1965

Cross-Examination (Contd.)

- 10 A. But if you say "sumbu" to any Malay, he understands it.
- Q. He would. So you don't have to explain, by "tali api"?
- A. Whether one is educated or not, he understands, she understands "sumbu".

His Lordship: Any Malay would understand "sumbu"? A. Yes.

Q. The educated and the not so educated? A. Yes, everybody.

Q. Everybody? Every Malay, yes.
A. Yes, every Malay.

20

His Lordship: Any re-examination?

- Q. Yes. When you spoke to these two accused, when you explained something, did you speak as you speak to ordinary Malays, quickly, or with a twang, and slowly?
- A. With a twang, slowly.

Re-Examination

His Lordship: With what - with an Indonesian twang? A. Yes.

Q. And what else?

30

Mr. Kamil: And slowly.

A. Slowly.

Q. Most probably you used the standard Malay?

Crown Counsel: My Lord, I object to my learned friend leading in this atrocious fashion.

In the High
Court in
Singapore

No.75

Defence
Evidence

Sayadi Bin
Hassan

20th October
1965

Re-
Examination
(Contd.)

His Lordship: Which sort of Malay?
A. It is ordinary Singapore Malay.

Witness: May I say that the Malay
is the standard Malay.

His Lordship: Q. Ordinary colloquial
Malay? A. Yes.

Q. What do you mean by Singapore Malay?

A. The ordinary Malay you talk.

Q. The Malay spoken differently than in speech?

A. Yes.

10

His Lordship: Q. Ordinary Malay that
is understood by ordinary Malay?

A. It depends to whom I speak.
I can use high class Malay that
everyone can understand.

Q. The Malay you spoke to the
accused is ordinary Malay, common
Malay that is used?

A. Yes, everyday Malay language.

His Lordship: Thank you.

20

(Witness stands down)

His Lordship: Is that your case,
Mr. Kamil.

Mr. Kamil: That is my case, my Lord.

His Lordship: You are going to take a
little time to address. I think
we will take a short adjournment now.

(At 10.55 Court adjourns for a
few minutes)

(Court resumes at 11.15 a.m.-
20.10.65)

In the High
Court in
Singapore

His Lordship: Mr. Kamil, before you
address I want to put on record
exhibits that had been marked for
identification and have not been
admitted, and I will disregard them.

20th October
1965

Mr. Kamil addresses Court at
11.17 a.m. (20.10.65)

10

Crown Counsel addresses Court at
11.45 a.m. on 20.10.65.

NO.76
JUDGMENT AND SENTENCE

No.76

Judgement
Sentence

His Lordship: Will you tell the accused
that the Prosecution has proved beyond
all reasonable doubt that they both
committed the offences as charged,
and I find them both guilty of the
charges and they are convicted.
Mr. Kamil, do you wish to say anything?

20th October
1965

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Mr. Kamil: I would like to attract
your Lordship's attention to Section
11 of the Emergency (Criminal Trials)
Regulations.

His Lordship: I am aware of that, Mr.
Kamil. I will ask them after the
sentence. Thank you. Do you want
to say anything?

Mr. Kamil: No.

30

His Lordship: Mr. Interpreter, will you
tell these two accused that what they
have done was a cowardly act, and
by their act they have killed three
innocent civilians of this State,

In the High
Court in
Singapore

No.76

Judgment and
Sentence

20th October
1965

(Contd.)

and the time has now come for them
to pay the penalty for their
dreadful crime. There is only one
sentence that I can pass.

(Silence is called)

His Lordship: The sentence of the Court
upon you, each of you, is that you be
taken from this place to a lawful
prison and thence to a place of
execution, and that you be then hanged 10
by the neck until you be dead, and
may the Lord have mercy on your soul.

His Lordship: Will you ask them whether
they wish to appeal against conviction?

Interpreter: We don't accept the
verdict.

His Lordship: You wish to appeal then?

Interpreter: Yes, we wish to appeal.

His Lordship: Tell them that their
appeal will be taken care of. 20

Exhibits to Police.

Court adjourns at 12.01 p.m. on
20.10.1965.

No. 77

In the Federal Court

NOTICE OF APPEAL OF OSMAN BIN HAJI MOHAMED ALI

No.77

FORM B
(Rule 6)

Notice of Appeal of Osman bin Haji Mohamed Ali

NOTICE ON BEHALF OF PRISONER

21st October 1965

In the Federal Court of Malaysia

Public Prosecutor v. OSMAN BIN HAJI MOHAMED ALI

10 To the Registrar of the High Court in SINGAPORE at SINGAPORE

Take notice that OSMAN BIN HAJI MOHAMED ALI who was convicted in the High Court in SINGAPORE at SINGAPORE on 20th October, 1965 for the offences of Murder - Sec: 302 P.C.

(3 charges)

and sentenced to DEATH

And who is now a prisoner in this prison has informed me that he wishes to appeal to the Federal Court against his:-

20 ~~conviction~~ *
~~sentence~~ *
conviction and sentence *

The grounds on which he wishes to appeal are stated by him as follows:-

(See Note)

That the conviction and sentence are unreasonable.

Filed this 22nd day of October 1965

Sgd: (Illegible)
Superintendent of Prisons.
Changi Prison, Singapore.....

30 (sgd) T.S. Sinnathuray.
Registrar
High Court, Singapore.

Signature of Officer in Charge of Prison.

Right thumb print of Osman bin Haji Mohamed Ali
.....
Signature or mark of Appellant.

In the Federal
Court

Dated this 21st day of October, 1965.

No.77

* Delete what is inapplicable.

Notice of
Appeal of
Osman bin Haji
Mohamed Ali
21st October
1965 (contd.)

Note:-

1. If the prisoner has made an oral statement insert the substance of the same here.
2. If the prisoner has made a written statement it is sufficient to say so and attach a copy.

No.78

No. 78

Notice of
Appeal of
Harun bin
Said alias
Tahir
21st October
1965

NOTICE OF APPEAL OF HARUN BIN
SAID ALIAS TAHIR

10

FORM B
(Rule 6)

NOTICE ON BEHALF OF PRISONER

In the Federal Court of Malaysia

Public Prosecutor v. HARUN BIN SAID @ TAHIR

To the Registrar of the High Court in SINGAPORE
at SINGAPORE

Take notice that HARUN BIN SAID @ TAHIR who
was convicted in the High Court in SINGAPORE at
SINGAPORE on 20th October, 1965 for the offences
of Murder - Sec: 302 P.C.

20

(3 charges)

and sentenced to DEATH

and who is now a prisoner in this prison has
informed me that he wishes to appeal to the Federal
Court against his:-

conviction *

sentence *

conviction and sentence *

30

The grounds on which he wishes to appeal are
stated by him as follows:-

(See Note)

In the Federal Court

That the conviction and sentence are unreasonable.

N .78

Filed this 22nd day of October 1965

Notice of Appeal of Harun bin Said alias Tahir

(sgd.) T.S. Sinnathuray Registrar High Court, Singapore.

(Sgd.)(Illegible) Superintendent of Prisons Changi Prison, Singapore.

21st October 1965 (contd.)

Signature of Officer in Charge of Prison.

10

Right thumb print of Harun bin Said @ Tahir

Signature or mark of Appellant.

Dated this 21st day of October, 1965.

* Delete what is inapplicable.

Note:-

1. If the prisoner has made an oral statement insert the substance of the same here.
2. If the prisoner has made a written statement it is sufficient to say so and attach a copy.

20

In the High Court in Singapore

No. 79

GROUNDS OF JUDGMENT

No.79

IN THE HIGH COURT IN SINGAPORE

Grounds of Judgment in High Court.

Emergency Criminal Case }
No. 2 of 1965. }

PUBLIC PROSECUTOR
vs.

10th November 1965.

- 1. OSMAN BIN HJ. MOHAMED ALI
- 2. HARUN BIN SAID alias TAHIR.

Coram: CHUA, J.

10

GROUNDS OF JUDGMENT

The two accused were charged with three charges under S.302 of the Penal Code for the murder of Susie Choo Kay Hoi, Juliet Goh Hwee Kuang and Yasin bin Kesit on the 10th March, 1965, at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore.

The facts proved by the prosecution can shortly be summarised as follows. On Wednesday the 10th March, 1965, at about 3 p.m. some person or persons placed on the landing of the mezzanine floor of MacDonald House about 20 lbs. to 25 lbs. of explosives of the nitro-glycerine group and had lighted the fuse. At about 3.07 p.m. the explosives went off and a terrific explosion took place on the landing of the mezzanine floor. As a result of the explosion the three persons mentioned in the charges were killed and about 30 persons who were in the building and outside the building were injured and the lifts and the mezzanine floor of the building were very badly damaged. The blast was so great that a driver employed by Cycle & Carriage Co. Ltd., which is on the other side of the road opposite MacDonald House, and who was standing in the showroom of his firm, was injured by flying glass splinters. The deceased Susie Choo and Juliet Goh were secretaries of the Hongkong & Shanghai Bank Branch in MacDonald House and they worked together in an office on the mezzanine floor. They were killed in their office. The deceased Yasin was a driver employed

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by the Malaya Borneo Building Society Ltd. of MacDonald House. He was found seriously injured on the road outside MacDonald House. He died two days later on the 12th March from intracranial injuries from fractured skull and blast injuries. On the morning of the 13th March at about 8 a.m. the two accused, who are Indonesians, were rescued from the sea off Pulau Sebarok by a bum boatman. The two accused had been hanging on to a piece of floating plank and calling for help. The 1st accused was bare-bodied and wearing a pair of civilian long trousers while the 2nd accused was wearing a sports shirt and a pair of civilian long trousers. They told the boatman that they were fishermen and that their boat had capsized. The two accused were soon after handed over to the Marine Police and brought ashore. Later they were questioned by police officers and on the same day, sometime in the afternoon, the two accused were charged with the murder of Susie Choo, Juliet Goh and Yasin.

In the High Court in Singapore

No. 79.

Grounds of Judgment in High Court.

10th November 1965 (contd.)

The prosecution alleged that the two accused made statements to the police on the afternoon of the 13th March and later that same evening at 6.15 p.m. the 1st accused also made a statement to a Magistrate. Defence counsel challenged the admissibility of these statements.

Marine Police Inspector Mahmud bin Haji Ali testified that he had already charged both the accused with entering a controlled area, an offence under the Internal Security Act, when he thought that the two accused might be able to give some information about the explosion at MacDonald House. He contacted Sr. Inspector Hubert Hill of the C.I.D. who was in charge of investigations into the MacDonald House explosion.

Sr. Inspector Hubert Hill in his evidence described the procedure he adopted when he questioned the 1st accused at 1.25 p.m. on the 13th March using Saruan bin Haji Abdul Rashid, a Malay translator attached to the C.I.D., as Malay Interpreter. He said that only the three of them were in the room. The caution he administered to the 1st accused, his questions to the 1st accused and the answers of the 1st accused were recorded in the document Ex. P.87A. He said that he then charged the 1st accused with the murder of the

In the High Court in Singapore.

No.79

Grounds of Judgment in High Court.

10th November 1965 (contd.)

three deceased at MacDonald House and he described the procedure he adopted after the charges had been read to the 1st accused. He administered this caution to the 1st accused:

" Do you wish to say anything in answer to the charges? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

The 1st accused then volunteered the following statement:

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" I reached Singapore on Wednesday at 11.00 a.m. I was not alone. I came with Harun bin Said. We then walked towards the main road to look for a taxi when we got a taxi we went looking for a place to eat. After eating. Actually we went for a drink. After eating Harun and I, I mean after drinking Harun and I went to look for a target (Sasaran). After finding the target, we went to eat. After eating we had some rest. After resting we straight went to the building. We then placed the two bundles of explosives (ledakkan) on stairs before reaching the first floor (tengkat satu). After placing the two bundles Harun lighted the fuse (sumbu). After that we left and took a bus. It was raining. I did not hear the explosion."

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The charges, the caution and the statement of the 1st accused were recorded in the document Ex. P.87B and signed by the 1st accused.

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A.S.P. J.S. Khosa of the C.I.D. testified that at 4.20 p.m. on the 13th March using Saruan as Malay Interpreter he questioned the 2nd accused. There were three of them in the room. He described the procedure he adopted when he questioned the 2nd accused. The caution he administered, his questions and the answers of the 2nd accused to those questions were recorded in the document Ex. P.88A. He said that after questioning the 2nd accused he charged the 2nd accused with the murder of the three deceased at MacDonald House. He described the procedure he adopted after the charges had been read to the 2nd accused. He administered a caution to the 2nd

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accused as follows:

"Do you wish to say anything in answer to the charges? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

The 2nd accused then volunteered the following statement:-

10 "On 10.3.65 Wednesday I came to Singapore with
Osman bin Haji Mohd. Ali on instructions from
"KOMANDO OPERASI Tertinggi Indonesia." My
instructions as a sworn soldier were to carry
the given parcel and light it at the Electric
Power Station in Singapore or any other
building. Because of this instruction I
came to Pasir Panjang with Osman and later
went to the building where I lighted the fuse
to the bundle. The two bundles were placed on
20 a landing at a staircase of the tall building.
After lighting the fuse Osman and I took a
bus to Jalan Sultan. It was raining when I
took the bus. We spent the night in a junk
anchored at Tg. Rhu S'pore. I do not know
what happened after I lighted the fuse."

The charges, the caution and the statement of the
2nd accused were recorded in the document Ex.
P.88B and signed by the 2nd accused.

30 Evidence was also adduced by the prosecution
that the 1st accused was brought to the General
Hospital at 5.10 p.m. and the 2nd accused at
6.25 p.m. for medical examination by Dr. Cheng Wei
Chi before they were brought to see a Magistrate.
After their visits to the Magistrate the two
accused were again brought to the General Hospital
for medical examination at 7.05 p.m. and 7.45 p.m.
respectively. Dr. Cheng Wei Chi said that he
examined the two accused on both occasions that
they were brought to him. He examined them
40 thoroughly to see if they had any injury. He
found that they had no injury. Dr. Cheng also
said that the two accused did not complain to him
that they had been assaulted by the police or by any
other person. He had asked them if they had any
pain and whether they had been assaulted and they
both said "No".

In the High
Court in
Singapore

No. 79

Grounds of
Judgment in
High Court.

10th November
1965 (contd.)

In the High
Court in
Singapore

No. 79

Grounds of
Judgment in
High Court.

10th November
1965 (contd.)

Mr. Donald Yeo, a Magistrate, testified that after he had satisfied himself that the 1st accused had come to see him of his own free will and after he had satisfied himself that the 1st accused wished to make a statement voluntarily he proceeded to record the statement of the 1st accused which was as follows:

" I was instructed by Lieutenant Paulus Subekti to cause trouble in Singapore. I left Indonesia on Monday 10.3.65. I entered Singapore on Wednesday. I and a friend went ashore. I then looked for a taxi. We boarded a taxi and went looking for a place to have some refreshment. We had our refreshment at one of the coffee shops in Singapore.

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We then boarded another taxi after that to look for suitable targets. After we had found a suitable target we then went to an eating shop and had our lunch.

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After our meal we took a parcel containing explosives to the place which we mentioned earlier.

Q. Do you know where?

A. According to my friend the building where we should put explosives was the most suitable place. I do not know what kind of building it was. I was told by my friend the building belonged to a European concern.

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Soon after it began to rain. I then put explosives on 1st floor of the building. What I meant was the floor between the ground floor and the 1st floor. My friend then lighted the fuse. As soon as fuse was lighted we left building and boarded the bus. I don't know where the bus took me to. My friend knows his way around Singapore.

We slept in taxi at night. The next day also we slept in taxi. That would be the second day.

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On the third day at about 11.00 p.m. we decided to leave Singapore Island. We boarded our motor boat. The boat smashed

against a reef or rock. The boat was smashed to pieces. Each of us who got a plank from the smashed boat with its help we started swimming.

In the High Court in Singapore

No.79

The current was strong. Our idea was to go towards the International Waters but because of strong currents we failed to do so.

Grounds of Judgment in High Court.

At about 7.00 a.m. we were still stranded within Malaysian waters. We were then arrested by Malaysian Police.

10th November 1965 (contd.)

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I appeal for leniency."

At the end of the statement while it was being read back to him the 1st accused made a correction to the effect that he left Indonesia at 1 a.m. on Wednesday the 10th March, 1965. The questions that he put to the 1st accused and the 1st accused's answers were also recorded and these together with the statement of 1st accused appear on Ex. P.90.

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Saruan the person who acted as Malay Interpreter testified that he was a certificated Malay Translator and that he interpreted the caution, the questions of Sr. Insp. Hill and A.S.P. Khosa and the charges to the two accused in Malay and the two accused understood them. He said that the two accused answered the questions and made statements to the two police officers in Malay and that he understood the accused. He interpreted what was said by the two accused into English to the police officers. The questions and answers and the statements were read back by him in Malay to the two accused who understood them and who made no corrections.

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Ishak bin Haji Nawawi who acted as interpreter for the Magistrate Mr. Donald Yeo testified that he asked the 1st accused in what language the 1st accused wished to speak and the 1st accused answered "in Javanese". He then translated into Javanese what was said by the Magistrate to the 1st accused and into English from Javanese what was said by the 1st accused to the Magistrate. The statement was then read back by him to the 1st accused who understood it and admitted that it was correct. He said that he understood the 1st accused and that the 1st accused understood him.

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In the High
Court in
Singapore

No.79

Grounds of
Judgment in
High Court.

10th November
1965 (contd.)

It was the prosecution's case that the answers to the questions and the statements made to the police by the two accused and the statement made to the Magistrate by the 1st accused were made freely and voluntarily and that their contents were true. It was the story of the two accused that they did not answer the questions of the police, that they did not make the statements to the police, that the answers and statements recorded were untrue and involuntary. 10

The 1st accused's evidence was this. He was never cautioned by Sr. Insp. Hill that he need not say anything if he did not want to. He was first asked his name, occupation and where he came from and he answered those questions. Then he was asked other questions by the inspector. The questions were interpreted to him in Malay but he did not understand Malay well. The answers to those questions were provided by the inspector himself and he did not know what they were. He admitted that the questions and answers were read back to him in Malay but he did not understand it well as it was read quickly and only once and in any case the answers were untrue. The Malay Interpreter and the Inspectors assaulted him and he was forced to sign Ex. P.87A. He also admitted that he signed the statement Ex. P.87B but he did not know its contents and he denied he made the statement and in any case the statement was untrue. He was assaulted by the Malay Interpreter and the Inspector and forced to sign Ex. P.87B. He admitted that he did not tell the doctor that he had been assaulted but that was because he was warned by the police that if he made any complaint to the doctor he would be assaulted to death. As regards the statement he made to the Magistrate (Ex. P.90) he admitted that he made it but it was untrue. What he stated was what he was taught to say by the police. He admitted that he told the Magistrate that he was making the statement voluntarily but that was because he was threatened that he would be assaulted to death if he failed to make the statement to the Magistrate and furthermore he was promised his freedom if he followed the instructions of the police. In fact he was assaulted by the police soon after he was brought ashore when the Marine Police found out that he was an Indonesian. 20
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The 2nd accused's story as regards the statement he was alleged to have made to the police can shortly be put thus. He was in a room with A.S.P. Khosa, the Malay Interpreter and another police officer. The A.S.P. asked him where he came from and his occupation. Those questions and answers were recorded. Then he was told that he had committed murder. When he denied it he was assaulted by the Malay Interpreter and the A.S.P. showed his fist at him. The Malay Interpreter said that if he would not admit his guilt he would be further assaulted. He begged the Malay Interpreter not to assault him further as he had no food yet. The Malay Interpreter asked him to wait for his food. The A.S.P. then spoke to the Malay Interpreter something in English and the Malay Interpreter told him that he had committed murder. Then he was asked to sign several pieces of paper. He refused and he was assaulted by the other person in the room. He asked the Malay Interpreter what was in the papers and the Malay Interpreter said the contents were that he (the 2nd accused) was saved from the sea and was brought to Singapore and detained. The Malay Interpreter said he should sign the papers and he did. He denied that any caution was administered. That afternoon he was taken to see a doctor. Before that he was taught by the police what to say to the Magistrate. He did not tell the doctor that he had been assaulted as he was afraid that he would be assaulted by the police. He admitted that he did not make a statement to the Magistrate. He admitted that he told the Magistrate that he would make a statement only if the Magistrate could arrange a meeting for him with Tun Razak. He admitted that he did not complain to the Magistrate that he had been assaulted.

After a careful consideration of the evidence I was satisfied that the two accused understood the Malay Interpreter Saruan and I found that the two accused did answer the questions put to them by the police and did make the statements after they had been formally charged and that the answers and the statements were made voluntarily and had not been made by force, inducement, threat or promise made by the police or anyone else. I was also satisfied that these statements were made and recorded in compliance with the provisions

In the High
Court in
Singapore

No. 79

Grounds of
Judgment in
High Court.

10th November
1965 (contd.)

In the High
Court in
Singapore

No. 79

Grounds of
Judgment in
High Court.

10th November
1965 (contd.)

of the rules set out in Schedule E to the Criminal Procedure Code.

As regards the statement made by the 1st accused to the Magistrate I was also satisfied that it was made voluntarily.

Before I come to deal with the defence I should outline the evidence of Tan Boh Eng the bus conductor who said that he saw the two accused on the 10th March, 1965. His evidence was shortly this. On the 10th March, 1965, he was on duty on Hock Lee Bus No. SH 482 which was operating on the route from Alexandra to Jalan Kubor off Victoria Street via Orchard Road. One or two minutes past 3 p.m. that day his bus arrived at the bus stop a few doors away from MacDonald House. After a very short halt there the bus moved on for a very short distance and was held up at the traffic light at the junction of Orchard Road and Penang Road. While the bus was there the two accused boarded the bus. He said that he paid attention to the two accused because they had boarded not at a bus stop and that was against the rules and he was annoyed as he might get into trouble. The two accused got off at Victoria Street at a stop before the terminus. On the 18th March, 1965, at 1.20 p.m. he attended an identification parade held by the police and picked out the two accused.

Tan Boh Eng had a good opportunity to identify the two accused while in the bus and I was satisfied that the identification parade was properly conducted. I could say that Tan Boh Eng's identification of the two accused was reliable and I accepted it.

The prosecution had clearly proved that on the 10th March, 1965, at about 3 p.m. about 20 lbs. to 25 lbs. of explosives of the nitro-glycerine group had been placed and lighted on the mezzanine floor of MacDonald House in Orchard Road and that as a result of the explosion three persons named in the charges were killed. There is no doubt that whoever placed and set off those explosives in a busy building like MacDonald House must know that that act of his was so imminently dangerous that it must in all probability cause death or such bodily injury as was likely to cause death and he is guilty of murder. The main question in

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this case is: who was responsible for planting the explosives and setting it off?

In the High Court in Singapore

No.79

Grounds of Judgment in High Court.

10th November 1965 (contd.)

10 Now what is the defence? Both the accused put up the defence of alibi, both of them gave the same story that on the day of the explosion at MacDonald House they were not in Singapore but in Indonesia. Shortly this was their story. The first accused was a corporal in the 3rd Battalion of the Korps Kommando Operasi stationed at Pulau Mercham in the Rhio Islands; he was in the motor section of the Naval unit (Pasokan Kommando Armada) of the K.K.O. The second accused was a Lance Corporal in the Infantry Regiment of the K.K.O. stationed at Pulau Neuropo also in the Rhio Islands. They were instructed by their officer Lt. Col. Paulus Subekti to go to Pulau Dua in Singapore to meet a Chinese man named Tan who would have a boat there laden with goods and they were to take this laden boat back that same day to Indonesia and they were to leave their boat with Tan. The 2nd accused was given some money and letter to be handed to Tan. They left 20 Pulau Mercham in a motor sampan at 2 a.m. on the 13th March, 1965. They never reached Pulau Dua. Half an hour after leaving Pulau Mercham their motor sampan collided with an object and the sampan sprang a leak and began to sink. They pulled out a loose piece of plank from inside the sampan and pushed it into the sea and they 30 both clung to the plank. The sampan sank with everything in it. While they were clinging to the plank they were rescued at 9 a.m. by the bum-boat and later handed to the Marine Police. As I have already stated both of them said that they never made any statement to the police apart from giving their names, their occupation and where they came from. 1st accused admitted that he signed the documents Exhibits P.87A, P.87B and the 2nd accused admitted that he signed the documents 40 Exhibits P.88A and P.88B but both said they were assaulted and were forced to sign them and that they did not know what the documents contained. The 1st accused admitted that he made the statement Ex.P.90 to the Magistrate but said that what he said was what he was taught by the police to say and that the statement was untrue.

I did not believe the story of the two accused and it threw no reasonable doubt whatever

In the High Court in Singapore

No.79

Grounds of Judgment in High Court.

10th November 1965 (contd.)

on the prosecution case. I was convinced on the evidence of the bus conductor Tan Boh Eng that the two accused boarded a bus near MacDonald House, Singapore, round about 3 p.m. on the 10th March, 1965.

I was satisfied that the two accused made their confessions voluntarily. I regarded these confessions with great care and after considering the whole of the evidence before me I was convinced that the confessions made by the two accused were true. These confessions proved clearly that the two accused were the persons who placed the explosives in MacDonald House and set them off on the 10th March, 1965, and I found them guilty of the charges.

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(sgd.) S.A. CHUA.

JUDGE

Dated 10th November, 1965.

No.80

Declaration verifying verbatim notes.

19th January 1966.

No. 80

DECLARATION VERIFYING VERBATIM NOTES

IN THE FEDERAL COURT OF MALAYSIA
HOLDEN IN SINGAPORE

(APPELLATE JURISDICTION)

Criminal Appeal No. of 19 .

Public Prosecutor vs. (1) Osman bin Haji Mohamed Ali
(2) Harun bin Said @ Tahir.

20

DECLARATION VERIFYING TRANSCRIPT OF SHORTHAND NOTES

We, S.K. Luke, Lim Yew Hock and K.J. Perera, of The High Court, Singapore, do solemnly and sincerely declare that having been required by the Registrar or Deputy Registrar of the Federal Court to furnish to him a transcript of the shorthand

30

note relating to the trial (or other proceedings) in relation to Singapore Emergency Case No. 2/65 -

In the Federal Court

Public Prosecutor v. (1) Osman bin Haji Mohamed Ali,
(2) Harun bin Said @ Tahir.

No.80

Declaration verifying verbatim notes.

19th January 1966.

10 which shorthand note is now produced and shown to us marked "A" and purporting to have been signed and certified by us, we have made a correct and complete transcript thereof to the best of our skill and ability in pursuance of the said requirement, which said transcript is now shown to us marked "A".

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835.

Dated this 19th day of January 1966.

(sgd.)

20 Declared before me at Singapore this 19th day of January 1966.

Deputy Registrar of the Federal Court.

No. 81

No.81

PARTICULARS OF TRIAL

Particulars of Trial.

IN THE FEDERAL COURT OF MALAYSIA HOLDEN IN SINGAPORE (APPELLATE JURISDICTION)

9th March 1966.

CRIMINAL APPEAL NO. Y5 OF 1965

30 Public Prosecutor vs. (1) Osman bin Haji Mohamed Ali
(2) Harun bin Said - Tahir

PARTICULARS OF TRIAL (RULE 8)

1. Where was the trial held? High Court, Singapore.

In the Federal Court <hr/> No.81	2. Date of trial?	4.10.65 - 20.10.65.	
Particulars of Trial.	3. Name of trial Judge?	The Honourable Mr. Justice Chua.	
9th March 1966 (contd.)	4. For what offence was the conviction?	On a charge of Murder under Section 302 of the Penal Code (3 charges)	
	5. What was the sentence? Where any consequential orders made for restitution of property or otherwise?	Death	10
	6. Annex hereto a copy of the list of exhibits	Annexed	
	7. Was appellant defended by an advocate and solicitor privately, or at request of the Court?	The Appellants were defended by an Advocate & Solicitor at the request of Court.	20
	8. State the name of the Advocate and Solicitor	Mr. Mohamed Kamil	
	9. Was the appellant admitted to bail before trial? If so, in what amount? Were there sureties? If so, in what amount?	No	30

(sgd.)

Dy. Registrar of Court of
Trial

Dated this 9th day of March 1966.

597.

No. 82

ORDER OF COURT

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE
(APPELLATE JURISDICTION)

Federal Court Criminal Appeal No. Y5 of 1965

Between

1. Osman bin Haji Mohamed Ali
2. Harun Bin Said alias Tahir .. Appellants

And

10 The Public Prosecutor .. Respondent.

(In the Matter of Singapore Emergency Case No. 2
of 1965)

Between

Public Prosecutor

1. Osman Bin Haji Mohamed Ali
2. Harun Bin Said alias Tahir .. Defendants.

BEFORE THE HONOURABLE MR.
JUSTICE TAN AH TAH

IN OPEN COURT

20 UPON Motion made into Court this day in the
presence of Mr. A.J. Braga of Counsel for the
Appellants and C.Y. Chia for the Public Prosecutor
and upon the reading of Motion dated the 14th and
16th day of May 1966 and upon reading the affidavit
of Mr. A.J. Braga filed herein on the 14th day of
May, 1966 and upon hearing Counsel for the
Appellants THIS COURT DOTH ORDER that the time for
filing and service of the Motion for applying for
extension of time to file the Grounds of Appeal
herein be shortened and THIS COURT DOTH FURTHER
30 ORDER that the time for filing the Grounds of
Appeal herein be extended for a further period of
3 weeks.

Dated this 16th day of May, 1966.

Sd. Eu Cheow Chye,
REGISTRAR,
HIGH COURT,
SINGAPORE.

In the Federal
Court

No.82

Order of
Court.

16th May 1966.

598.

In the Federal Court

No. 83

PETITION OF APPEAL

No.83

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

Petition of Appeal.

(APPELLATE JURISDICTION)

6th June 1966.

SINGAPORE EMERGENCY CASE No. 2 of 1965

FEDERAL COURT CRIMINAL APPEAL No. Y5 of 1965

BETWEEN

Filed this 6th day of June 1966
Sd. Eu Cheow Chye
Registrar,
High Court, Singapore.

- 1. Osman bin Haji Mohamed Ali
 - 2. Harun Bin Said alias Tahir
- .. Appellants

10

AND

The Public Prosecutor

.. Respondent

PETITION OF APPEAL

TO THE HONOURABLE THE JUDGES OF THE FEDERAL COURT

Osman bin Haji Mohamed Ali and Harun Bin Said alias Tahir the Appellants above named having given notice of Appeal to the Federal Court against the decision of the Honourable Mr. Justice F.A. Chua given in the High Court in Singapore on the 20th day of October, 1965 state the following grounds for their said appeal:-

20

1. The trial of Your Petitioners under the Emergency (Criminal) Trials Regulations, 1964 was a mis-trial and or a nullity for non compliance with the provisions of the said regulations.

2. Your Petitioners being members of the Indonesian Armed Forces, and there being a state of "armed conflict" between Indonesia and Malaysia at the date of Your Petitioners' arrest, Your Petitioners should have been regarded as "Protected

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Persons" under the Geneva Convention Act 1962. The learned trial Judge himself held that there was a state of "armed conflict" between these countries at the time of Your Petitioners arrest (VOLUME 1, page 9, paragraph F.)

In the Federal
Court

No.83

3. Your Petitioners were convicted mainly on their statements (Exhibits 87A, 87B, 88A, 88B) and the confession Exhibit 90. These statements and confessions should not have been admitted in evidence due to the circumstances existing prior to, and at the time they were recorded and in particular -

Petition of
Appeal.

6th June 1966
(contd.)

(a) that all the statements and the confession were made within a very short period of 5½ hours on the very same day of their arrest during which time they were in Police Custody.

(b) that shortly before Your Petitioners purportedly volunteered to make these statements after being informed of the murder charges, both Your Petitioners, when cautioned by the Police on a lesser charge of being in a controlled area, declined to say anything. (VOLUME 3, page 412, paragraph B.)

(c) that no time for reflection and or dissipation of any possible fear inducement or threat was afforded Your Petitioners between the making of each of the statements and confession.

(d) that Your Petitioners were brought before a Magistrate in Police custody straight after the Police had recorded their statements and both Your Petitioners had not been given any food or sustenance throughout the whole period after their arrest.

4. The statements and confession having been admitted, no weight ought to have been given to them for the following reasons -

(a) the statements contained irreconcilable and contradictory facts of highly and important issues.

In the Federal
Court

—
No.83

Petition of
Appeal.

6th June 1966
(contd.)

(b) the Interpreter used by the Police Officers was not an adequate Interpreter not being qualified in the "Indonesian Language". In fact he stated that he did not know Indonesian Malay.
(VOLUME 3 page 481, paragraph G.)

(c) the statements were taken in contravention of the rules relating to statements from accused persons (Rules 3 and 8, Schedule E Criminal Procedure Code (Amendment) Ordinance, 1960.)

10

5. No weight should have been attached to the purported identification of Your Petitioners by witness Tan Boh Eng (VOLUME 2, page 360, paragraph (C).) His evidence throws serious doubts on the reliability of such identification.

6. The Learned trial Judge erred in admitting the cross examination of the prosecution of both Your Petitioners on fresh matters which were never touched upon or proved by the prosecution. These matters which were introduced and "flung" at random after the close of the case for the prosecution highly prejudiced the fair trial of Your Petitioners. (VOLUME 4 pages 684, 686, 687, 688, 689, 691, 721, 722, 723, 724, 725, 726, 727, 728, 729, (paragraphs (E) (F) and (G)) and pages 730, 731, 733)- particularly when Your Petitioners defence was that they were not in Singapore before the 13th March, 1965.

20

7. The Learned trial Judge erred in admitting the evidence of witness Wong Kee Huat (VOLUME 1, page 108) when the substance of his evidence was not supplied to the Defence in accordance with the provisions of the Emergency (Criminal Trials) (Amendment) Regulations, 1965.

30

8. The conviction is unreasonable and cannot be supported having regard to the evidence of the prosecution and the defence and the appellants above named therefore pray that the conviction and sentence on them may be set aside.

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Dated this 6th day of June, 1966.

Sd. A.J. Braga & Co.

SOLICITORS FOR THE APPELLANTS

The address for service of the Appellants is care of Messrs. A.J. Braga & Co., 2-H Clifford House, Collyer Quay, Singapore.

601.

No. 84

JUDGMENT

In the Federal
Court

No.84

IN THE FEDERAL COURT OF MALAYSIA HOLDEN IN SINGAPORE
(APPELLATE JURISDICTION)

Judgment.

FEDERAL COURT CRIMINAL APPEAL NO. Y5 of 1965
(In the matter of Singapore Criminal Case No.
ECC 2 of 1965)

5th October
1966.

1. Osman bin Haji Mohamed Ali
2. Harun bin Said @ Tahir ... APPELLANTS

10

vs.

The Public Prosecutor ... RESPONDENT.

CORAM: Wee Chong Jin, C.J.
Tan Ah Tah, F.J.
Ambrose, J.

JUDGMENT

20

The appellants were tried before Chua J. in the High Court of Singapore on three charges under Section 302 of the Penal Code for the murder of Susie Choo Kay Hoi, Juliet Goh Hwee Kuang and Yasin bin Kesit on the 10th March, 1965 at about 3.07 p.m. at MacDonald House, Orchard Road, Singapore.

The trial was held under the Emergency (Criminal Trials) Regulations, 1964, and at the conclusion of the trial Chua J. found both appellants guilty and convicted and sentenced them accordingly.

30

The facts are relatively simple. On 10th March, 1965, at about 3 p.m. some one or more persons placed on the landing of the mezzanine floor of MacDonald House, a non-military building housing a bank and the offices of several commercial firms, about 20 to 25 lbs. of explosives of the nitro-glycerine group, which shortly thereafter exploded resulting in the death of the three persons

In the Federal
Court

No.84

mentioned in the charges. Thirty other persons who were in the building and outside it at the time of the explosion were also injured, and the lifts and the mezzanine floor of the building were badly damaged.

Judgment.

5th October
1966 (contd.)

Two of the deceased, Susie Choo and Juliet Goh, were secretaries working in an office on the mezzanine floor, and the third deceased, Yasin, was a driver who was found seriously injured on the road outside MacDonald House. He died two days later from intercranial and blast injuries.

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Three days later, on the morning of 13th March at about 8 a.m. the appellants, who are Indonesians, were found hanging on to a floating plank in the sea off Pulau Sebarok in Malaysian waters and rescued by two men in a bumboat. At the time of their rescue, the first appellant was bare-bodied and wearing a pair of civilian trousers, while the second appellant was wearing a sports shirt and a pair of civilian trousers. On rescue they told the boatmen they were fishermen whose boat had capsized. Soon after they were handed over to the Marine Police who were in a passing Marine Police Boat and brought ashore to Singapore.

20

They were then taken to the Marine Police Station. They arrived there at about 11.05 a.m. as also did their two rescuers, Lee Ah Paw and Tay Woon Lim. Inspector Mahmud of the Marine Police took charge of the appellants and had them placed in the passageway of the lock-up. The inspector, after recording a statement from Tay Woon Lim, the taikong of the bumboat, formally charged the first appellant with having entered a controlled area, an offence under the Internal Security Act. At that time there was a state of "confrontation" by Indonesia against Malaysia.

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Immediately thereafter it occurred to the Inspector that the appellants might be able to throw some light on the MacDonald House explosion. As a result of questions put to the first appellant and his replies thereto, the Inspector contacted the Special Investigation Section of the Criminal Investigation Department. After he had dealt with the first appellant, Inspector Mahmud next charged the second appellant with having entered

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a controlled area.

At about 1.15 p.m. the same day Senior Inspector Hill of the Special Investigation Section of the Criminal Investigation Department arrived at the Marine Police Station and took over the investigations from Inspector Mahmud.

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

10 At 1.25 p.m. Mr. Hill commenced interrogating the first appellant with the assistance of Saruan, a Malay translator attached to the Criminal Investigation Department, as interpreter. The interrogation, which took place in a room in the Marine Police Station in which no one else was present, began with a caution administered by Mr. Hill through the interpreter Saruan to the first appellant in the following terms "You are not obliged to say, but anything you say may be given in evidence". Thereafter, the interrogation took the form of questions and answers which were duly recorded by Mr. Hill and subsequently read back to the first appellant, who signed the recorded questions and answers without making any corrections thereto, although he was expressly informed of his right to do so.

20 Then Mr. Hill prepared formal charges against the first appellant charging him with the offences of murder of the three deceased persons Susie Choo, Juliet Goh and Yasin, and through the interpreter read these charges out to the first appellant. Mr. Hill then cautioned him through the interpreter in the following terms:-

30 "Do you wish to say anything in answer to the charges? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

The first appellant then volunteered the following statement:

"I reached Singapore on Wednesday at 11.00 a.m. I was not alone. I came with Harun bin Said. We then walked towards the main road to look for a taxi when we got a taxi we went looking for a place to eat. After eating. Actually we went for a drink. After eating Harun and I, I mean after drinking Harun and

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

I, went to look for a target (sasaran). After finding the target, we went to eat.. After eating we had some rest. After resting we straight went to the building. We then placed the two bundles of explosives (ledakkan) on stairs before reaching the first floor (tengkat satu). After placing the two bundles Harun lighted the fuse (sumbu). After that we left and took a bus. It was raining. I did not hear the explosion."

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The caution and the volunteered statement which were recorded by Mr. Hill were signed by the first appellant without any corrections after they had been read back to him.

Another police officer, A.S.P. Khosa, who was assisting Mr. Hill in the MacDonald House investigations, interrogated the second appellant at about 4.20 p.m. on the same day in a room on the first floor of the Marine Police Station, with no one else present except the same interpreter, Saruan. After the usual caution had been administered by Mr. Khosa, the interrogation took the usual form of questions and answers which were duly recorded, eventually read back to the second appellant and signed by him.

20

As a result of that interrogation, Mr. Khosa prepared three charges of murder against the second appellant in respect of the deaths of Susie Choo, Juliet Goh and Yasin, and at about 5.15 p.m. the same day, through the same interpreter, read out the three charges to the second appellant. Then Mr. Khosa administered the usual formal caution to an accused person through the interpreter to the second appellant, who volunteered a statement which Mr. Khosa recorded. The recorded statement was then read back to the second appellant, who, though he was informed he could ask for corrections to be made if he so desired, signed it without making any corrections. The recorded statement is as follows:-

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"On 10.3.65 Wednesday I came to Singapore with Osman Bin Haji Mohd. Ali on instructions from "KOMANDO OPERASI Tertinggi Indonesia." My instructions as a sworn soldier were to carry the given parcel and light it at the Electric Power Station in Singapore or any other building. Because of this instruction I came

to Pasir Panjang with Osman and later went to the building where I lighted the fuse to the bundle. The two bundles were placed on a landing at a staircase of the tall building. After lighting the fuse Osman and I took a bus to Jalan Sultan. It was raining when I took the bus. We spent the night in a junk anchored at Tg. Rhu S'pore. I do not know what happened after I lighted the fuse."

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

10 At 6.15 p.m. the same day the first appellant in the presence of Mr. Donald Yeo, then a magistrate, made a statement which was recorded by the magistrate with the assistance of an interpreter attached to the Magistrates' Courts. This statement is in the following terms:-

20 "I was instructed by Lieutenant Paulus Subekti to cause trouble in Singapore. I left Indonesia on Monday 10.3.65. I entered Singapore on Wednesday. I and a friend went ashore. I then looked for a taxi. We boarded a taxi and went looking for a place to have some refreshment. We had our refreshment at one of the coffee shops in Singapore.

We then boarded another taxi after that to look for suitable targets. After we had found a suitable target we then went to an eating shop and had our lunch.

30 After our meal we took a parcel containing explosives to the place which we mentioned earlier.

Q. Do you know where?

A. According to my friend the building where we should put explosives was the most suitable place. I do not know what kind of building was. I was told by my friend the building belonged to a European concern.

40 Soon after it began to rain. I then put explosives on 1st floor of the building. What I meant was the floor between the ground floor and the 1st floor. My friend then lighted the fuse. As soon as fuse was lighted we left building and boarded the bus. I

In the Federal
Court

No. 84

Judgment

5th October
1966 (contd.)

don't know where the bus took me to. My friend knows his way around Singapore.

We slept in taxi at night. The next day also we slept in taxi. That would be the second day.

On the third day at about 11.00 p.m. we decided to leave Singapore Island. We boarded our motor boat. The boat smashed against a reef or rock. The boat was smashed to pieces. Each of us who got a plank from the smashed boat with its help we started swimming. 10

The current was strong. Our idea was to go towards the International Waters but because of strong currents we failed to do so.

At about 7.00 a.m. we were still stranded within Malaysian waters. We were then arrested by Malaysian Police.

I appeal for leniency."

At the trial both appellants retracted from the witness box all the statements made by them on the day of their arrest, their defence being that on the day of the explosion they were in Indonesia. In the case of the statements made before the police officers, Mr. Hill and Mr. Khosa their evidence was that, though they signed these statements, the contents thereof were untrue and that they were assaulted and forced to sign them. In the case of the statement made before the magistrate, Mr. Yeo, the first appellant's evidence was that he was taught by the police what he should say before the magistrate, that he was threatened with assault to death if he did not say what he had been taught, and that he was promised his freedom if he did. His evidence was that the contents of that statement were untrue. 20 30

The only other evidence material for the purpose of determining the guilt or otherwise of the appellants was the evidence of one Tan Boh Eng, a bus conductor. On 10th March, 1965, he was conductor of Hock Lee Bus No. SH/82, which was operating on the route from Alexandra to Jalan Kubor via Orchard Road. One or two minutes past 40

3 p.m. that day his bus arrived at the bus stop situate a few doors away from MacDonald House. After a short halt there, the bus moved on for a very short distance but was held up by the traffic lights at the junction of Orchard Road and Penang Road, and while it was there the appellants boarded the bus. They alighted from the bus at Victoria Street at a bus stop before the Jalan Kubor terminus. He attended an identification parade conducted by the police on 18th March, 1965, and picked out the appellants as the two persons who had boarded the bus soon after 3 p.m. on 10th March, 1965, when it was held up by the traffic lights at the junction of Orchard Road and Penang Road.

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

The appellants were represented by one counsel at the trial, and a preliminary point was taken that they were members of the armed forces of Indonesia and were prisoners of war within the meaning of Article 4 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. This claim was contested by the prosecution and evidence was led by the prosecution and the defence on this issue. The trial judge after hearing the evidence and submission of counsel came to the conclusion that on the evidence they were not members of the regular armed forces of the Republic of Indonesia. He also held that, even though they were members of the regular armed forces of the Republic of Indonesia, they were not in uniform but in civilian clothing when they were rescued from the sea and captured and were therefore not entitled to the privileges of prisoners of war under that Convention.

The first question raised in this appeal is whether or not the above-mentioned convention is applicable in Singapore. In the case of Stanislaus Krofan and another vs. The Public Prosecutor (Federal Court Criminal Appeal No. Y4 of 1966) we have set out our reasons why we consider we should adopt the course of declining to decide this question and we do not propose to restate them now. Suffice it for us to say that the question was not raised before the trial judge and we therefore proceed to deal with this appeal on the assumption that the Convention is applicable in Singapore.

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

The next question is whether or not the appellants are prisoners of war within the meaning of Article 4. The trial judge on the evidence before him found that the appellants were not members of the regular armed forces of the Republic of Indonesia. Counsel for the appellants has urged upon us that this finding of fact was wrong. We have examined the Record with considerable care and are satisfied that there was ample evidence to support the trial judge's finding.

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However, in view of the fact that the appellants are Indonesians and were apprehended when there was a state of "confrontation" amounted to armed conflict between that country and Malaysia of which Singapore was then a part, we think it desirable to consider this question on the assumption that they were members of the regular armed forces of the Republic of Indonesia. The facts as found by the trial judge were that they were rescued in Singapore waters and captured in civilian clothing. There can be no doubt at all, assuming they were the persons who placed and set off the explosives at MacDonald House, that they entered and left that building in civilian clothing and were so attired throughout their presence in Singapore. Nor can there be the least doubt that the explosion at MacDonald House was not only an act of sabotage but one totally unconnected with the necessities of war. It seems to us clear beyond doubt that under International Law a member of the armed forces of a party to a conflict who, out of uniform and in civilian clothing, sets off explosives in the territory of the other party to the conflict in a non-military building in which civilians are doing work unconnected with any war effort forfeits his right on capture to be treated as a prisoner of war. In our opinion on the facts of this case the appellants, assuming they were members of the regular armed forces of the Republic of Indonesia, are not prisoners of war within the meaning of Article 4 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

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It is next urged upon us by counsel for the appellants that the trial judge, having regard to the circumstances existing prior to and at the time they were recorded, was wrong in law in admitting

in evidence the statements made by the appellants to the police officers, Mr. Hill and Mr. Khosa, and to the magistrate Mr. Donald Yeo.

In the Federal
Court

No.84

Judgment

5th October
1966 (contd.)

10 At the trial when these statements were
tendered in evidence objection was taken by
defence counsel that they were inadmissible and
that issue was duly tried. The trial judge ruled
all these statements to be admissible in evidence
as being voluntary statements, the making of
which was not caused by any inducement, threat,
20 promise or force.

 Before us, it is contended that because all
these statements were made within a short period
of 5½ hours and on the very day of their arrest
and because the appellants were given no food
during that period of time the trial judge should
not have admitted them in evidence. We find no
substance in this argument and we uphold the trial
judge's ruling that they were properly admissible
20 in evidence.

 The next contention is that the statements
amount to confessions, and the appellants having
retracted them at the trial, no weight ought to
have been attached to them, and there being no
other evidence to prove the charges against the
appellants, they ought to have been acquitted.
It is also urged upon us that a retracted
confession cannot be made solely the basis of a
conviction unless the same is corroborated and
30 certain Indian authorities were relied upon for
this proposition.

 We do not agree with the Indian cases cited.
We adopt the view of the Malayan Union Court of
Appeal in the case of Yap Sow Keong vs. The Public
Prosecutor (1947 M.L.J. 90) which was stated in
these words:-

40 "In our view the law as to the admissibility
of retracted confessions in evidence is clear,
and put shortly it is that an accused person
can be convicted on his own confession, even
when it is retracted, if the Court is satis-
fied of its truth. We do not agree with
those Indian decisions which lay down that
before a person can be convicted on his
retracted confession there must be corroborative
evidence to support it."

In the Federal Court
 No. 84
 Judgment
 5th October
 1966 (contd.)

Applying this principle to the facts of the present case we cannot but arrive at the same conclusion as the trial judge who after considering the whole of the evidence "was convinced that the confessions made by the two accused were true". Let us examine the facts. There was the evidence of the bus conductor, which the trial judge accepted, who identified the appellants as being near MacDonal House at the time of the explosion. There was the evidence that they were found in Malaysian waters, where there was no valid reason for them, as Indonesians, to be a time when Indonesia was confronting Malaysia. They gave evidence that they had been ordered by a superior officer to proceed to an island off Singapore in Malaysian territory to meet a Chinese who would give them a boat laden with goods to take back to Indonesia and that while on this journey their small boat collided with an object and sank. This was a most improbable story having regard to the fact of armed confrontation and one which the trial judge disbelieved. We then have this picture. At a time when Indonesia was confronting Malaysia, a non-military building in Malaysian territory was badly damaged as the result of an explosion in which between 20 to 25 lbs. of explosives of the nitro-glycerine group had been used. At the time of this explosion and very near the scene of this explosion were two Indonesians. Two Indonesians were rescued three days later in Malaysian waters. They turned out to be the same two Indonesians, whom a witness, accepted as a witness of truth by the trial judge, saw near the scene immediately before the explosion occurred. They confessed that they were responsible for this explosion. Later on in Court they retracted their confessions and gave a reason why they were in Malaysian waters at the time of their capture, which reason to say the least was highly improbable. They also gave reasons why they confessed to something untrue, which reasons were disbelieved by the trial judge who also held that their confessions had been voluntarily made. From this picture we are satisfied that the trial judge notwithstanding the confessions were retracted was entitled to come and amply justified in coming to the conclusion that the confessions were true and in convicting the appellants.

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We accordingly dismiss the appeals and affirm the convictions and the sentences.

In the Federal Court

Sd. Wee Chong Jin
CHIEF JUSTICE,
SINGAPORE,

No. 84

Judgment

Sd. Tan Ah Tah
JUDGE,
FEDERAL COURT.

5th October
1966 (contd.)

Sd. J.W.D. Ambrose
JUDGE.

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SINGAPORE, 5th October, 1966.

No. 85

PETITION FOR SPECIAL LEAVE TO APPEAL

(Not printed)

No. 85

Petition for special leave to appeal

5th October
1966

No. 86

ORDER ALLOWING SPECIAL LEAVE TO APPEAL TO THE LORDS OF THE JUDICIAL COMMITTEE

In the Judicial Committee of the Privy Council

L.S.

AT THE COUNCIL CHAMBER WHITEHALL

No. 86

20 By the Right Honourable The Lords of the Judicial Committee of the Privy Council

Order allowing Special leave to appeal to the Lords of the Judicial Committee
7th June 1967

The 7th day of June, 1967

WHEREAS by virtue of the Republic of Singapore (Appeals to Judicial Committee) Order 1966 there was referred unto this Committee a

In the
Judicial
Committee of
the Privy
Council

No. 86

Order allowing
special leave
to appeal to
the Lords of
the Judicial
Committee

7th June
1967 (Contd.)

humble Petition of (1) Osman Bin Haji Mohamed Ali and (2) Harun Bin Said alias Tahir in the matter of an Appeal from the Federal Court of Malaysia between the Petitioners and the Public Prosecutor Respondent setting forth that the Petitioners desire to obtain special leave to appeal from a Judgment of the Federal Court of Malaysia dated the 5th October 1966 whereby the Appeals of the Petitioners against their conviction in the High Court of Singapore on the 20th October 1965 of the murder of three persons were dismissed and the sentences of death passed on the Petitioners were affirmed: And humbly praying Their Lordships to grant them special leave to appeal from the said Judgment of the Federal Court of Malaysia dated the 5th October 1966 and for such further or other relief as may seem fit:

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THE LORDS OF THE COMMITTEE in obedience to the said Order in Council have taken the said humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do grant leave to the Petitioners to enter and prosecute their Appeal against the Judgment of the Federal Court of Malaysia dated the 5th October 1966 and Their Lordships do further order that the authenticated copy under seal of the Record produced by the Petitioner upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Respondent) as the Record proper to be laid before the Judicial Committee on the hearing of the Appeal.

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E. R. MILLS.

Registrar of the Privy Council.

613.

E X H I B I T S

EXHIBIT P.83
CHEMIST'S REPORT

DEPARTMENT OF CHEMISTRY

Exhibits

P83

Chemist's
Report

1st April
1965

OUTRAM ROAD,
SINGAPORE, 3.

LCH/CSM

1st April, 1965.

Lab. No. (S) 2515/65

REPORT UNDER SECTION 424 OF THE CRIMINAL
PROCEDURE CODE, 1955.

10 I, Lim Chin Hua, Senior Chemist, Singapore,
DO HEREBY CERTIFY that at 11.00 a.m. on the
11th day of March, 1965, there was handed to me
by Insp. Lim Choon Mong five exhibits unsealed
and marked "MAC 1" to "MAC 5" respectively.

I found the exhibits to be:-

"MAC 1" ... Pieces of cement and stony
material

"MAC 2" ... One piece of stony material
which appeared to be marble

20 "MAC 3" ... One piece of stony material
which appeared to be marble.

"MAC 4" ... (i) One piece of worked metal
(ii) One piece of wood
(iii) Pieces of cement

"MAC 5" ... Slabs of stony material which
appeared to be marble

30 On analysis I was able to detect nitrite
and nitrate on the pieces of cement and stony
material "MAC 1" and pieces of cement "MAC 4
(iii)", but no chlorate, perchlorate, potassium,
sulphide, thiocyanate, picric acid, T.N.T. or
esters of nitric acid. These findings are
consistent with the products of explosive of the
high explosive type (T.N.T., nitroglycerine,
nitrocellulose, etc.)

Exhibits

P83

Chemist's
Report

1st April
1965
(contd.)

I was able to detect only traces of nitrite on the rest of the exhibits.

After examination the exhibits were sealed "Chief Chemist, Singapore" and handed together with this Report to Insp. Lim Choon Mong at 12.00 noon on 2.4.65.

Signed: (LIM CHIN HUA)

Senior Chemist, Singapore.

The Commissioner of Police,
Singapore.

P87A

P87A

INTERVIEW WITH OSMAN BIN HAJI MOHAMED ALI

Interview conducted by Ag. A.S.P. Hubert Hill on 13-3-65 at 1.25 p.m. with Mr. SARUAN BIN HAJI ABDUL RASHID interpreting in Malay.

Record of
Interview
with Osman
bin Haji
Mohamed Ali

I cautioned subject as follows :-

13th March
1965

"You are not obliged to say, but anything you say may be given in evidence." Sgd. H.M. Ali.

10 I then questioned him as follows :-

Q. What is your name? A. Othman bin Haji Mohamed Ali.

Q. Where did you come from? A. From Banyu Mas in Java.

Q. When did you come to Singapore? A. I came to Singapore at about 11.00 a.m. on Wednesday

Q. What date was that? A. On 10th of March in 1965.

20 Q. Did you come alone? A. I came with Harun bin Said.

Q. Where did you go after landing? A. We went to eat. We finished eating about 1.00 p.m.

Q. What did you do after this? A. We went sightseeing. Actually we went sightseeing first and then had our meals which finished at 1.00 p.m.

30 Q. After 1.00 p.m. where did you go? A. We went for a drink. It began raining.

Q. Where else did you go? A. Harun and I went to a building.

Q. Where else did you go? A. We entered this building. Harun and I went up the steps.

Exhibits

P87A

Record of
Interview
with Osman
bin Haji
Mohamed Ali
13th March
1965. (Contd.)

- Q. What did you do in this building? A. We put a bundle each on the steps before reaching the first floor.
- Q. How many bundles did you place on the steps? A. Two bundles. I placed one bundle and Harun placed one bundle.
- Q. What did you and Harun do after placing the bundles down on the steps. A. Harun bin Said lighted the fuse (sumbu).
- Q. What were in the two bundles you and Harun placed on the steps? A. In the two bundles were explosives (ledakkan). 10
- Q. What did you and Harun do then? A. We left the building.
- Q. What time was this? A. About 3.00 p.m.

Interpreted by: Sgd. Osman bin H.M. Ali.

Sgd. Saruan b. Hj. Abdul Rashid.

Recorded by: Sgd. Hubert Hill
Ag.A.S.P.
O.C. F & I. 20

Interview was concluded at 1.55 p.m. after which the statement was read back to subject. He then signed the statement.

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P87B

Statement of
Osman bin
Haji Mohamed
Ali

13th March
1965.

STATEMENT OF OSMAN BIN HAJI MOHAMED ALI

On 13.3.65 at 2.35 p.m. in the Marine Police Station, I read the attached charges under Section 302 Penal Code to Osman bin Haji Mohamed Ali. Mr. SARUAN BIN HAJI ABDUL RASHID interpreted in Malay. Osman bin Haji Mohamed Ali then signed the attached charges. I then administered the following caution: 30

"Do you wish to say anything in answer to the charges? You are not obliged to say anything

617.

unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

Sgd. Osman bin H.M.
Ali.

Exhibits
P87B

Statement of
Osman bin
Haji Mohamed
Ali.

The above caution was interpreted by me in the Malay language to Osman bin Haji Mohamed Ali, and he signed beneath the caution as having understood. Sgd. Saruan bin Haji Abdul Rashid.

13th March
1965. (Contd.)

- 10 I reached Singapore on Wednesday at 11.00 a.m. I was not alone. I came with Harun bin Said. We then walked towards the main road to look for a taxi when we got a taxi we went looking for a place to eat. After eating. Actually we went for a drink. After eating Harun and I, I mean after drinking Harun and I went to look for a target (sasaran). After finding the target, we went to eat. After eating we had some rest. After resting we straight went to the building.
- 20 We then placed the two bundles of explosives (ledakkan) on stairs before reaching the first floor (tengkat satu). After placing the two bundles Harun lighted the fuse (sumbu). After that we left and took a bus. It was raining. I did not hear the explosion. Sgd. Osman Bin H.M. Ali.

- The above statement was concluded at 3.15 p.m. after which it was read over and interpreted to Osman bin Haji Mohamed Ali after which he signed immediately at the end of the statement.
- 30

Interpreted by:

Sgd. Saruan bin Haji Abdul Rashid.

Recorded by:

Sgd. Hubert Hill
Ag. A.S.P.
O.C. F & I.

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ACKNOWLEDGMENT OF RECEIPT

- 40 I, HARUN BIN SAID alias TAHIR, on the 14th day of March, 1965, at 6.50 p.m. at the C.I.D., acknowledge receipt of a copy of the

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Acknowledgment
of Receipt of
Harun bin Said
alias Tahir
14th March
1965.

Exhibits

P87C

Acknowledgment
of Receipt of
Harun bin
Said alias
Tahir.

14th March
1965. (Contd.)

statement of OSMAN BIN HAJI MOHAMED ALI recorded
on 13.3.65 at 2.35 p.m.

Sd: (HARUN BIN SAID)

The said statement of OSMAN BIN HAJI
MOHAMED ALI was served on HARUN BIN SAID @
TAHIR on the 14th day of March, 1965 at
6.50 p.m. by me.

Sd: (Hubert Hill, Ag. A.S.P.)
C.I.D.

P88A

Record of
Interview
of Harun bin
Said alias
Tahir.

13th March
1965.

P88A

INTERVIEW WITH HARUN BIN SAID

Interview conducted by A.S.P. J.S. KHOSA on
13.3.65 @ 4.20 p.m. with Mr. SARUAN Bin Haji
Abdul Rashid interpreting in the Malay
Language.

I cautioned subject Haron Bin Said as
follows :-

"You are not obliged to say, but anything you say
may be given in evidence."

Sgd: Haron Bin Said

I then questioned Haron Bin Said as
follows :-

- Q. What is your full name? A. My full name
is Haron Bin Said and I am also known as
Tahir.
- Q. Where did you come from? A. I came from
Pulau Nyurop and island of the Rhio Group.
- Q. With whom did you come to S'pore? A. I
came to S'pore with Osman Bin Haji Mohd
Ali?
- Q. When did you come to S'pore? A. I came to
S'pore on Wednesday at about 10.00 a.m.
- Q. Where did you land in S'pore? A. Osman

10

20

30

and I landed at Pasir Panjang near a factory.

Exhibits

P88A

Record of
interview
with Harun
bin Said
alias Tahir

Q. Where did you go after landing? A. We went to Geylang, by three three different buses, one from Pasir Panjang to Tg. Pagar, the second from Tg. Pagar to Arab St. and the third from Arab St. to Geylang.

Q. What did you do after that? A. We had our lunch at a "sarbat" stall in Geylang.

13th March
1965.(Contd.)

10 Q. Where did you go after lunch? A. After lunch we went to Kg. Amber, after that we went to 129, Chin Swee Road, and finally we went to a big building in the town.

Q. What did you do at the building? A. We entered the building and used the staircase and placed two bundles at the staircase. I placed one and Osman placed one.

Q. After placing the bundles what did you do? A. I lighted a match stick and burnt a fuse connecting my bundle.

20 Q. After lighting the fuse what did you do? A. Osman and I walked fast down to the ground floor and took a bus.

Q. Where did you go after this? A. We went to Jalan Sultan.

Q. About what time was it when you lighted the fuse? A. It was about 3.00 p.m.

Q. How was the weather? A. It was raining when I took the bus after leaving the building.

30 Q. After Jalan Sultan where did you go? A. We went to sleep in a junk at Tg. Rhu.

Recorded by,

Sd: J.S. KHOSA

13.3.65.

Exhibits

F88B

Statement of
Harun bin
Said alias
Tahir.

13th March
1965.

P88B

STATEMENT OF HARUN BIN SAID ALIAS TAHIR

On 13.3.65 at 5.15 p.m. in the office of the Staff Sgt. Marine Police Station, I read the attached charges under Sec. 302 Penal Code to Haron Bin Said @ Tahir. Mr. Saruan Bin Haji Abdul Rashid interpreted in Malay. Haron Bin Said @ Tahir then signed the attached charges. I then administered the following caution:- "Do you wish to say anything in answer to the charges? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence." 10

Sd: Haron Bin Saih

The above caution was interpreted by me in the Malay Language to Haron Bin Said @ Tahir and he signed beneath the caution as having understood.

Sd: Saruan Bin Haji Abdul
Rashid. 20
Translator, CRO, CID

On 10.3.65 Wednesday I came to Singapore with Osman Bin Haji Mohd Ali on instruction from "KOMANDO OPERASI Tertinggi Indonesia." My instructions as a sworn soldier were to carry the given parcel and light it at the Electric Power Station in S'pore or any other building. Because of this instruction I came to Pasir Panjang with Osman and later went to the building were placed on a landing at a staircase of the tall building. After lighting the fuse Osman and I took a bus to Jalan Sultan. It was raining when I took the bus. We spent the night in a junk anchored at Tg. Rhu S'pore. I do not know what happened after I lighted the fuse. 30

Sd: Haron Bin Said

The above statement was concluded at 5.40 p.m. after which it was read over and interpreted to Haron Bin Said @ Tahir after 40

621.

which he signed immediately at the end of the statement.

Interpreted by me,

Sd: Saruan Bin Haji Abdul Rashid.

Sd: J.S. KHOSA, ASP.
13.3.65.

Exhibits

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Statement of
Harun bin
Said alias
Tahir.

13th March
1965.(Contd.)

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ACKNOWLEDGMENT OF RECEIPT

10 I, OSMAN BIN HAJI MOHAMED ALI, on the 14th day of March, 1965, at 6.55 p.m. at the C.I.D., acknowledge receipt of a copy of the statement of HARUN BIN SAID @ TAHIR recorded on 13.3.65 at 5.15 p.m.

Sd: Osman bin Haji Mohamed
Ali

The said statement of HARUN BIN SAID @ TAHIR was served on OSMAN BIN HAJI MOHAMED ALI on the 14th. day of March, 1965 at 6.55 p.m. by me,

20 Sd: Hubert Hill, Ag. A.S.P.
C.I.D.

P88C

Acknowledgment
of Receipt of
Osman bin
Haji Mohamed
Ali.

14th March
1965.

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MEMORANDUM OF ENQUIRY

The accused who is brought to me by Inspector Tan Eng Bok is now left alone with me and my sworn interpreter (Mr. Ishak b. Haji Nawawi) in a separate room at the 4th Magistrate's Court. I inform the accused that I am a Magistrate. The time is now 6.15 p.m. date 13.3.65.

30 Q. What is your (a) Name Osman bin Haji Mohamed Ali (b) Race Indonesia (c) Address Pulau Merchang (d) Occupation Member of Corps Commander Angkatan Laut, R.I.

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Statement of
Osman bin
Haji Mohamed
Ali made
before
Magistrate
Yeo Hock
Chwee.

13th March
1965.

Exhibits

P90

Statement of
Osman bin
Haji Mohamed
Ali made
before
Magistrate
Yeo Hock
Chwee.

13th March
1965.(Contd.)

- Q. What language/dialect do you usually speak.
A. Indonesian Malay.
- Q. On what charge have you been arrested.
A. For causing trouble in Singapore.
- Q. When were you arrested. A. On 13.3.65 at
7.00 a.m.
- Q. Where were you arrested. A. In the sea
off Malaysia.
- Q. In whose custody have you been since then. 10
A. Of the Police.
- Q. Where have you been confined. A. I was
put in a Room
- Q. Why do you come here. A. To inform you
and to give information to you regarding
duties of which I had been instructed by my
superiors.

I warn accused that he is not obliged to
make any statement to me if he does not wish to
do so, but if he made any statement such
statement may be used as evidence at his trial. 20

- Q. Do you still wish to make a statement.
A. Yes. I still wish to make a statement.
- Q. When did you decide to make such a statement.
A. After I was arrested.
- Q. Has any police officer or any person in
authority made any inducement, threat or
promise to you to make you decide to make
this statement. A. No one induced,
threatened or made any promise to me to
make me decide to make this statement. 30

From this initial inquiry, and from his
demeanour generally, I am satisfied that the
accused is about to make a statement
voluntarily.

Sd. Yeo Hock Chwee
Magistrate.

- Q. What is it you want to say? (I decide to

record his statement on a separate sheet of paper).

Exhibits

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Sd. Yeo Hock Chwee

Statement of
Osman bin
Haji Mohamed
Ali made
before
Magistrate
Yeo Hock
Chwee.

10 Q. What is it you want to say? A. I was instructed by Lieutenant Paulus Subekti to cause trouble in Singapore. I left Indonesia on Monday 10.3.65. I entered Singapore on Wednesday. I and a friend went ashore. I then looked for a taxi. We boarded a taxi and went looking for a place to have some refreshment. We had our refreshment at one of the coffee shops in Singapore.

13th March
1965.(Contd.)

We then boarded another taxi after that to look for suitable targets. After we had found a suitable target we then went to an eating shop and had our lunch.

After our meal we took a parcel containing explosives to the place which we mentioned earlier.

20 Q. Do you know where? A. According to my friend the building where we should put explosives was the most suitable place. I do not know what kind of building it was. I was told by my friend the building belonged to a European concern.

30 Soon after it began to rain. I then put explosives on 1st floor of the building. What I meant was the floor between the ground floor and the 1st floor. My friend then lighted the fuse. As soon as fuse was lighted we left building and boarded the bus. I don't know where the bus took me to. My friend knows his way around Singapore.

We slept in taxi at night. The next day also we slept in a taxi. That would be the second day.

40 On the third day at about 11.00 p.m. we decided to leave Singapore Island. We boarded our motor boat. The boat smashed against a reef or rock. The boat was smashed to pieces. Each of us who got a plank from the smashed boat with its help we

Exhibits
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Statement of
Osman bin
Haji Mohamed
Ali made
before
Magistrate
Yeo Hock
Chwee

13th March
1965.(Contd.)

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started swimming.

The current was strong. Our idea was to go towards the International Waters but because of strong currents we failed to do so.

At about 7.00 a.m. we were still stranded within Malaysian waters. We were then arrested by Malaysian Police.

I appeal for leniency.

Sd. Osman bin H. Mohd. Ali.

Q. I am going to read this back to you. If you wish to make any correction you can do so. A. I wish to correct the part about when I left Indonesia. It was at 1.00 a.m. on Wednesday the 10th March, 1965. 10

I commenced reading the rest of the statement to accused.

Sd. Yeo Hock Chwee
Magistrate.
13/3/1965.

Sd. Ishak bin H.
Nawawi, Sworn
Interpreter, Magistrate's
Courts. 20

Q. Is that all you wish to say? YES.

Before me,
Sd. Yeo Hock Chwee
Magistrate

Signed: Osman bin H. Mohd.
Ali.

Memorandum

I believe that this statement was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct and it contains a full and true account of what he said. 30

Sd: Yeo Hock Chwee
Magistrate.

This document has been read, interpreted and explained by me in Indonesian Malay language/dialect to the accused who admitted it

625.

to be a true and correct statement.

Sd: Ishak bin H. Nawawi
Sworn Interpreter,
Magistrates' Courts.

Dated 13/3/65.

Exhibits

P90

Statement of
Osman bin
Haji Mohamed
Ali made
before
Magistrate
Yeo Hock
Chwee

13th March
1965. (Contd.)

Typed & Checked by:-

Sgd. (Illegible)

(Assize Clerk)

Appendix

APPENDIX No. 1AFFIDAVIT OF A. J. BRAGA

In the Judicial
Committee of
the Privy
Council

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT
SINGAPORE

(APPELLATE JURISDICTION)

No. 1
Affidavit of
A.J. Braga

Federal Court Criminal Appeal No.Y5 of 1966

(Singapore High Court Emergency Criminal
Case No.2 of 1965)

11th March
1967.

Between

1. Osman bin Hj. Mohd Ali
 2. Harun bin Said @ Tahir
- Appellants

And

The Public Prosecutor
Respondent

A F F I D A V I T

I, Armand Joseph Braga of No. 10 Lloyd Gardens, Singapore, do solemnly and sincerely make oath and say as follows :-

1. I am an Advocate & Solicitor of the High Court of the Republic of Singapore. 20
2. On or about the 4th day of February, 1966, I received word that the abovenamed two prisoners (who were then being detained in the Changi Prison Singapore under a sentence of death) wished to retain me to conduct their Appeal against the conviction and sentence in the Federal Court of Appeal.
3. On the morning of the 5th February, 1966, I visited the prisoners in Changi Prison where they executed Warrants to Act, appointed me their Counsel for the Appeal. I attach herewith the two Warrants to Act marked "A" and "B". 30
4. The offence for which the prisoners were convicted took place on the 10th of March 1965 at a time when Confrontation between Indonesia

and Singapore prevailed.

Appendix

5. Confrontation came to an end on or about the 11th of August 1966.

In the
Judicial
Committee of
the Privy
Council

6. The Appeal came on for hearing on the 30th August 1966 when Judgment was reserved. Judgment was delivered on the 5th day of October 1966.

No. 1

10

7. Although Confrontation between Indonesia and Singapore had ended before the hearing of the Appeal there was as yet no means of communication whatsoever between the two countries.

Affidavit of
A. J. Braga

8. Both the prisoners maintained that they were members of the Korps Commando Operasi (an Indonesia Military Unit) and tried to obtain evidential proof of their status in the Armed Forces of the Republic of Indonesia but due to the fact that there was no means of communication with their Commander Office in the Republic of Indonesia their efforts were unsuccessful.

11th March
1967. (Contd.)

20

9. Owing to the reasons aforesaid they were unable to prove their status conclusively to the satisfaction of the Court.

10. At the hearing of the Appeal I drew the attention of the Judges of the Court of Appeal to this fact and applied without success for the Appeal to be adjourned till such time as the Appellants were able to obtain proof of their Military status from Indonesia.

30

12. At no time did I ever receive any instructions from the Government of the Republic of Indonesia or any representative thereof with regard to the said Appeal.

SWORN at Singapore this 11th)
day of March, 1967.) A.J. Braga

Before me,

A Commissioner for Oaths

WARRANT TO ACT

In the
Judicial
Committee of
the Privy
Council

I, OSMAN BIN HAJI MOHAMED ALI now in Changi Prison, Singapore, hereby appoint Mr. A.J. BRAGA of Messrs. A.J. BRAGA & CO., 2H, Clifford House, Collyer Quay, Singapore, to act for me in an Appeal against sentence of Death before the Federal Court of Appeal.

No. 1

Dated this 5th day of February, 1966.

Affidavit of
A. J. Braga

.....
Osman bin Haji Mohamed Ali.

10

11th March
1967.(Contd.)

Witness:

This is the exhibit marked "A" referred to in the Affidavit of Armand Joseph Braga and sworn before me this 11th day of March, 1967.

Before me,

A Commissioner for Oaths.

WARRANT TO ACT

I, HARON BIN SAID ALIAS TAHIR now in Changi Prison, Singapore, hereby appoint Mr. A.J. Braga of Messrs. A.J. BRAGA & CO., 2H, Clifford House, Collyer Quay, Singapore, to act for me in an Appeal against sentence of Death before the Federal Court of Appeal.

20

Dated this 5th day of February, 1966.

.....
Haron bin Said Alias Tahir

Exhibit. Witness:
B

Appendix

This is the exhibit marked "B" referred to in the Affidavit of Armand Joseph Braga and sworn before me this 11th day of March, 1967.

In the
Judicial
Committee of
the Privy
Council

No. 1

Before me,

Affidavit of
A. J. Braga

A Commissioner for Oaths.

11th March
1967.(Contd.)

APPENDIX No. 2

Appendix

AFFIDAVIT MOHAMED KAMIL BIN MOHAMED FADZLULLAH SUHAIMI

No. 2
Affidavit of
Mohamed
Kamil bin
Mohamed
Fadzlullah
Suhaimi

10

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

Federal Court Criminal Appeal No.Y5 of 1966

11th March
1967.

(Singapore High Court Emergency Criminal Case No. 2 of 1965)

Between

1. Osman bin Hj. Mohd Ali
 2. Harun bin Said @ Tahir
- Appellants

20

And

The Public Prosecutor
Respondent

A F F I D A V I T

I, Mohamed Kamil bin Mohamed Fadzlullah Suhaimi do solemnly affirm and say as follows:-

Appendix

No. 2

Affidavit of
 Mohamed
 Kamil bin
 Mohamed
 Fadzlullah
 Suhaimi

11th March
 1967.(Contd.)

1. I am an Advocate & Solicitor of the High Court of the Republic of Singapore.

2. On the 19th day of April, 1965 I was assigned the defence of the abovenamed prisoners who were charged with the murder of 3 persons. The death of the 3 persons was caused by the bombing of MacDonald House, Orchard Road, Singapore, on the 10th day of March 1965 alleged to have been perpetrated by the said prisoners.

10

3. On the date of the bombing of MacDonald House, i.e. 10th day of March, 1965 there was a state of Confrontation between Indonesia and Malaysia. Singapore was then a part of Malaysia.

4. Prisoner Osman Bin Mohamed maintained that he was a Corporal in the Korps Commando Operasi of Indonesia and Harun B. Said alias Tahir also claimed to be a Corporal in the same Military Unit of the Republic of Indonesia.

20

5. The trial commenced on the 4th October, 1965 and continued until the 20th October, 1965 when the prisoners were convicted of the charges and sentenced to death.

6. At the date of the trial, though Singapore was already separated from Malaysia, Singapore still inherited the Confrontation of Indonesia and the Confrontation continued over Singapore until 1966. There was no means of communication whatsoever between the two countries. That being so, I was unable to adduce independent evidence at the trial to conclusively prove that the prisoners were members of the Indonesian Armed Forces.

30

7. At no time did I ever receive any instructions from Indonesia or from any Indonesian Authority.

SWORN AT SINGAPORE this)
 11th day of March 1967.)

Before me,

40

A Commissioner for Oaths

APPENDIX No. 3

AFFIDAVIT OF MICHAEL JOHN MATTHEWS

IN THE PRIVY COUNCIL

ON APPEAL FROM THE FEDERAL COURT OF MALAYSIA

Appendix
No. 3
Affidavit of
M.J. Matthews

11th March
1967.

10 B E T W E E N :- 1. OSMAN BIN HAJI MOHAMED
ALI and
2. HARUN BIN SAID alias
TAHIR Petitioners

- and -

THE PUBLIC PROSECUTOR
Respondent

I, MICHAEL JOHN MATTHEWS of 76, Bradbourne
Vale Road, Sevenoaks in the County of Kent make
Oath and say as follows :-

20 1. I am a Managing Clerk in the employ of
Jaques & Co. of 2 South Square, Gray's Inn,
London, W.C.1. Solicitors for the above-named
Petitioners. My firm is instructed by the
Republic of Indonesia through Messrs. A.J. Braga
& Co. of Singapore, the Advocates and Solicitors
who represented the Petitioners in their Appeal
in the Federal Court of Malaysia. I have the
conduct of these proceedings in England on
30 behalf of my principals and am authorised to
make this affidavit.

2. I refer to the Petition for Special Leave
to Appeal lodged by my firm on behalf of the
Petitioners and in particular to paragraphs 2
(a) and 14 thereof concerning new material which
was not available at the previous proceedings.

3. On the 5th day of April 1967 I received
from A.J. Braga & Co.:

40 (a) An Affidavit sworn the 29th March 1967
by Brigadier General Kabul Arifin.

(b) An Affidavit sworn the 29th March 1967
of Lieutenant General R. Umar
Wirahadikusumah.

Appendix

No. 3

Affidavit of
M.J. Matthews

11th March
1967, (Contd.)

(c) Copies of the personal military records of each of the Petitioners referred to in the Affidavit of Lieutenant General R. Umar Wirahadikusumah as enclosures 1 and 2.

4. I have obtained from the Indonesian Embassy in London translations of each of the said affidavits and of the said personal military records.

5. There are now produced and shewn to me:-

(a) The said Affidavit of Brigadier General Kabul Arifin and the said translation thereof marked "M.J.M.1." 10

(b) The said Affidavit of Lieutenant General R. Umar Wirahadikusumah and the said translation thereof marked "M.J.M.2".

(c) The said personal military records and the said translations thereof marked "M.J.M.3".

6. At the time of arranging for the aforesaid translations to be made at the Indonesian Embassy I caused a translation to be made of the military terms (and their meanings) which appear in the aforesaid documents and this translation is now produced and shewn to me marked "M.J.M.4". 20

SWORN on the 11th day of)
May, 1967 at 3 South)
Square Gray's Inn in the) N.J. MATTHEWS
London Borough of Camden)

Before me,

A Commissioner for Oaths 30

IN THE PRIVY COUNCIL

ON APPEAL FROM THE FEDERAL COURT OF MALAYSIA

B E T W E E N :

1. OSMAN BIN HAJI MOHAMED ALI and

2. HARUN BIN SAID alias TAHIR

Petitioners

-and-

THE PUBLIC PROSECUTOR

Respondent

This is the Exhibit marked "M.J.M.1" referred to in the Affidavit of Michael John Matthews sworn the 11th day of May 1967 before me


A Commissioner

for Oaths.

JAIQUES & CO.,
2, South Square,
Gray's Inn,
London, W.C.1.

Agents for the Petitioners



BERITA ATJARA PENJUMPAHAN

Jang bertanda tangan dibawah ini saja, :

N a m a : KABUL ARIFIN S.H.
Pangkat : Brigadir Djenderal T.N.I.
Djabatan : Direktorat Kehakiman Angkatan Darat
Tempat tinggal di : Djakarta

pada hari Rabu tanggal 29 Maret tahun seribu sembilan ratus enam puluh tujuh, djam 10.00 WIB, bertempat di Markas Besar Komando Mandala Siaga di Djakarta telah mengambil sumpah terhadap :

N a m a : R. UMAR WIRAHADIKUSUMAH
Pangkat : Letnan Djenderal T.N.I.
Djabatan : Panglima Komando Mandala Siaga
Tempat tinggal di : Djakarta

sebagai berikut :

"Wallahi, demi Allah saja bersumpah, bahwa saya didalam memberikan keterangan terhadap :

1. OSMAN BIN HADJI MOH ALI alias DJANATIN, pangkat PRAKO II, Nrp. : 23352.
2. HARUN BIN SAID ALIAS TAHIR, pangkat KOPRAL K.K.O. Lokal, Nrp. : 12224. B-X

kedua-duanja adalah anggauta Korps Komando Angkatan Laut Republik Indonesia (K.K.O.) jang ditugaskan pada satuan-satuan jang berada dibawah Komando Mandala Siaga sedjak permulaan bulan Maret 1965 sehingga sekarang.

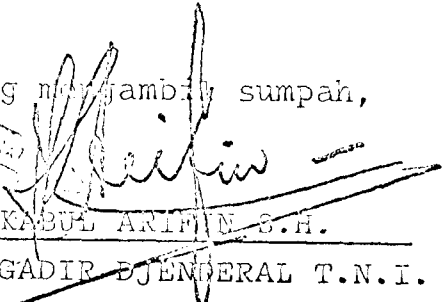
Bahwa keterangan jang saya buat terhadap kedua orang tersebut 1 dan 2 diatas adalah tidak lain dari pada jang sebenarnya, apabila saya berdusta akan mendapat la'nat dari Tuhan".

Demikian Berita Atjara Penjumpahan ini kami buat jang sebenarnya dengan disaksikan oleh Kepala Staf Komando Mandala Siaga dan Kepala Pusat Rochani Angkatan Darat.

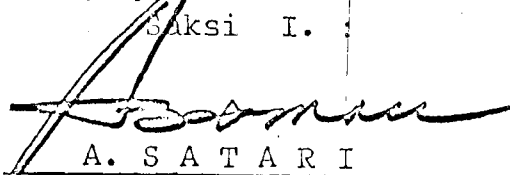
Jang disumpah,


R. UMAR WIRAHADIKUSUMAH
LETNAN DJENDERAL T.N.I.

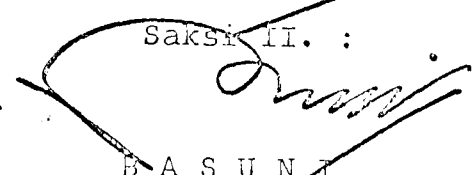
jang mengambil sumpah,


DEPARTEMEN ANGKATAN DARAT
DIREKTUR
KABUL ARIFIN S.H.
DIREKTORAT KEHAKIMAN BRIGADIR DJENDERAL T.N.I.

Saksi I. :


A. S A T A R I
BRIGADIR DJENDERAL T.N.I. (Kepala Staf KOLAGA)

Saksi II. :


B A S U N I
KOLONEL ROCH NRP. 15379. (Kepala PUSROCH A.D.)

Mengetahui
untuk legalisasi :



Nomor: 526/1967/dalam rangkai dua

Telah didaftarkan didalam buku pendaftaran yang tertentu untuk itu, oleh saja, SOELEMAN ARDJASASMITA, Notaris di Djakarta, pada tanggal tiga puluh satu - Maret seribu sembilan ratus enam puluh tujuh.

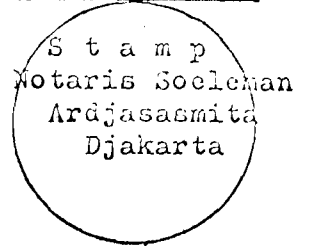
Djakarta, 31 - Maret 1967.



[Handwritten signature]

SOELEMAN ARDJASASMITA
Notaris

OPERATIONAL SUPREME COMMAND
KOMANDO MANDALA SIAGA



RECORD OF SWEARING - IN

No. 47/L
Telah dilihat oleh Kedutaan Besar Republik Indonesia di London.

Tanggal 14-4-1967
A. H. DJAELANI
SEKRETARIS

the undersigned :
Name : KABUL ARIFIN, S.H.
Rank : BRIGADIER GENERAL T.N.I. (Indonesian National Army)
Function : Director Army Justice
Domicile : Djakarta

On Wednesday, March 29, 1967, at 10 a.m., taking domicile at the Head Quarters of the Komando Mandala Siaga in Djakarta has administered the oath to :

Name : R. UMAR WIRAHADIKUSUMAH
Rank : LIEUTENANT GENERAL T.N.I.
Function : Comander of Komando Mandala Siaga.
Domicile : Djakarta.

as follows:
"Wallahi, by the Grace of God I swear that in giving evidence of:
1. OSMAN bin HADJI MOH. ALI alias DJANATIN, rank Prako II, Nrp.23352.
2. HARUN bin SAID alias TAHIR, rank Corporal Local Marine Corps Nrp.12224 B-X, both are members of the Indonesian Marine Corps who serve under the units of the Komando Mandala Siaga since the beginning of March 1955 up until today, I give the truth and nothing but the truth and I shall be punished for lying to God".

This record of swearing-in is made in the presence of the Chief of Staff at the Komando Mandala Siaga and the Head of the Pusat Rochani Angkatan Darat.



Person who is being sworn in,

R. UMAR WIRAHADIKUSUMAH
Lt. GENERAL T.N.I.

Person who takes the oath,

St a m p
Army Department
KABUL ARIFIN S.H.
BRIGADIER GENERAL T.N.I.

St a m p
post office fee
Rp.25,-
31-3-1967

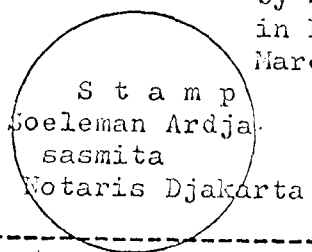
Witness I,

A. SATARI
BRIGADIER GENERAL TNI
(Chief of Staff KOLAGA)

Free
for legal charges and fine
provided with a stamp.
Djakarta, 31-3-1967
For the Head of the Central
post Office,

BASUNI
COLONEL NRP.15379
(Head of Pusroch AD).

Seen for Legalisation:
No.526/1967 (in two copies)
Registered in the Registration Book
by SOELEMEN ARDJASASMITA, Notaris
in Djakarta, on the thirty first of
March thousand nine hundred sixty seven.
Djakarta, 31 March 1967



SOELEMEN ARDJASASMITA
Notaris.

TRANSLATED by MR.R.Aboe Hasan, lawyer at the Embassy of the Republic of Indonesia in London.

London, 10 April 1967

(Signature)
(MR.R.Aboe Hasan)

IN THE PRIVY COUNCIL

ON APPEAL FROM THE FEDERAL COURT OF MALAYSIA

B E T W E E N

1. OSMAN BIN HAJI MOHAMED ALI and


2. HARUN BIN SAID alias TAHIR

Petitioners

-and-

THE PUBLIC PROSECUTOR

Respondent

This is the Exhibit marked "M.J.M. 2 "
referred to in the Affidavit of Michael
John Matthews sworn the 11th day
of May 1967 before me 
A Commissioner
for Oaths.

JAQUES & CO.,
2, South Square,
Gray's Inn,
London, W.C.1.

Agents for the Petitioners

K E T E R A N G A N
(dibawah sumpah)

Jang bertanda tangan dibawah ini, saja :

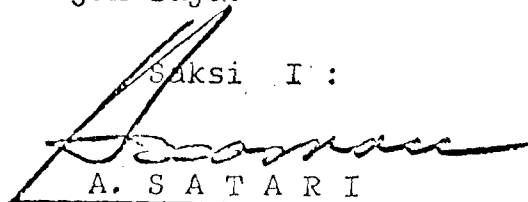
N a m a : R. UMAR WIRAHADIKUSUMAH
Pangkat : Letnan Djenderal T.N.I.
Djabatan : Panglima Komando Mandala Siaga
Tempat tinggal di : Djakarta

pada hari Rabu tanggal 29 Maret tahun seribu sembilan ratus enam puluh tujuh, bertempat di Markas Besar Komando Mandala Siaga di Djakarta, dengan ini memberikan keterangan jang sesungguhnya sebagai berikut :

1. bahwa OSMAN BIN HADJI MOH ALI alias DJANATIN, pangkat PRAKO II, adalah anggota Korps Komando Angkatan Laut Republik Indonesia (K.K.O.) dengan Nrp. : 23352. Ia masuk dinas Militer sedjak tanggal 1 Pebruari 1962 (lihat lampiran I).
2. bahwa HARUN BIN SAID ALIAS TAHIR, pangkat Kopral K.K.O. Lokal, adalah anggota Sukarelawan Korps Komando Angkatan Laut Republik Indonesia dengan Nrp. : 12224.B-X. Ia masuk dinas Militer sedjak tanggal 1 Nopember 1964 (lihat lampiran II).
3. Kedua orang tersebut diatas pada 1. dan 2. ditugaskan pada satuan-2 jang berada dibawah Komando Mandala Siaga sedjak permulaan bulan Maret 1965.
4. Kedua orang tersebut diatas pada 1. dan 2. pada setiap waktu jang penting dalam hubungannya dengan perkara pada bulan Maret 1965 dan Agustus 1966 mereka sehingga sekarang masih tetap mendjadi anggota pasukan/satuan jang berada dibawah Komando Mandala Siaga.

Keterangan ini saja buat dibawah sumpah jang dilakukan oleh Direktur Kehakiman Angkatan Darat dengan disaksikan oleh Kepala Staf Komando Mandala Siaga dan Kepala Pusat Rochani Angkatan Darat (lihat berita atjara penjumpahan terlampir) dan ditutup dengan tanda tangan saja.

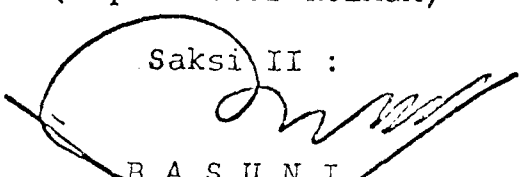
Saksi I :


A. S. ATARI
BRIGADIR DJENDERAL T.N.I.
(Kepala Staf KOLAGA)

Tertanda :


R. UMAR WIRAHADIKUSUMAH
LETNAN DJENDERAL T.N.I.

Saksi II :


R. A. SUNI
KOLONEL ROCH NRP. 15379.
(Kepala PUSKORCH A.P.)

Mengetahui
Untuk legalisasi :



Nomor: 527/1967

Telah didaftarkan didalam buku pendaftaran yang tertentu untuk itu, oleh saja, SOELEMEN ARDJASASMITA, Notaris di Jakarta, pada tanggal 31 Maret 1967 sebelum selesai dan telah selesai

Djakarta, 31 Maret 1967



[Handwritten signature]

SOELEMEN ARDJASASMITA
Notaris

[Faint, mostly illegible text, likely the body of a notarial deed or registration document.]

Rp.25,-
31-3-1967
for legal charges and fine
provided with a stamp
Djakarta, 31-3-1967
For the Head of the Central
Post Office

Stamp
Soeleman Ardja
sasmita
Notaris Djakarta

OPERATIONAL SUPREME COMMAND
KOMANDO MANDALA SIAGA

A F F I D A V I T

The undersigned :

Name : R. UMAR WIRAHADIKUSUMAH
Rank : LIEUTENANT GENERAL T.N.I.
Function : Commander of the Komando Mandala Siaga
Domicile : Djakarta

on Wednesday, March 29, 1967, taking domicile at the Head Quarters of the Komando Mandala Siaga in Djakarta, testifies as follows:

1. that OSMAN BIN HADJI MOH. ALI alias DJANATIN, rank PRAKO II, is a member of the Indonesian Marine Corps Nrp.23352 He joined the Military Service since February 1, 1962 (see enclosure I).
2. that HARUN BIN SAID alias TAHIR, rank Corporal Local Marine Corps, He joined the Military Service on November 1, 1964 (see enclosure II)
3. Both persons mentioned in No.1 and 2 were ordered to join the units which serve under the Komando Mandala Siaga since the beginning of March 1965.
4. Both persons mentioned in No.1 and 2 at any important moment relevant to their cases of March 1965 and August 1966 remain up-to-now members of the force/unit under the Komando Mandala Siaga.

I give the above evidence under oath of the Director of the Army Justice witness by the Cief of Staff of the Komando Mandala Siaga and the Head of the Pusat Rochani Angkatan Darat (see enclosed record under oath) and conclude with my signature.

Witness I,

Undersigned,

A. S A T A R I
BRIGADIER GENERAL T.N.I.
(Chief of Staff KOLAGA)

R. UMAR WIRAHADIKUSUMAH
LIEUTENANT GENERAL T.N.I.
Stamp
Operational Supreme
Command
Komando Mandala Siaga

Witness II,

B A S U N I
COLONEL ROCH NRP. 15379.
(Head of Pusroch A.D.)

Seen for legalisation:

No.527/1967
Registered in the Registration Book
by SOELEMAN ARDJASASMITA, Notaris
in Djakarta, on the thirty first of
March thousand nine hundred sixty seven
Djakarta, 31 March 1967

Stamp
Soeleman Ardjasas
mita
Notaris Djakarta

SOELEMAN ARDJASASMITA
Notaris.

No: 46/w. TRANSLATED by MR.R.Aboe Hasan, lawyer at the Embassy of the Republic of Indonesia in London.

LONDON, 10 April 1967

telah dilihat oleh Kedutzan Besar
Republik Indonesia di London.

(Mr.R.Aboe Hasan)



tanggal 14-4-1967

R. A. H. DJAELANI

IN THE PRIVY COUNCILON APPEAL FROM THE FEDERAL COURT OF MALAYSIAB E T W E E N :

1. OSMAN BIN HAJI MOHAMED ALI and

2. HARUN BIN SAID alias TAHIR

Petitioners

-and-

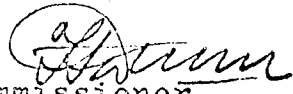
THE PUBLIC PROSECUTOR

Respondent

This is the Exhibit marked "M.J.M.3 "
referred to in the Affidavit of Michael

John Matthews sworn the 11th day

of May 1967 before me


A. Commissioner

for Oaths.

JAQUES & CO.,
2, South Square,
Gray's Inn,
London, W.C.1.

Agents for the Petitioners



DAFTAR RIWAJAT HIDUP & KARDEX

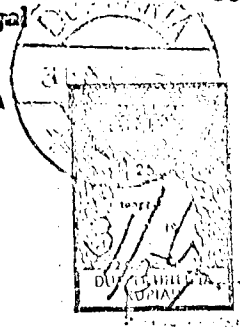
(untuk tjalon² anggota ALRI).

Diisi dengan blok letter)

- 1. Nama (Lengkap) : DJANATIN
- 2. Pangkat :
- 3. Tanggal kelahiran : 18. 3. 1943
- 4. Tempat kelahiran : PURWALINGGA
- 5. Kawin/tidak kawin : TERKAWIN
- 6. Agama : ISLAM
- 7. Idjazah dan pendidikan : SAR. VI. SIA. B. BIDJAZAH. SUP. TINGKAT
- 8. Pekerjaan sebelum mendjadi anggota A.L.R.I. :
- 9. Alamat sendiri :
- 1. Nama ayah : H. M. ALI
- 2. Pekerjaan/Djabatan ayah : TANI
- 3. Alamat ayah : DJATISABA KEMERANAN/ABUPATEN PURWALINGGA
- 4. Nama ibu : RUKIJAH
- 5. Pekerjaan ibu :
- 6. Alamat ibu : SAMA DENGAN AYAH
- 1. Mulai masuk dinas tanggal : 1. 2. 1962
- 2. Masuk dalam pendidikan untuk : IKO
- di : PURWALINGGA
- tgl : 1. 2. 1962
- 3. Keluar dari pendidikan tanggal :

1. Alamat yang harus diberitahukan lebih dulu, jika dalam keadaan sakit, haja atau meninggal : H. M. ALI, DJATISABA, PURWALINGGA, MANGGARU

Keterangan lain-lain



Mengetahui :
Pimpinan sesuai dengan aslinya
PARTEMEN Personil

ANGKATAN LAUT
13/DPAL
50.000 Lem 517

Handwritten signature and date: 3/3/62

(Tanda tangan).

td.

D J A N A T I N



4

Halaman yang ini dihapuskan.

4

No urut	TAHUN		Djenis sekolah	Beridjazah atau tidak	Keterangan
	Dari tahun s/d tahun				
1.	1951	- 1957	S.R.6 Ta.Nagri	Beridjazah	
2.	1958	- 1961	SMP, Bhakti Mulia	Tomat.	



Noot : Diterangkan dengan djelas, tanggal mulai masuk dan keluar sekolah.

RIWAJAT PEKERDJAAN

Nomor urut	Tahun berapa mulai bekerdja	Pangkat/Djabatan	Pokok gadji	Tanggal berhenti	Keterangan

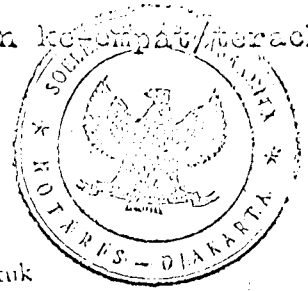
Terangkan dengan djelas :

1. Tgl. mulai bekerdja.
2. Tgl. meninggalkan pekerjaan.
3. Gadji pokok dan tiap-tiap pekerjaan dengan dinjatakan tanggal dan No. surat penetapan/Keterangan pembesar atau madjikan.

SUSUNAN KELUARGA

Nomor urut	N a m a	Pertalian keluarga	Laki/Perempuan	Tempat keluarga	Keterangan
1		Bapak	Lk.	Parbolinggo	
2.		Ibu	Pr.	"	
1.		Kekak	Lk.	"	
2.		"	Lk.	"	
3.		"	Pr.	Tebing Tinggi	
4.		"	Lk.	Parbolinggo	
5.		"	Pr.	"	
6.		-	-	-	
7.		Adik	Pr.	"	

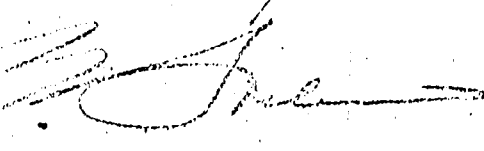
Daftar riwayat hidup ini saja isi dengan sesungguhnya dan berani mengangkat sumpahnja dimana perlu.
Bilamana keterangan² ini ternyata tidak benar, saja saanggup dituntut dimuka Hakim.



Nomor: 258/1967 - halamannya sampai disini

Telah didaftarkan didalam buku pendaftaran yang tertentu untuk itu, oleh saja, SOELEMAN ARDJASASMITA, Notaris di Djakarta, pada tanggal 31 Maret 1967 si ini dan seterusnya hal ini akan dituangkan ke dalam tabung.



Djakarta, 31 Maret 1967

SOELEMAN ARDJASASMITA
Notaris

COPY

B I O G R A P H Y - & - K A R D E X
(for applicant-member of ALRI)

(In block letters)

- A. 1. Name (Full name) : DJANATIN.
- 2. Rank : -
- 3. Date of birth : 18-3-1943
- 4. Place of birth : PURBOLINGGO
- 5. Married/Not married : NOT MARRIED
- 6. Religion : MOSLEM
- 7. Certificate and education : PRIMARY SCHOOL, SECONDARY SCHOOL WITH CERTIFICATE.
- 8. Occupations before joining the ALRI
- 9. Address

- B. 1. Name of the father : H.M. ALI
- 2. Occupation/ function of the father : FARMER
- 3. Address of the father : DJATISABA DISTRICT/REGENCY PURBOLINGGO BANJUMAS.
- 4. Name of the mother : RUKIJAH
- 5. Occupation of the mother : -
- 6. Address of the mother : THE SAME AS FATHER'S ADDRESS

- C. 1. The date entering the service: 1-2-1962
- 2. Trained for which service : K.K.O.
- 3. Date of leaving the service:

- D. 1. Address where message to be sent in case of danger or death : H.M. ALI DJATISABA PURBOLINGGO BANJUMAS.

- E. Other descriptions : -

Stamp
post office fee
Rp.25,
31-3-1967

M A L A N G ; 28 - 2 - 1962
Completed accoring to the truth,

w.s. (DJANATIN)

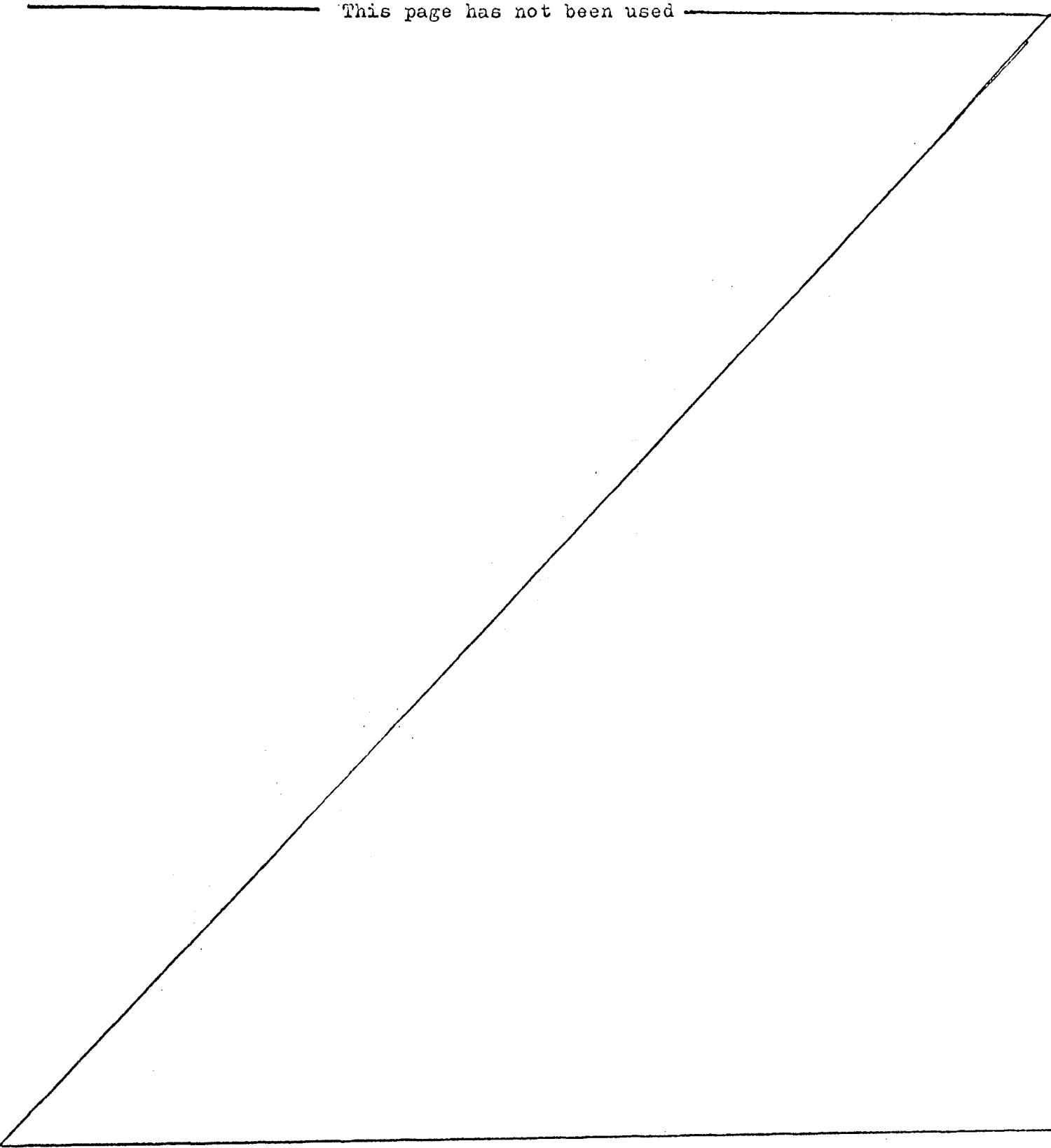
Fee
for legal charges and fine
provided with a stamp.
Djakarta, 31-3-1967
For the Head of the Central
Post-office

Seen
for the correct copy,
Personnel Section,

Stamp
Navy Dept
HADI SOEDJONO
MAJ.KKO.NRPL336/P

S t a m p
Soeleman Ardjasas
mita
Notaris Djakarta

This page has not been used



648.

E D U C A T I O N

No.	Y e a r		S. c h o o l	Certificate Yes/no	Description
	from	until			
1	1951	- 1957	Primary Sch.	Certificate	
2	1958	- 1961	Secondary Sch. Bhakti Mulia	Pass through	

N O T E : State clearly the date of enteri:

O C C U P A T I O N

No.	Y e a r of beginning	Rank/Function	Basis Salary.	D a t e of leaving	Description

STATE CLEARLY : 1. Date of beginning to work.
2. Date of leaving
3. Basic Salary and all functions with mentioning the date and number of letters of appointment/recommendations.

M E M B E R S O F F A M I L Y

No.	N a m e	Family relation	male/female	Address of family	Description
1	H.M. Ali	father	ml	Purbolinggo	
2	Rukijah	mother	fe	"	
1	Chuneni	brother	ml	"	
2	Matorin	"	ml	"	
3	Rochajah	sister	fe	Tebing Tinggi	
4	Chalimi	brother	ml	Purbolinggo	
5	Rodijah	sister	fe	"	
6	-	-	-	-	
7	Turijah	sister	fe	"	

This biography has been made truthfully and I will take my oath on it if necessary. If this statement has been proven not to be true I will be liable to be summoned.

649.

Stamp
Soeleman Ardjasas
mita
Notaris Djakarta

Number 528/1967/ in two copies
Registered in the Register Book
by SOELEMEN ARDJASASMITA, Notaris
in Djakarta, on the thirty first of
March thousand nine hundred sixty seven.
Djakarta, 31 March 1967

Stamp
Soeleman Ardja
sasmita
Notaris Djakarta

SOELEMEN ARDJASASMITA
Notaris

TRANSLATED by Mr.R.Aboe Hasan, lawyer at the Embassy of the Republic
of Indonesia in London,

LONDON, 10 April 1967

No: 45/L.

Telah dilihat oleh Kedutaan Besar
Republik Indonesia di London.


(MR. R. Aboe Hasan)

Tanggal 10-4-1967.



R. A. H. DJAELANI
SEKRETARIS I.



BEA: 7/6.

KOMANDO OPERASI TERTINGGI
BASIS X OPS "A"



SURAT PENGANGKATAN SUKWAN LOKAL

No. 013/Suk/B.X/1965.-

- I. D a s a r : 1. Perintah Operasi No.Po.006/VIII/1964.
tgl. 250864.
2. Kebutuhan personil Basis - X OPS "A"
No. 02/WI/Bx/'65.
- II. N a m a : Paulus Soebekti.
P a n g k a t : Letnan KKo. Nrp.1974/P.
D j a b a t a n : Komandan Basis X OPS "A"

Dengan ini menjatakan dengan sebenarnja dan mengingat sumpah dan djabatan bahwa :

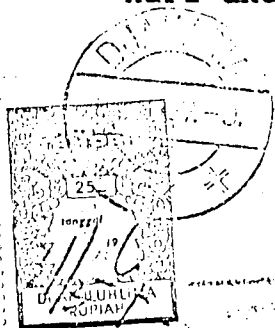
N a m a : T a h i r .
U m u r : 24 tahun.
A l a m a t : P. Lajang Riau.

Diangkat sebagai : Sukwan lokal Iwikora dengan pangkat :
Kopral KKo. lokal nomor Urut : 12224 - B - X.

Pengangkatan ini berlaku surut sedjak tgl. 1 November 1964
sampai penbutan.

Bila didalam pernjatasan ini ternjata ada kekeliruan dikemudian
hari akan diadakan pembetulan seperlunja.-

Dikeluarkan di : Tempt.
Pada tanggal : 1 Djanuari 1965.
Pada aJam : 08.00 WIB.

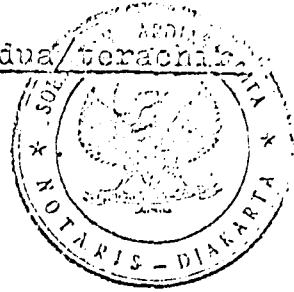


KOMANDO OPERASI TERTINGGI
BASIS X "A"/G-I/KOTI

K O M A N D A N

P. SOEBEKTI

Letnan KKo. Nrp.1974/P.



Nomor: 529/1967/dalam nangkajp. lra.

Telah didaftarkan didalam buku pendaftaran yang tertentu untuk itu, oleh saja, SOELEMEN ARDJASASMITA, Notaris di Djakarta, pada tanggal 21 Maret 1967 scriba dan silang nangkajp. lra.

Djakarta, 21 Maret 1967



[Handwritten signature]

SOELEMEN ARDJASASMITA
Notaris

APPOINTMENT LOCAL VOLUNTEERS

No. 013/Suk/B.X./1965

- I. Basis : 1. Operational Order No. Po.006/VIII/1964
date 250864
2. The need for Personnel at Basis - X Ops "A"
no.02/WI/BX/'65
- II. Name : Paulus Soebekti
Rank : Lieutenant KKO. Nrp 1974/P
Function : Commander Basis X OPS "A"

herewith declares the truth nothing but the truth and in accordance with the swearing in and function that:

Name : Tahir
Age : 24 years
Address : P. Lajang Riau

has been appointed as: Local Volunteer Dwikora in the rank of:
Local Corporal KKO no.12224-B-X.

This appointment is to be retrospective from November 1, 1964 until determination.

If in the future errors have been proven in this statement the necessary corrections will be made.

Issued in : Somewhere
Date : 1 January 1965
Time : 08.00 WIB

Stamp
post office fee
Rp.25,-
31-3-1967

Fee
for legal charges and fine
provided with a stamp.
Djakarta, 31-3-1967
For the Head of the Central
Post Office

OPERATIONAL SUPREME COMMAND
BASIS X "A"/G-I/KOTI
COMMANDER,

P. SOEBEKTI

Lieutenant KKO, Nrp.1974/P

NO: 05/L.

Telah dilihat oleh Kedutaan Besar
Republik Indonesia di London.

Number 529/1967/ in two copies
Registered in the Register Book
by SOELEMEN ARDJASASMITA, Notaris
in Djakarta, on the thirty first Tanggal
of March thousand nine hundred sixty
seven.

Djakarta, 31-3-1967

SOELEMEN ARDJASASMITA
Notaris

Stamp
Soeleman Ardjasas
mita
Notaris Djakarta

BEA: 7/6.



R. A. H. DJAELANI
SEKRETARIS I

TRANSLATED by MR.R.Aboe Hasan, lawyer at the Embassy of the Republic of Indonesia in London.

LONDON, 10 April 1967

(MR. R. Aboe Hasan)

IN THE PRIVY COUNCIL

ON APPEAL FROM THE FEDERAL COURT OF MALAYSIA

B E T W E E N

1. OSMAN BIN HAJI MOHAMED ALI and

2. HARUN BIN SAID alias TAHIR

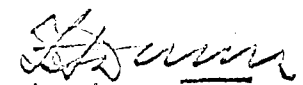
Petitioners

-and-

THE PUBLIC PROSECUTOR

Respondent

This is the Exhibit marked "M.J.M. 4 "
referred to in the Affidavit of Michael
John Matthews sworn the 11th day
of May 1967 before me


A Commissioner

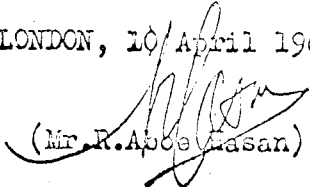
for Oaths

UNTRANSLATED WORDS AND THE MEANING

- T. N. I. - Tentara Nasional Indonesia (The Indonesian National Army)
- KOMANDO MANDALA SIAGA - Part of the Armed Forces with the special duty to face the Confrontation against Malaysia
- K. K. O. - Korps Komando (Special Trained Marine Corps)
- PRAKO II - Pradjurit II K.K.O. (Soldier II of the Marine Corps)
- Roch. - Rochani
- PUSAT ROCHANI ANGKATAN DARAT- Chaplain General Department of the Army
- DWIKORA - Dwi-Komando Rakjat (Two Operational Programm during the Confrontation against Malaysia: a) Crush Malaysi b) struggle against Imperialism and Colonialism).
- KOLAGA - Komando Mandala Siaga.

Translated by Mr.R.Aboe Hasan, lawyer at the Embassy of the Republic of Indonesia in London.

LONDON, 10 April 1967.


(Mr. R. Aboe Hasan)

APPENDIX NO.4
AFFIDAVIT OF H. I. BLAIR

In the
Judicial
Committee
of the
Privy
Council

IN THE PRIVY COUNCIL

ON APPEAL FROM THE FEDERAL COURT OF MALAYSIA

10	<u>B E T W E E N</u> :1. OSMAN BIN HAJI MOHAMED ALI and 2. HARUN BIN SAID alias TAHIR	<u>Petitioners</u>
	- and -	
	THE PUBLIC PROSECUTOR	<u>Respondent</u>

No. 4

Affidavit
of H. I.
Blair

5th June,
1967

I, HALIDORA ISABEL BLAIR, married woman, of 25 The Hamlet, Champion Hill, in the County of London, a clerk serving articles with Messrs. Jaques & Co., Solicitors, of 2, South Square, Gray's Inn, London, W.C.1, Solicitors for the above named Petitioners, MAKE OATH and SAY as follows :-

20

1. I am informed by my principals and verily believe that Messrs. Charles Russell & Co., the Solicitors instructed on behalf of the Respondent in this matter have informed my principals that in the translation of the Affidavit of Lieutenant-General R. Umar Wirahadikusumah sworn 29th March, 1967, Paragraph 2, the words "is a voluntary member of the Indonesian Marine Corps NRP 12224 B-X" have been omitted after the words "rank Corporal Local Marine Corps". This translation was exhibited as "MJM 2" to the Affidavit of Michael John Matthews sworn 11th May 1967.

30

2. I have today attended on Mr. R. Aboe Hasan, lawyer at the Embassy of the Republic of Indonesia in London, the translator of the said Affidavit of Lieutenant-General R. Umar Wirahadikusumah who informed me that owing to an oversight on his part he omitted to translate

In the
Judicial
Committee of
the Privy
Council

in full Paragraph 2 of the said Affidavit.

3. I was informed by Mr. R. Aboe Hasan and
verily believe that the said Paragraph 2 should
read in translation:

No. 4
Affidavit
of H. I.
Blair
5th June,
1967

"2. that Harun Bin Said alias Tahir, rank
Corporal Local Marine Corps, is a voluntary
member of the Indonesian Marine Corps NRP
12224 B-X. He joined the Military
Service on November 1, 1964 (see enclosure
II)".

10

SWORN on the 5th day)
of June 1967 at 3 South)
Square, Gray's Inn in)
the London Borough of)
Camden)

HALLDORA I. BLAIR

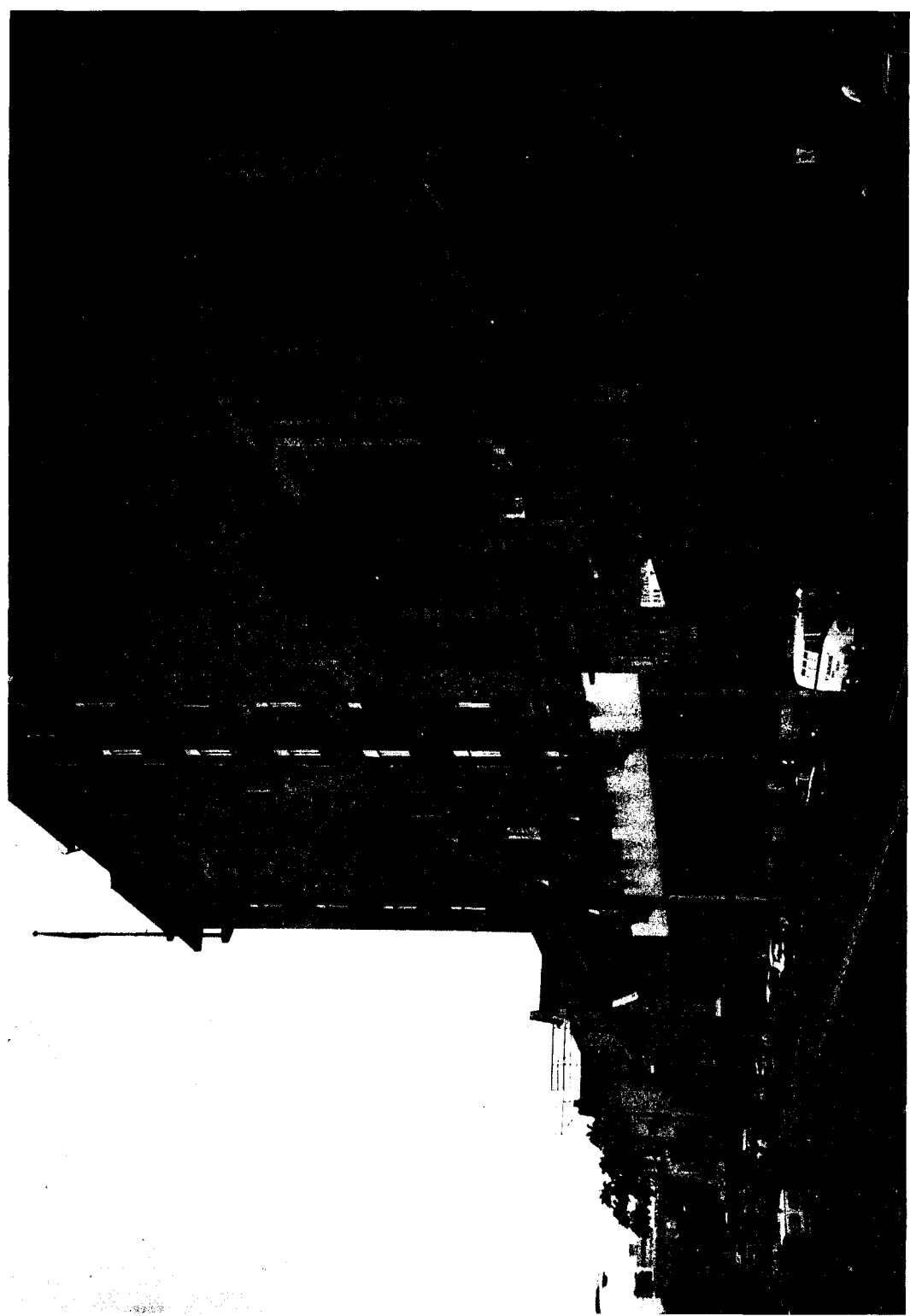
BEFORE me

T. J. DUNN

A Commissioner for
Oaths

14, 1968

657
EXHIBITS

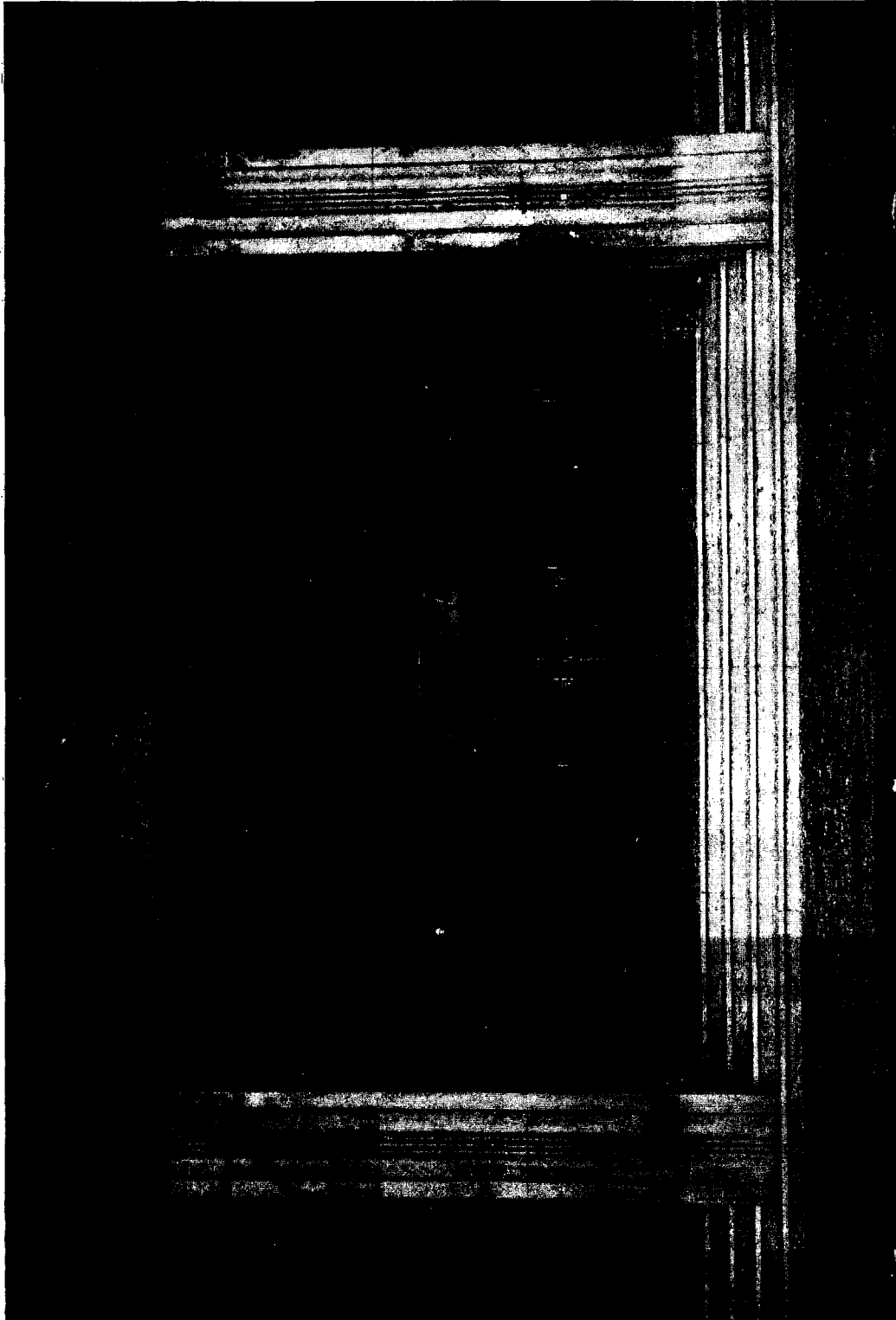


EXHIBITS

P. 1

EXHIBITS

P. 2



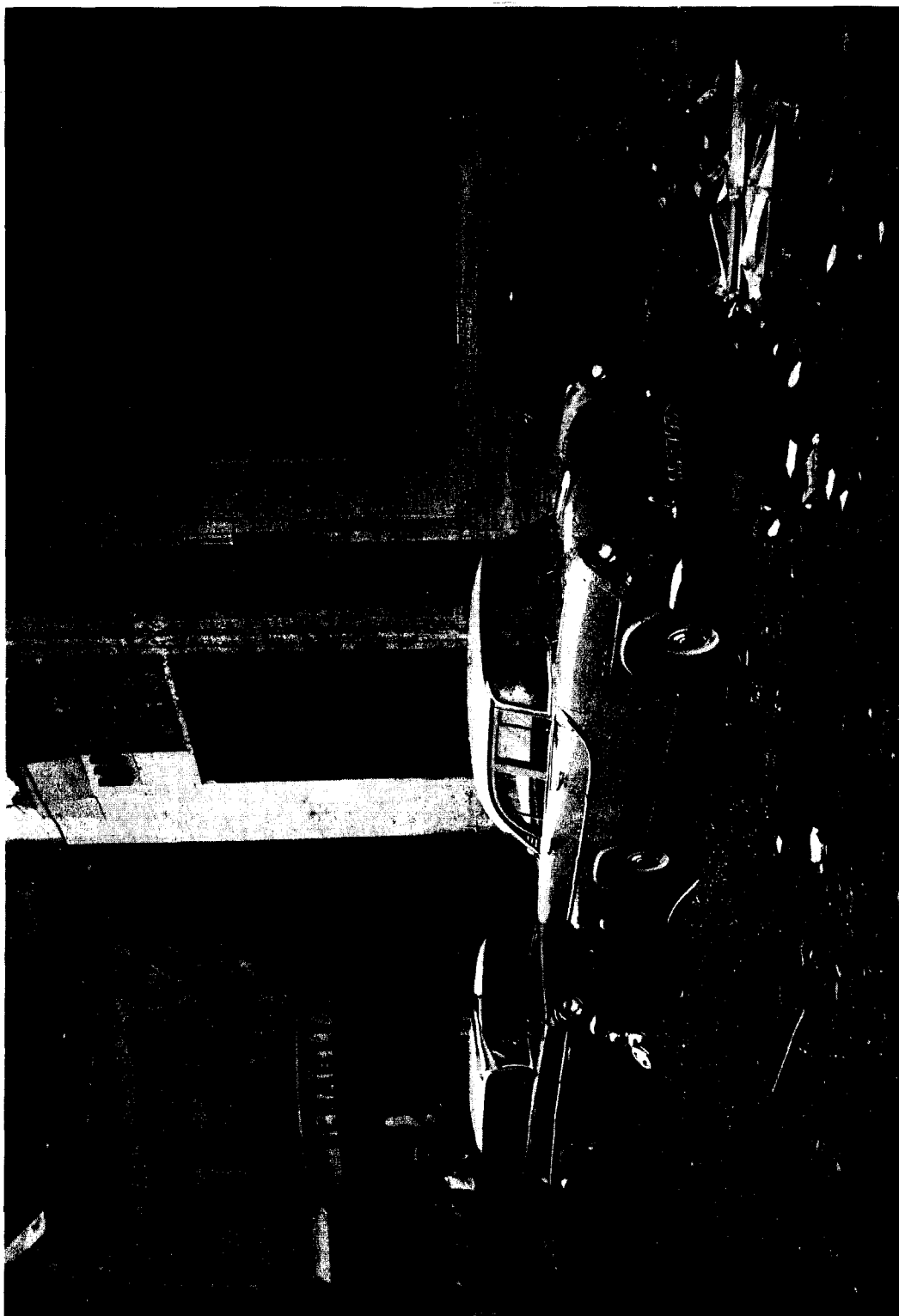
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P. 3



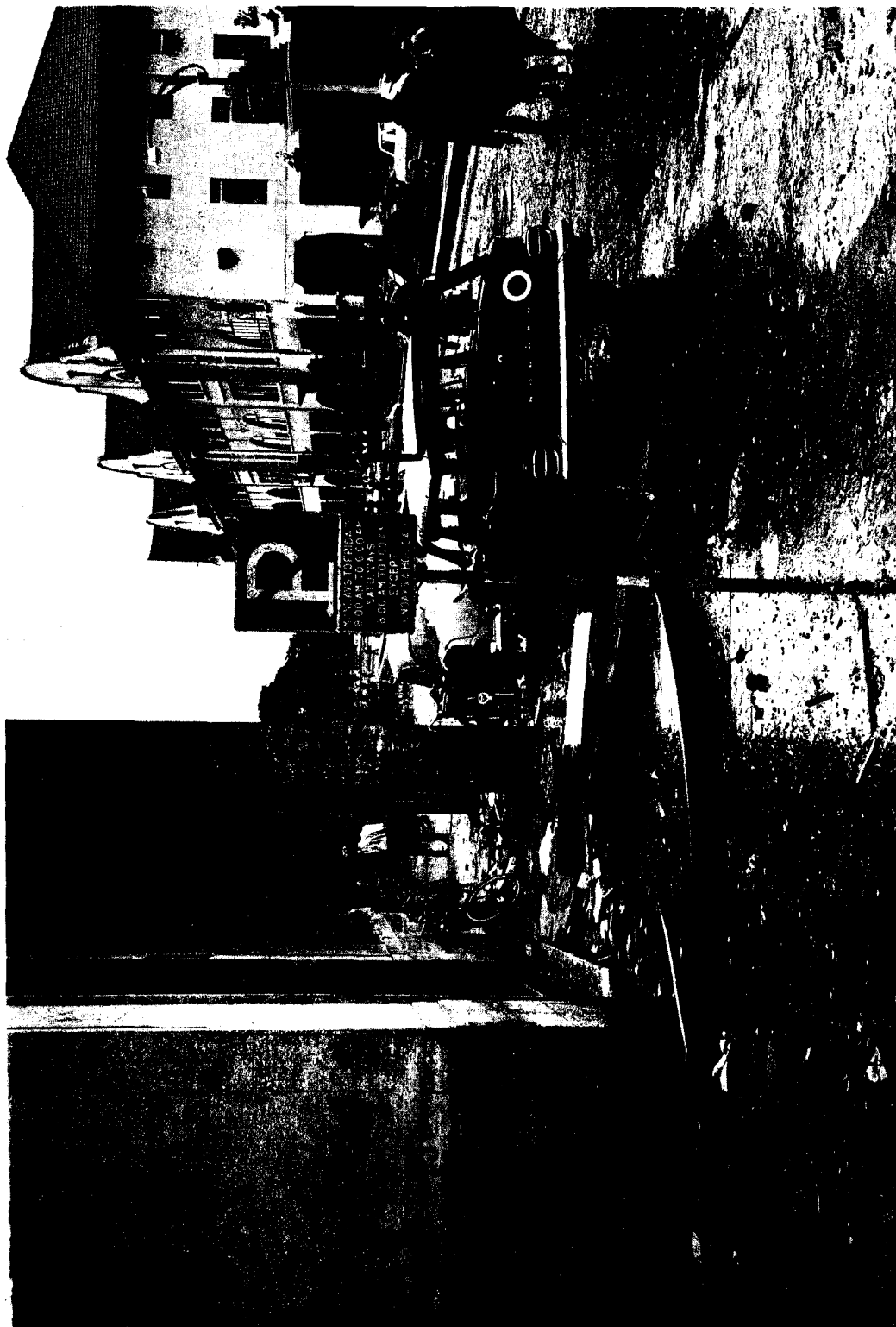
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P. 4



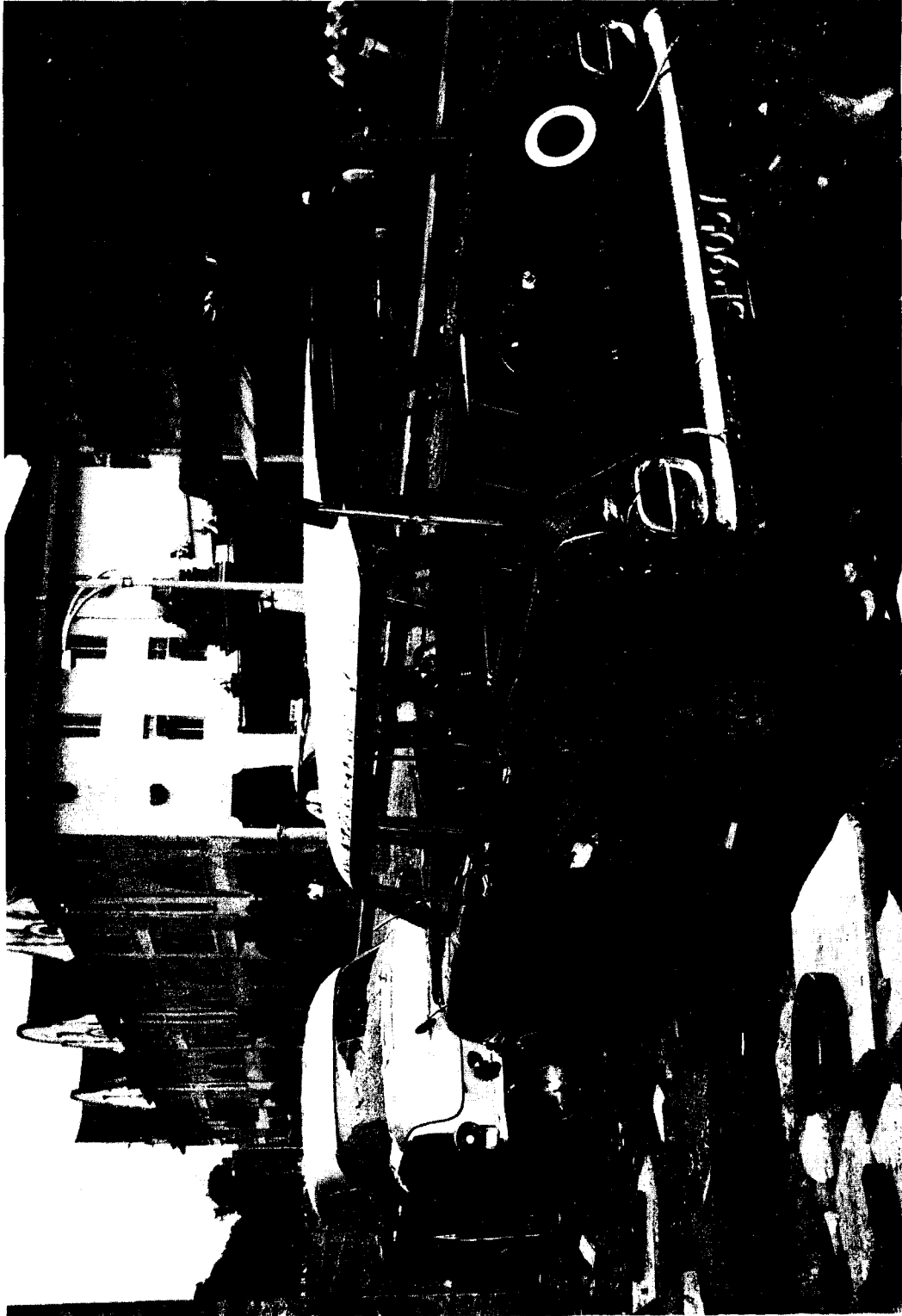
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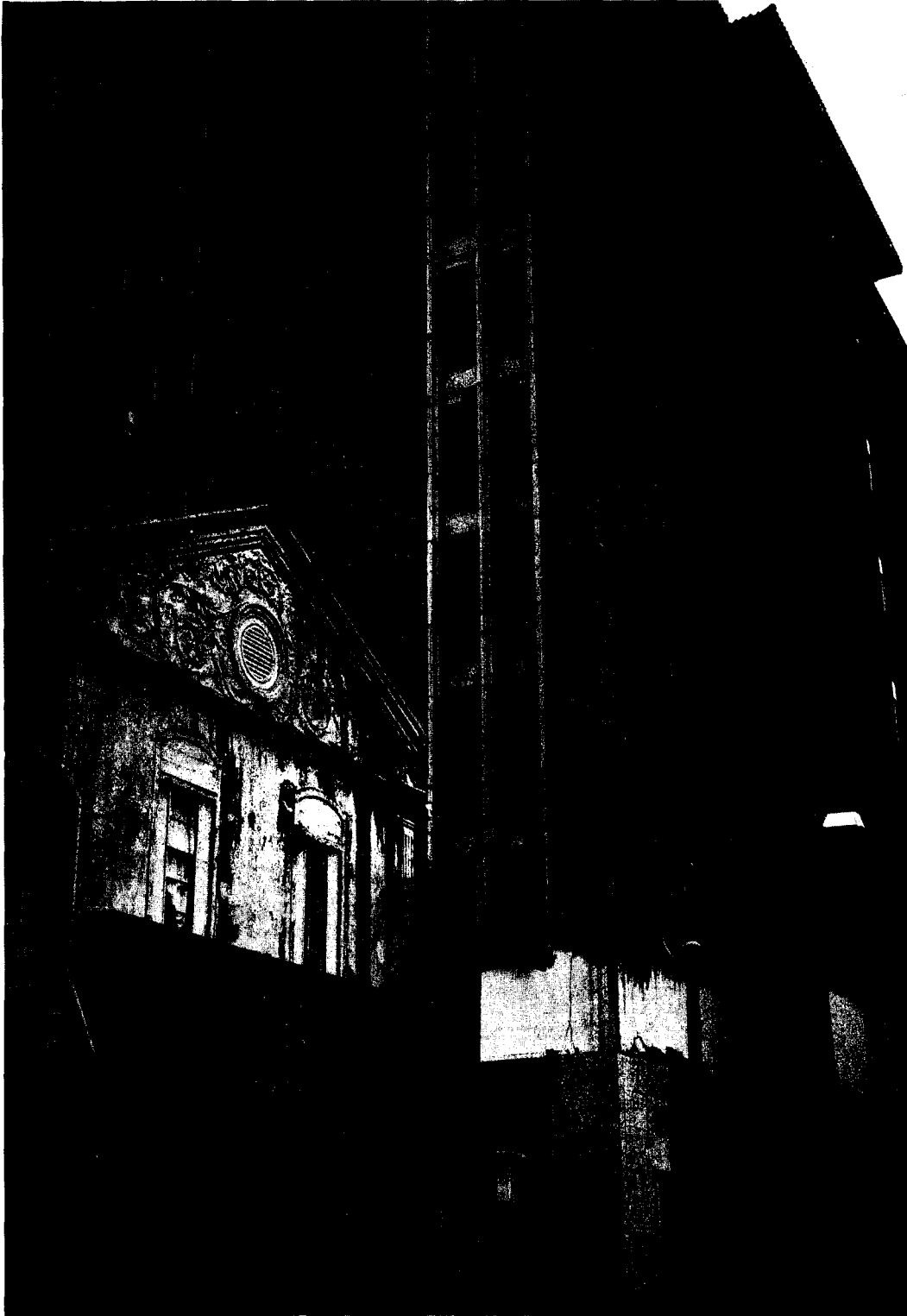
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EXHIBITS

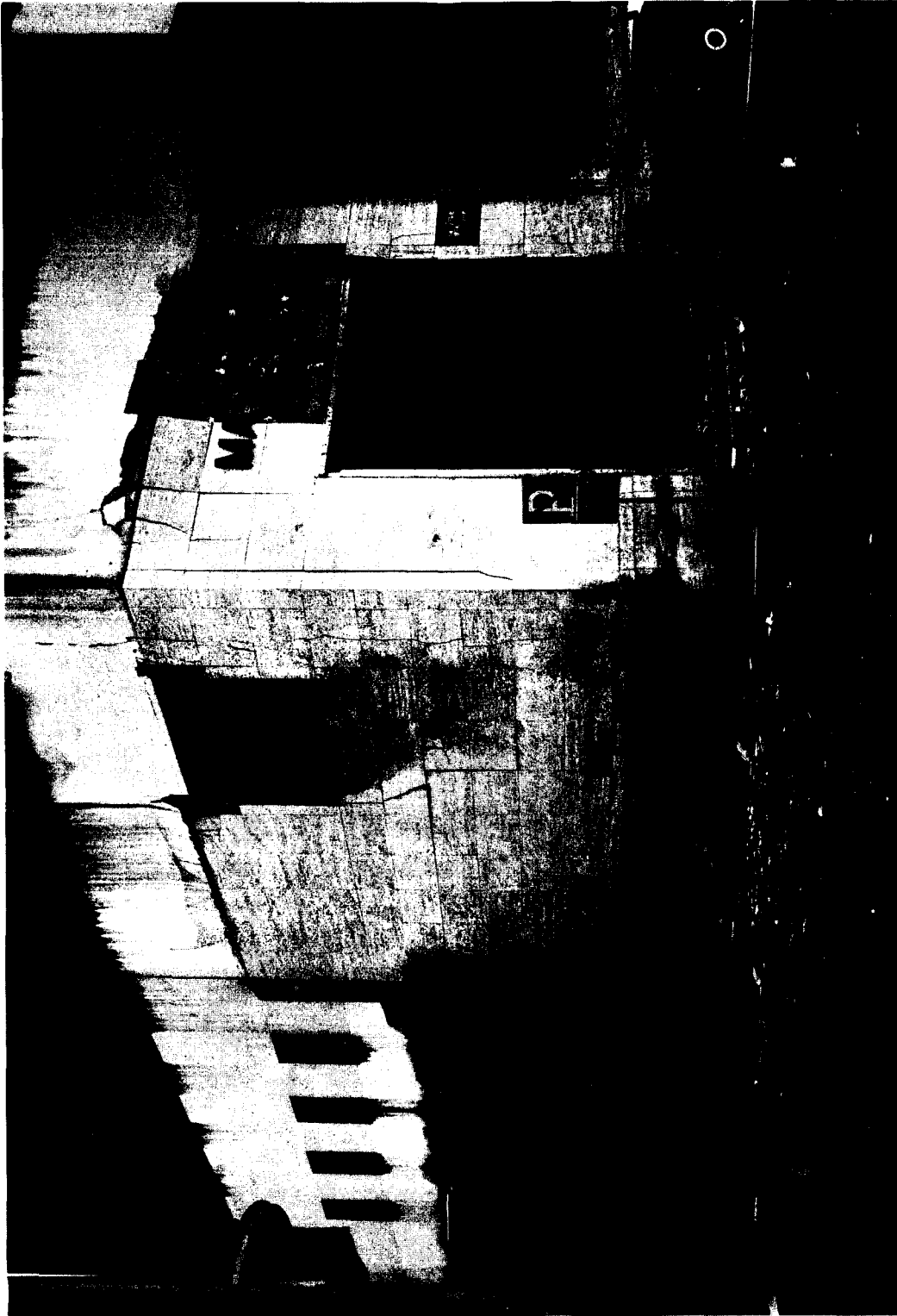
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EXHIBITS

P. 8



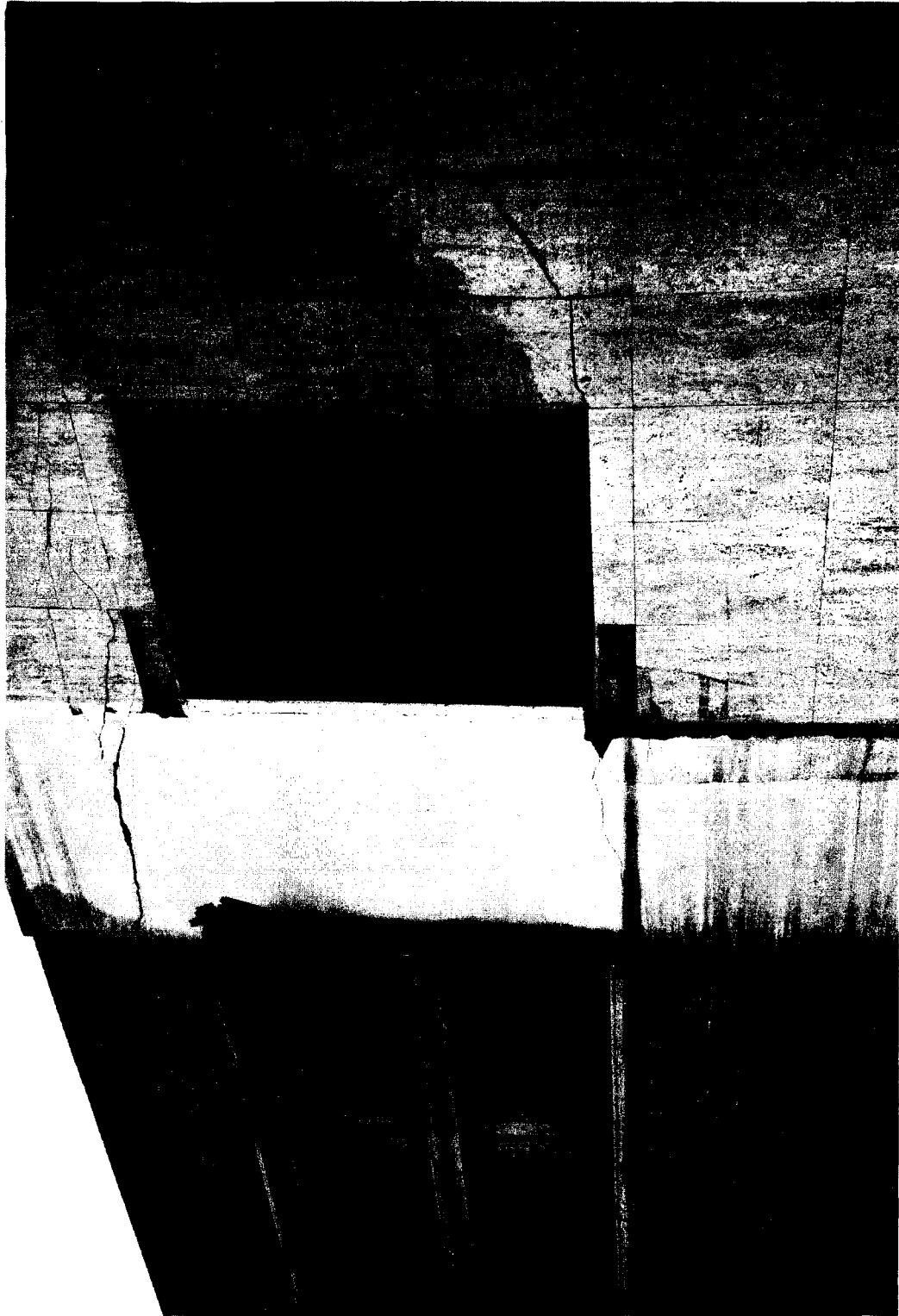


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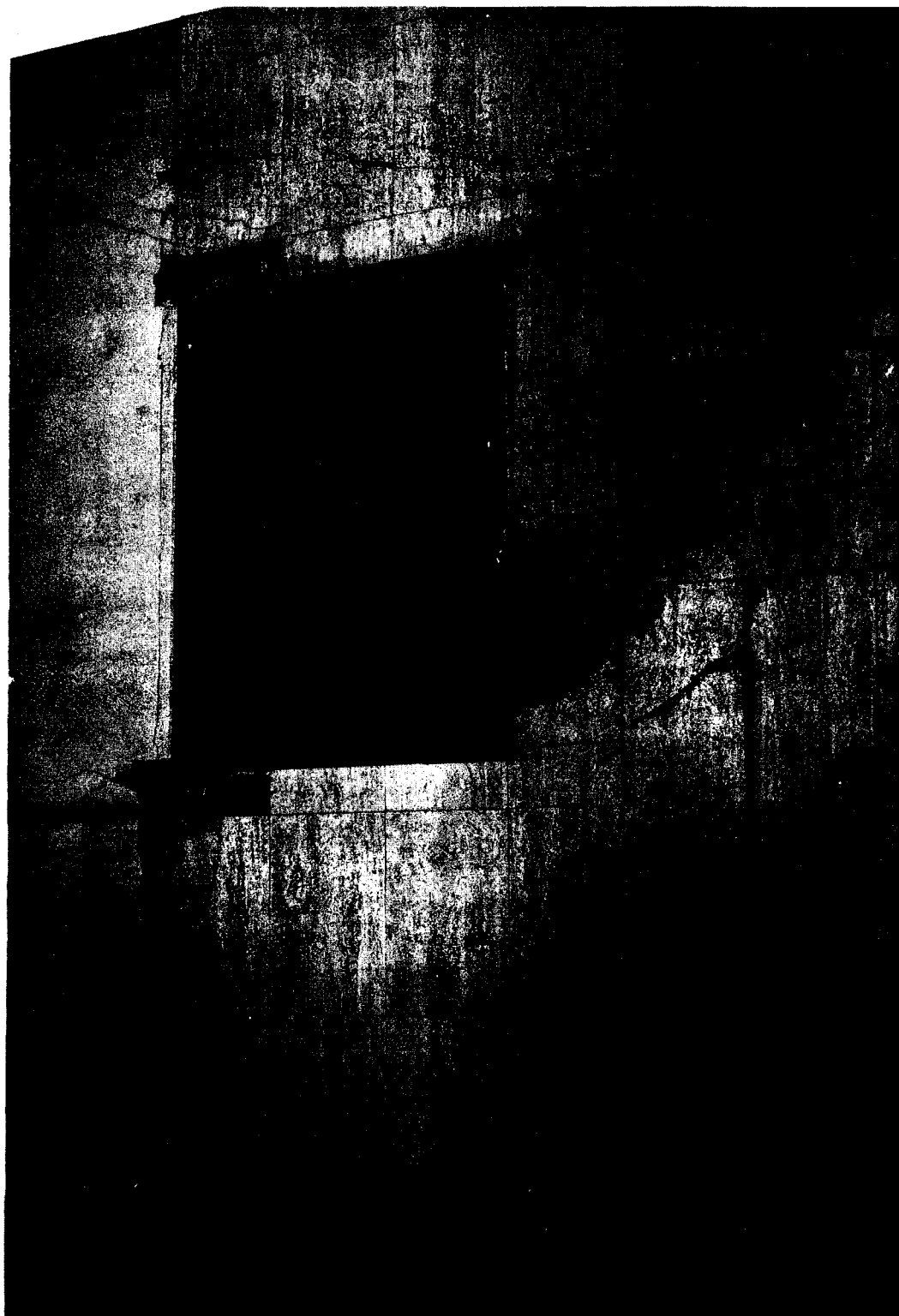
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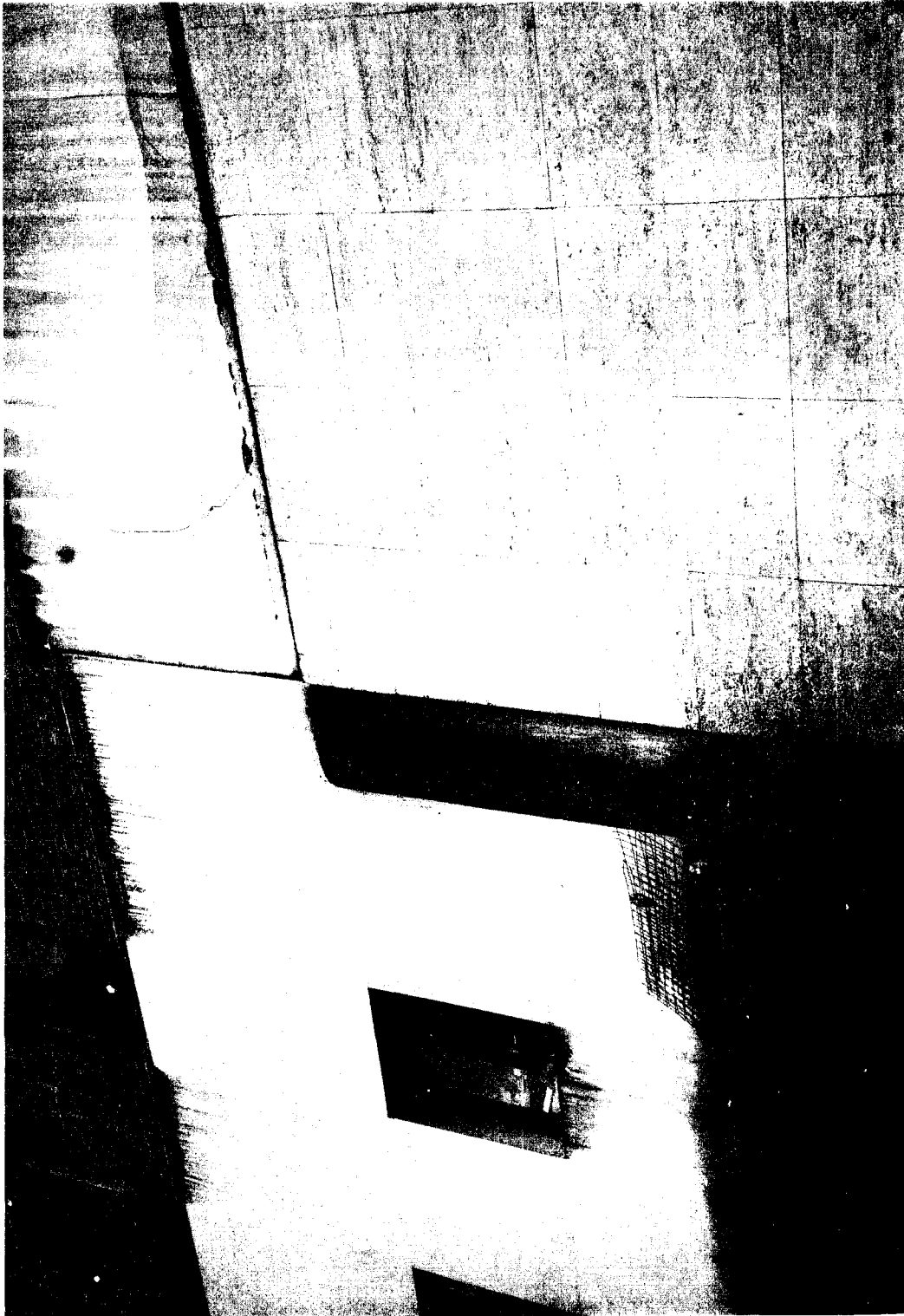
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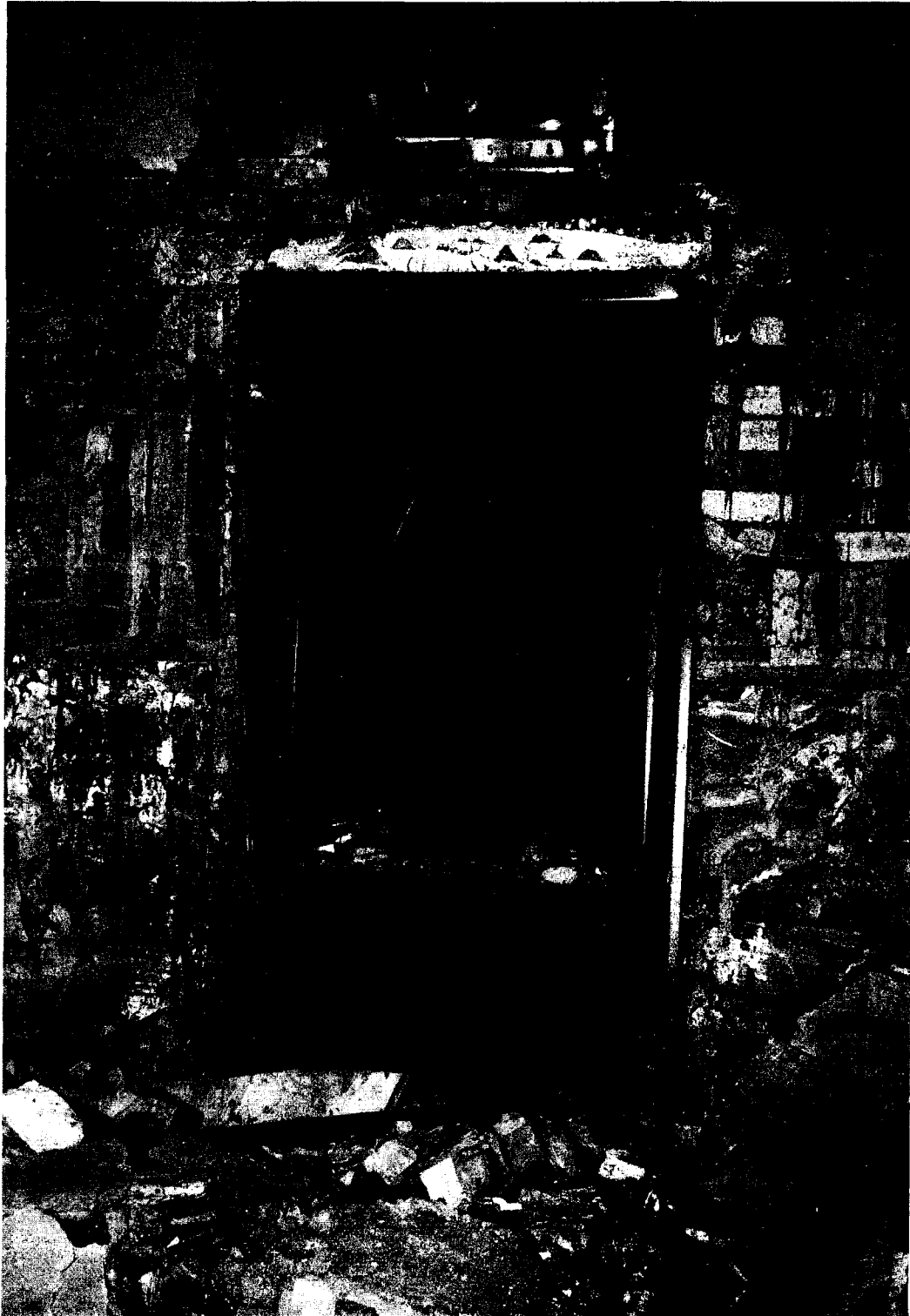
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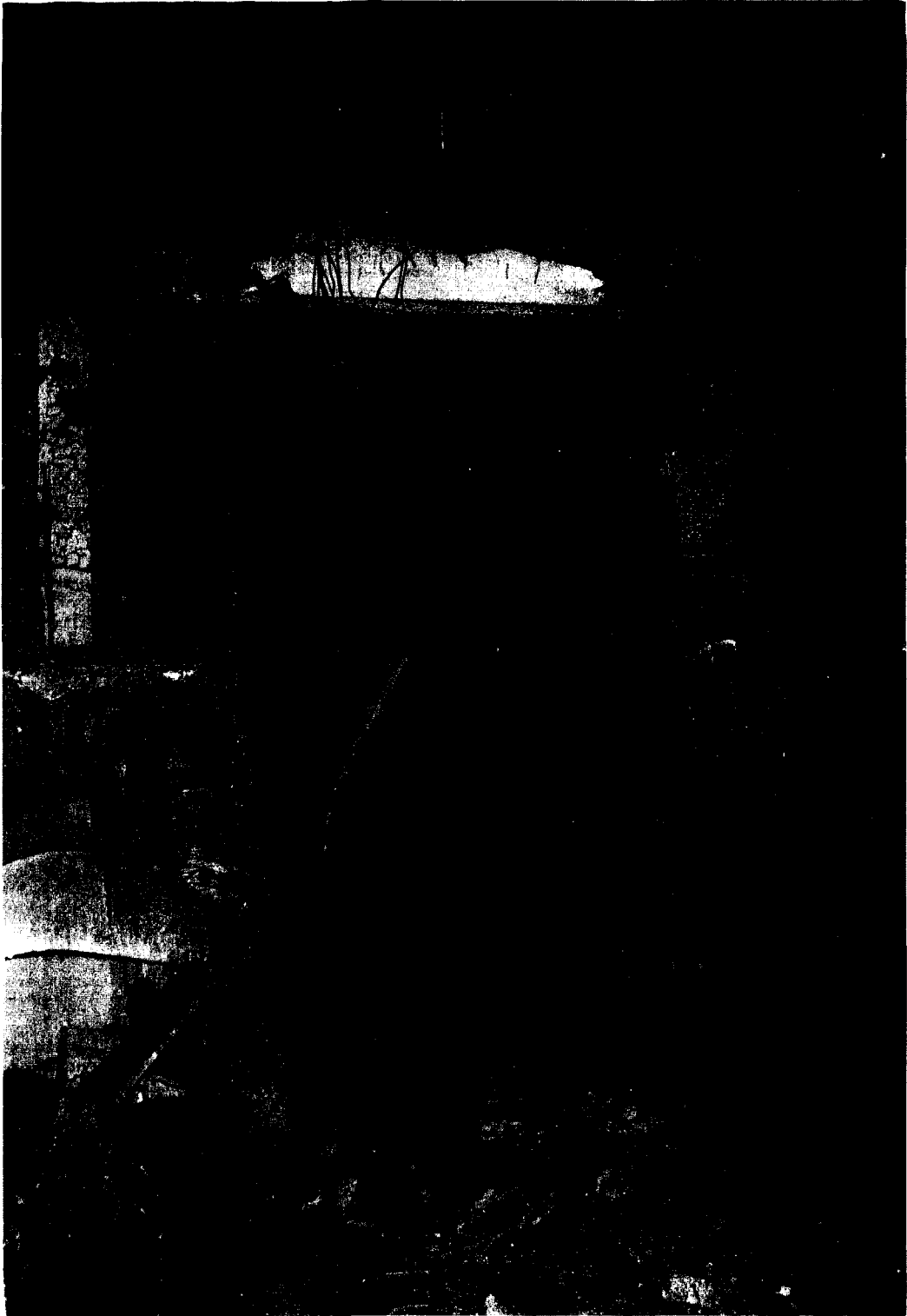


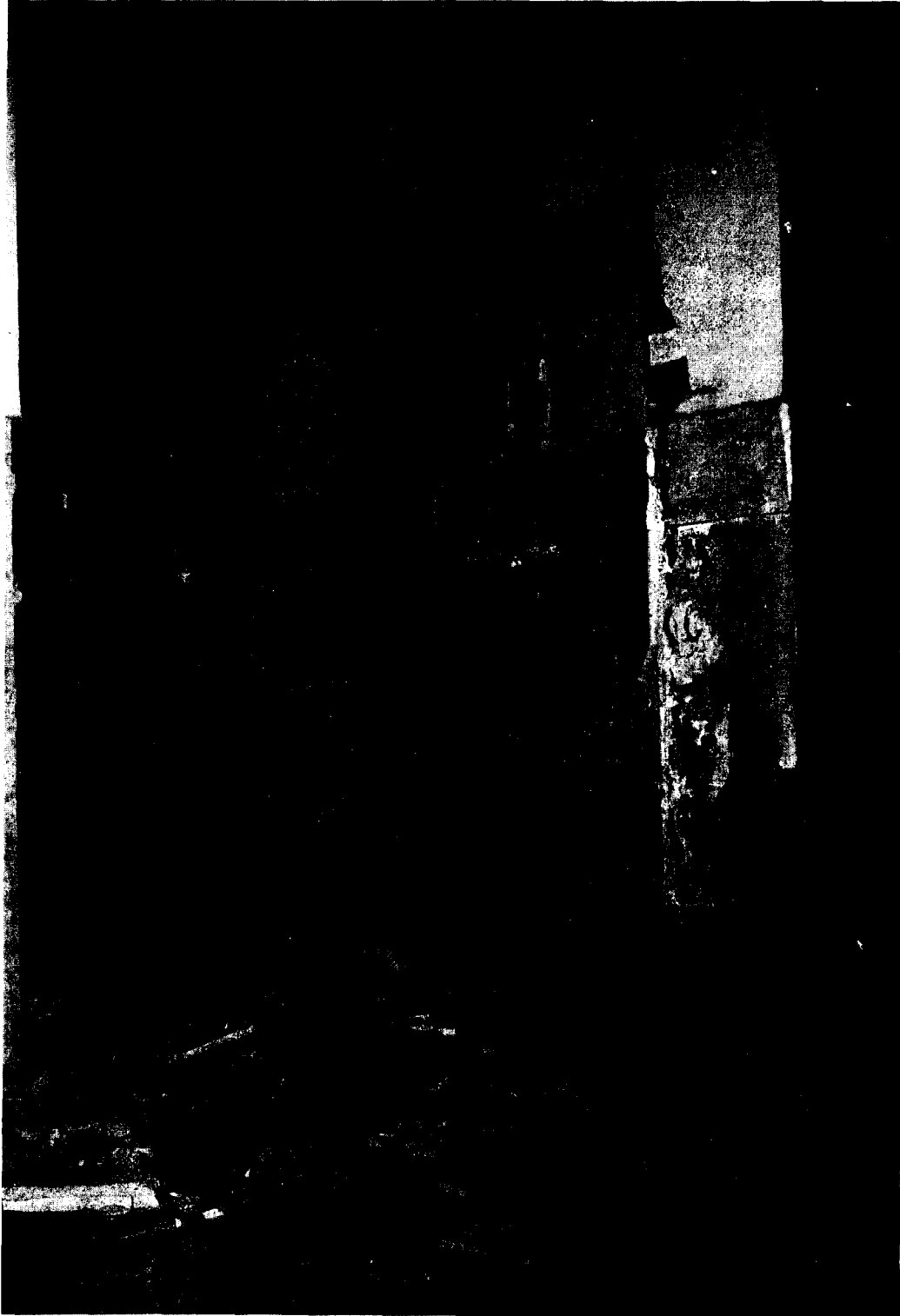
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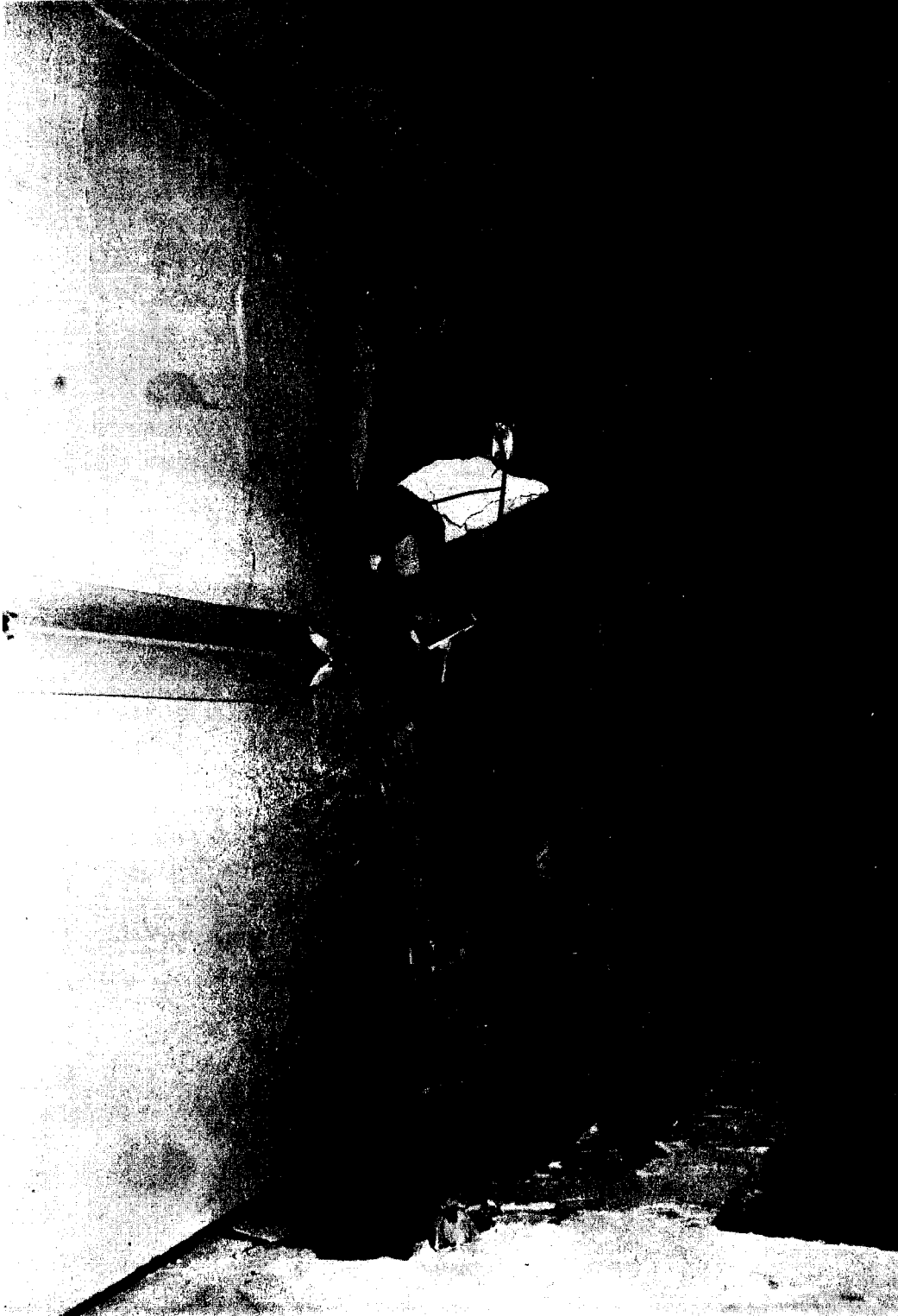
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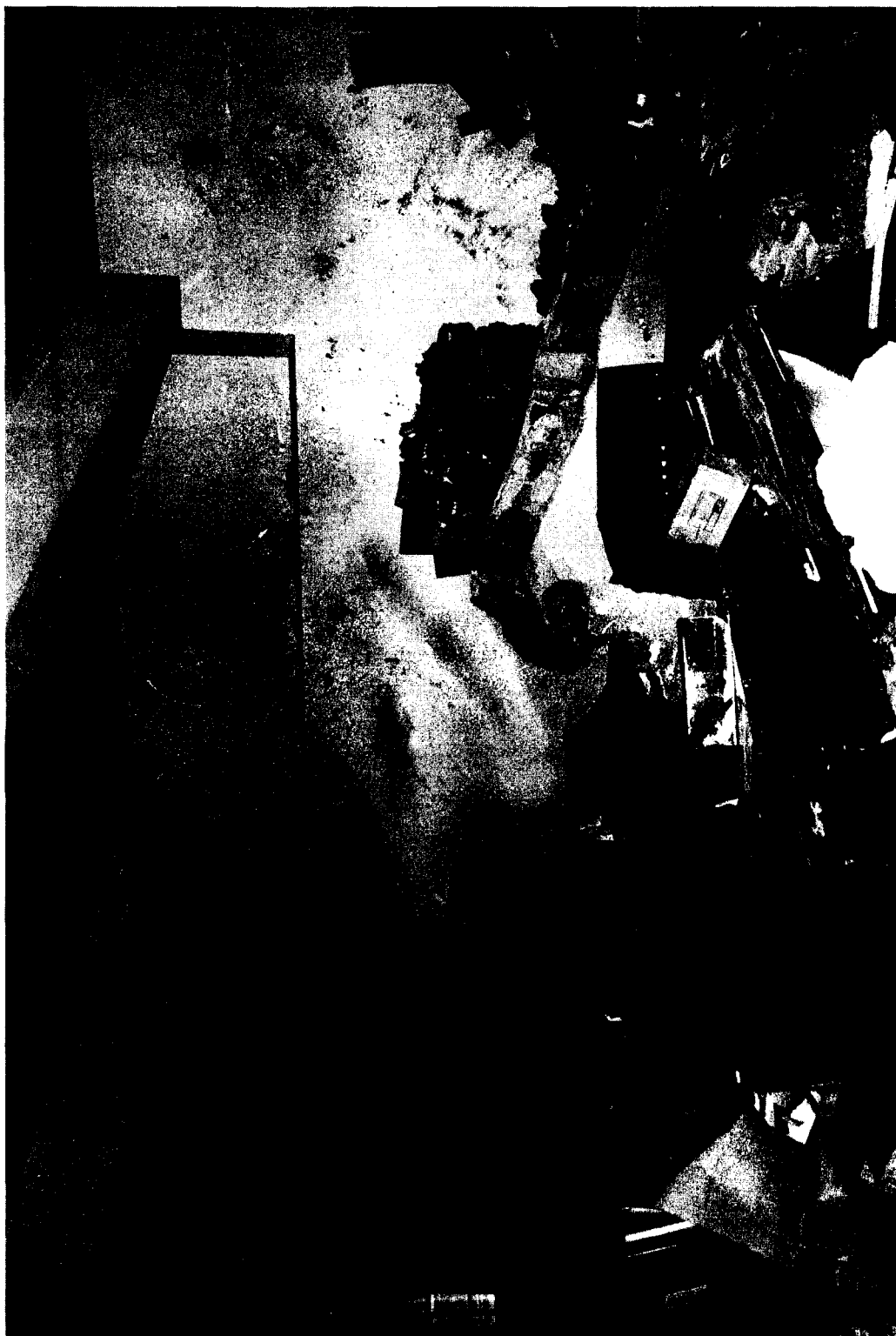
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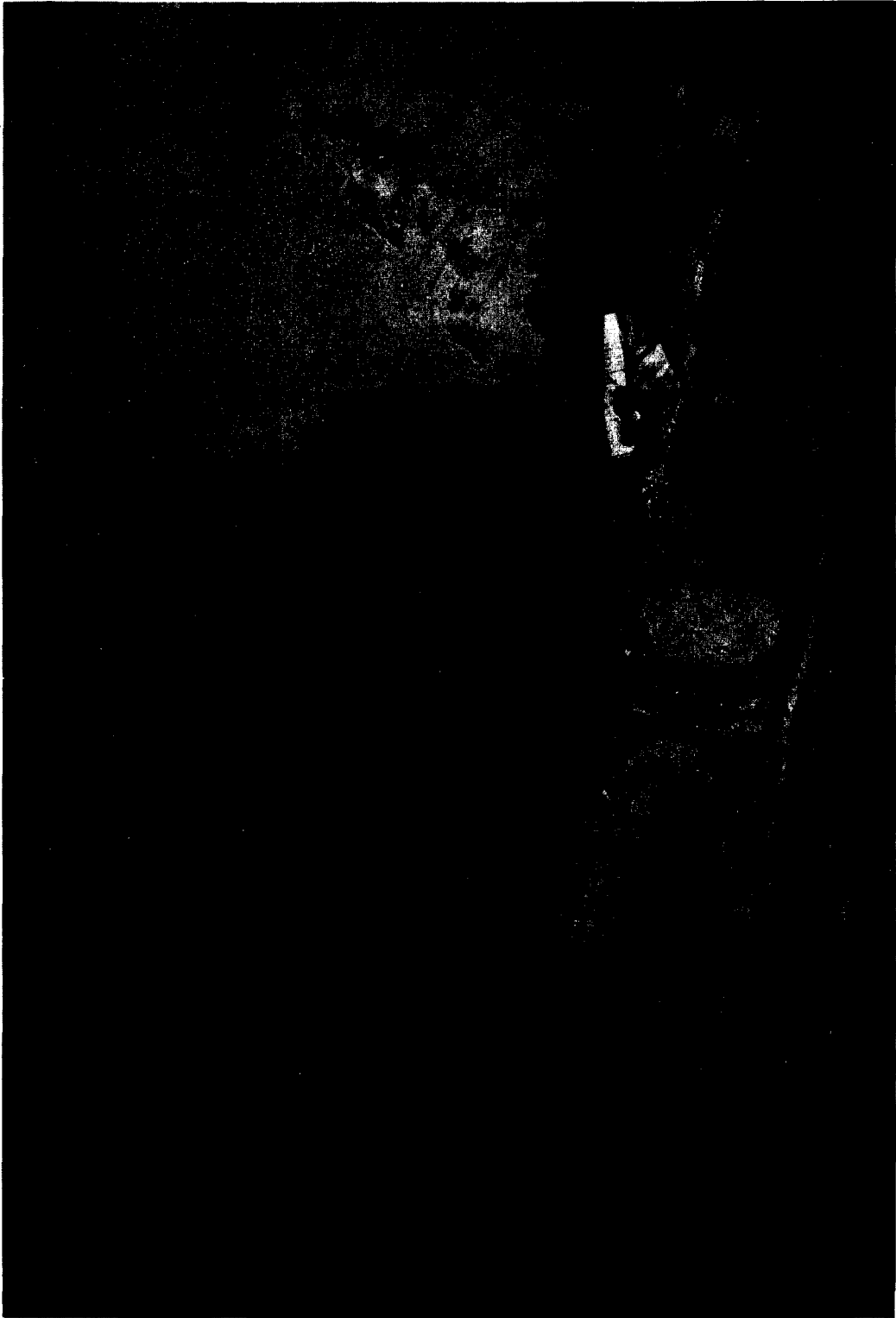


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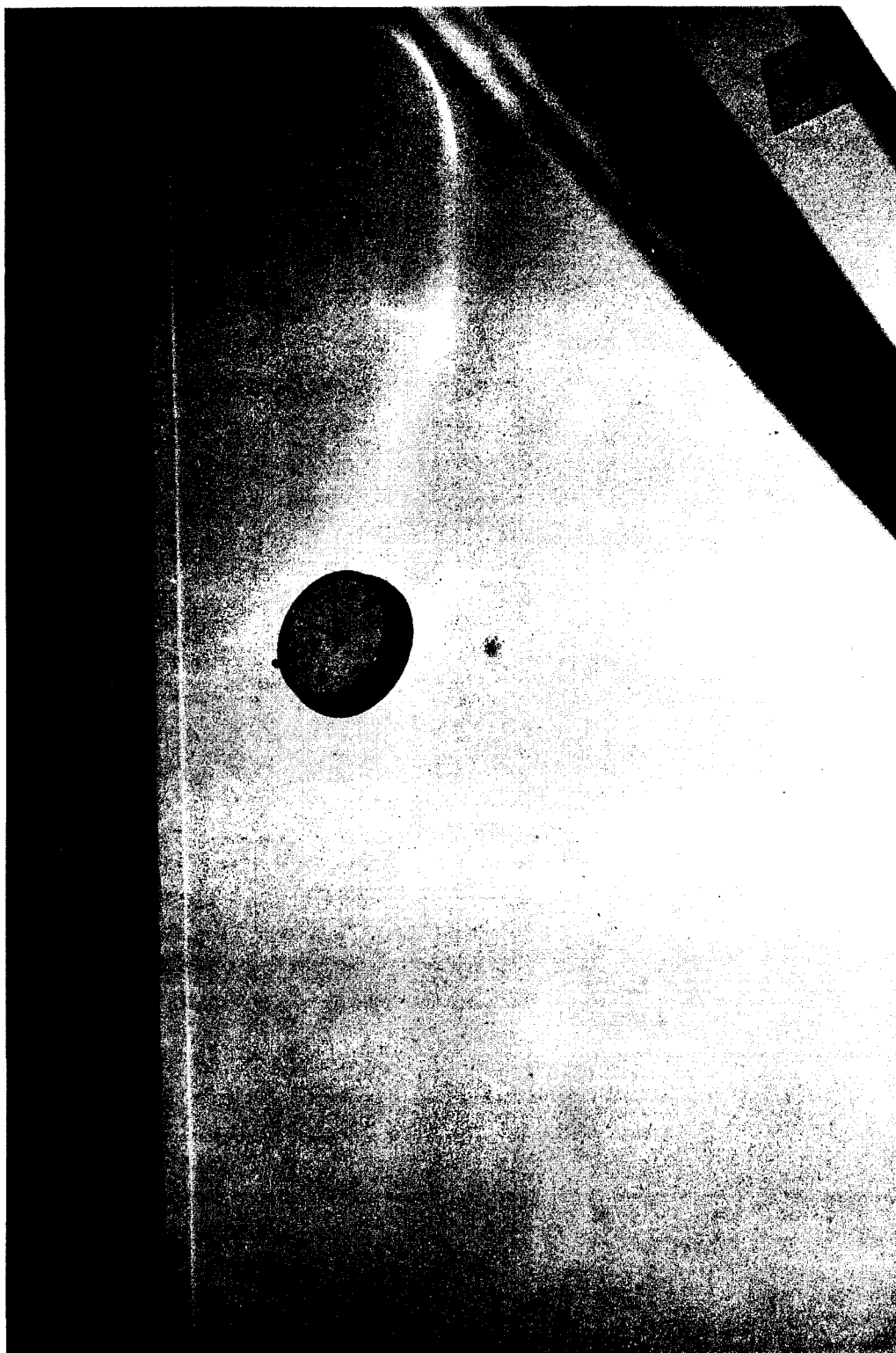
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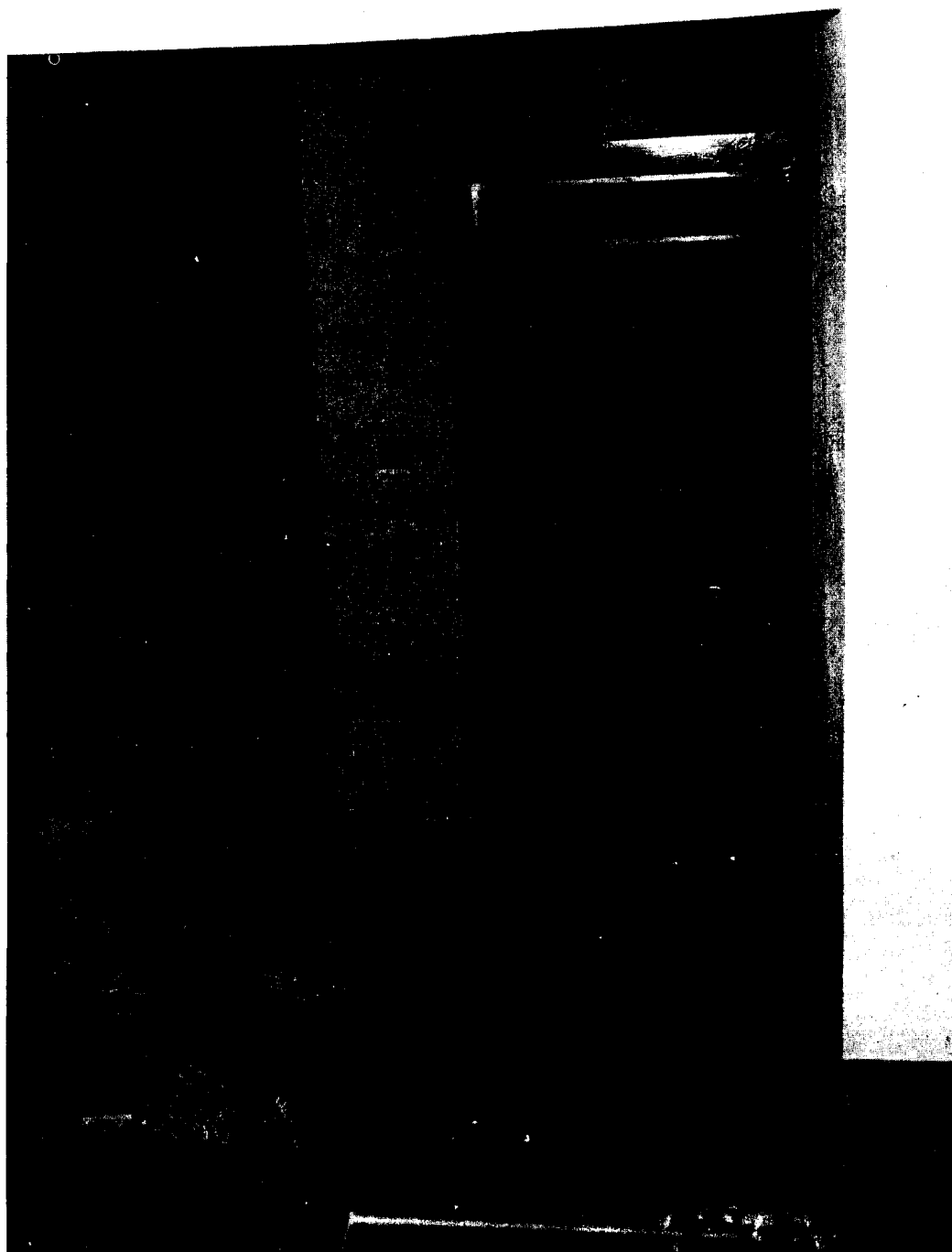


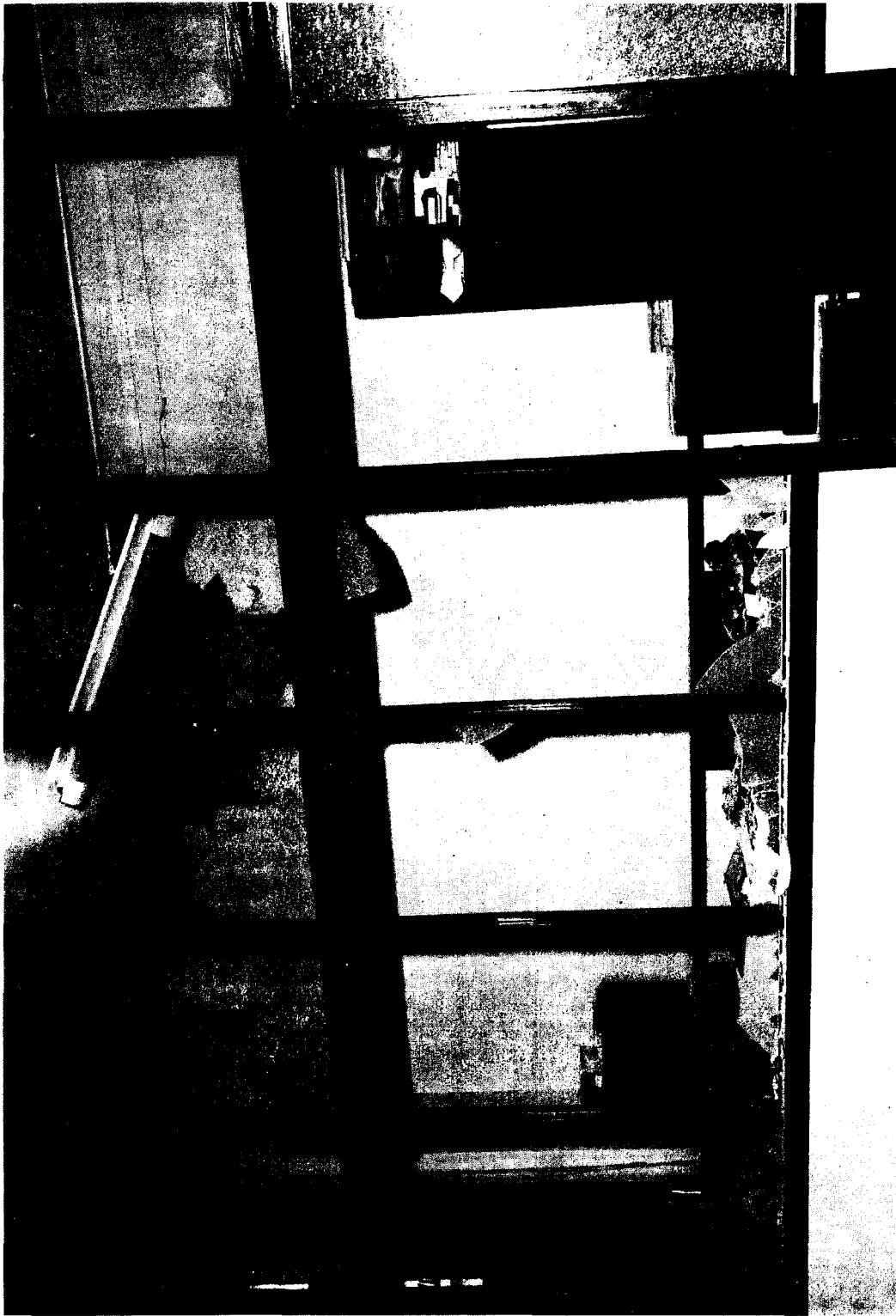
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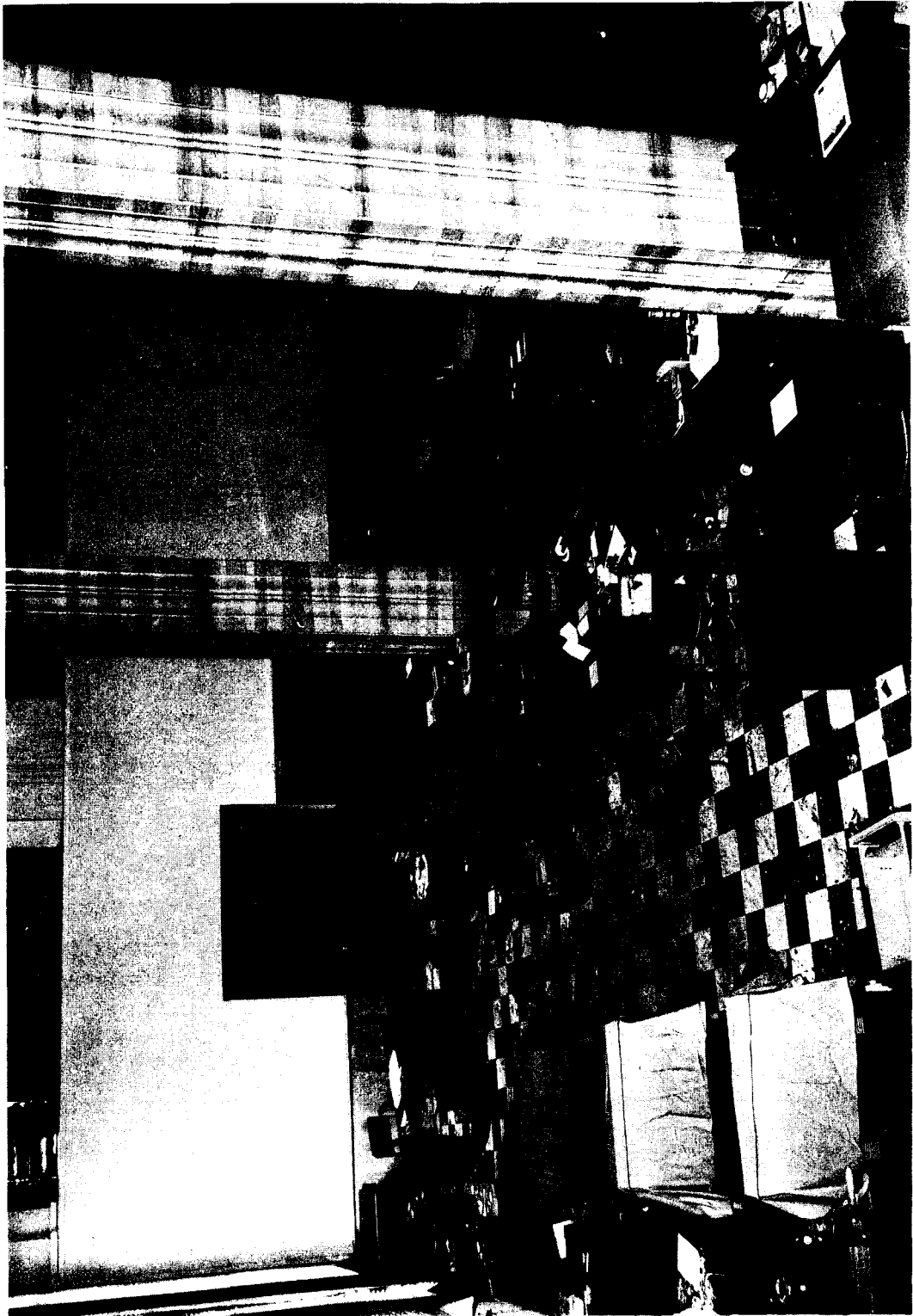


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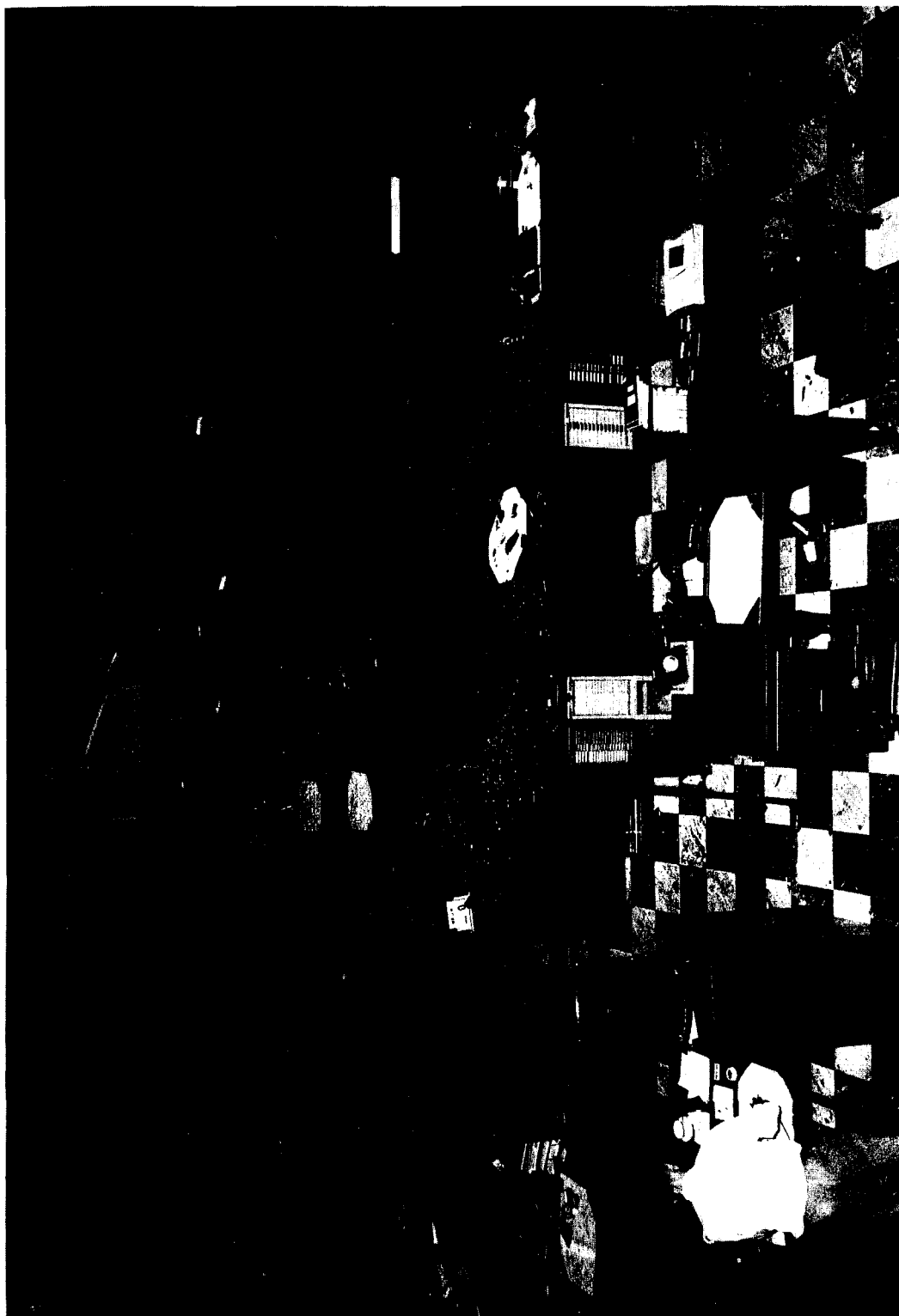
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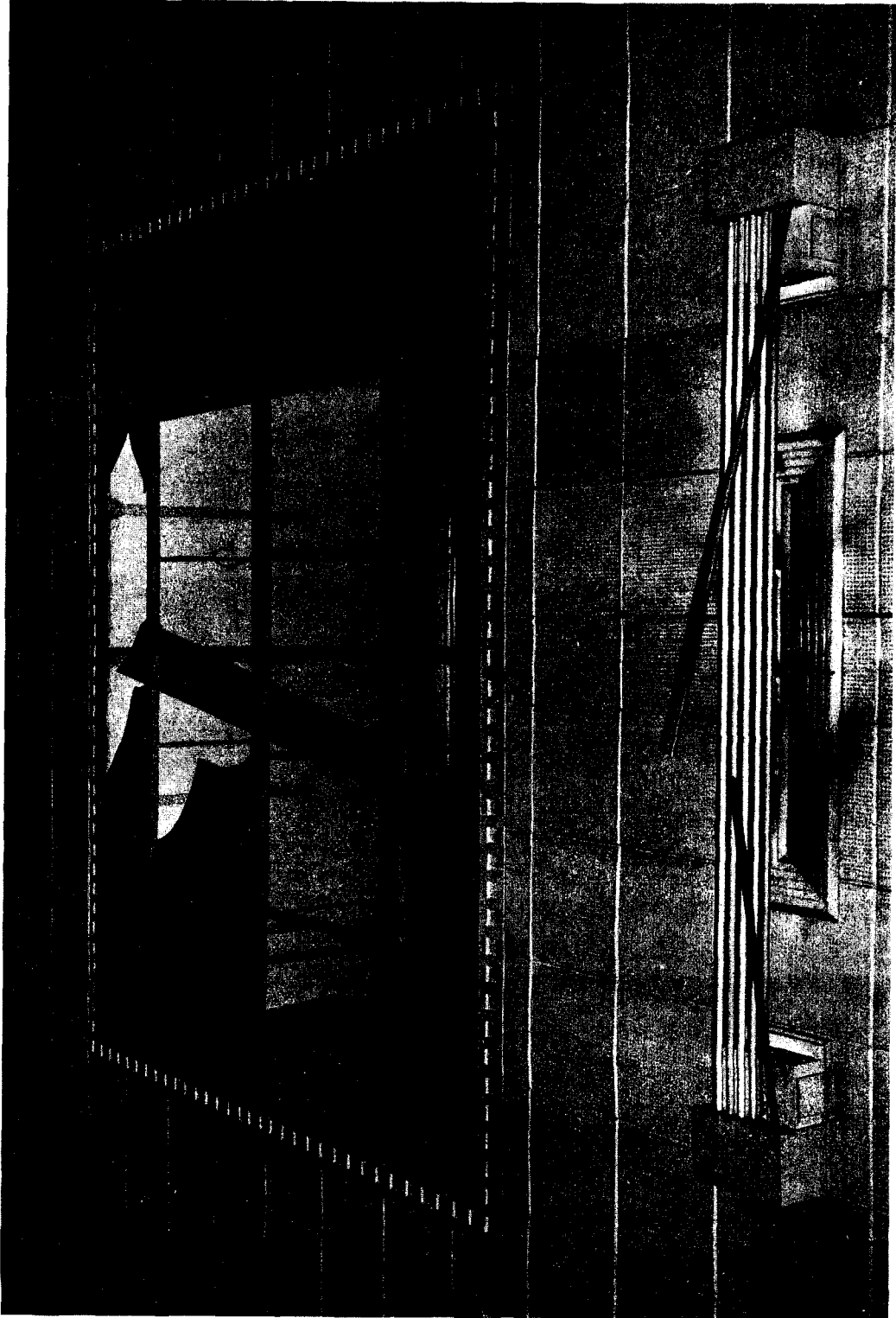
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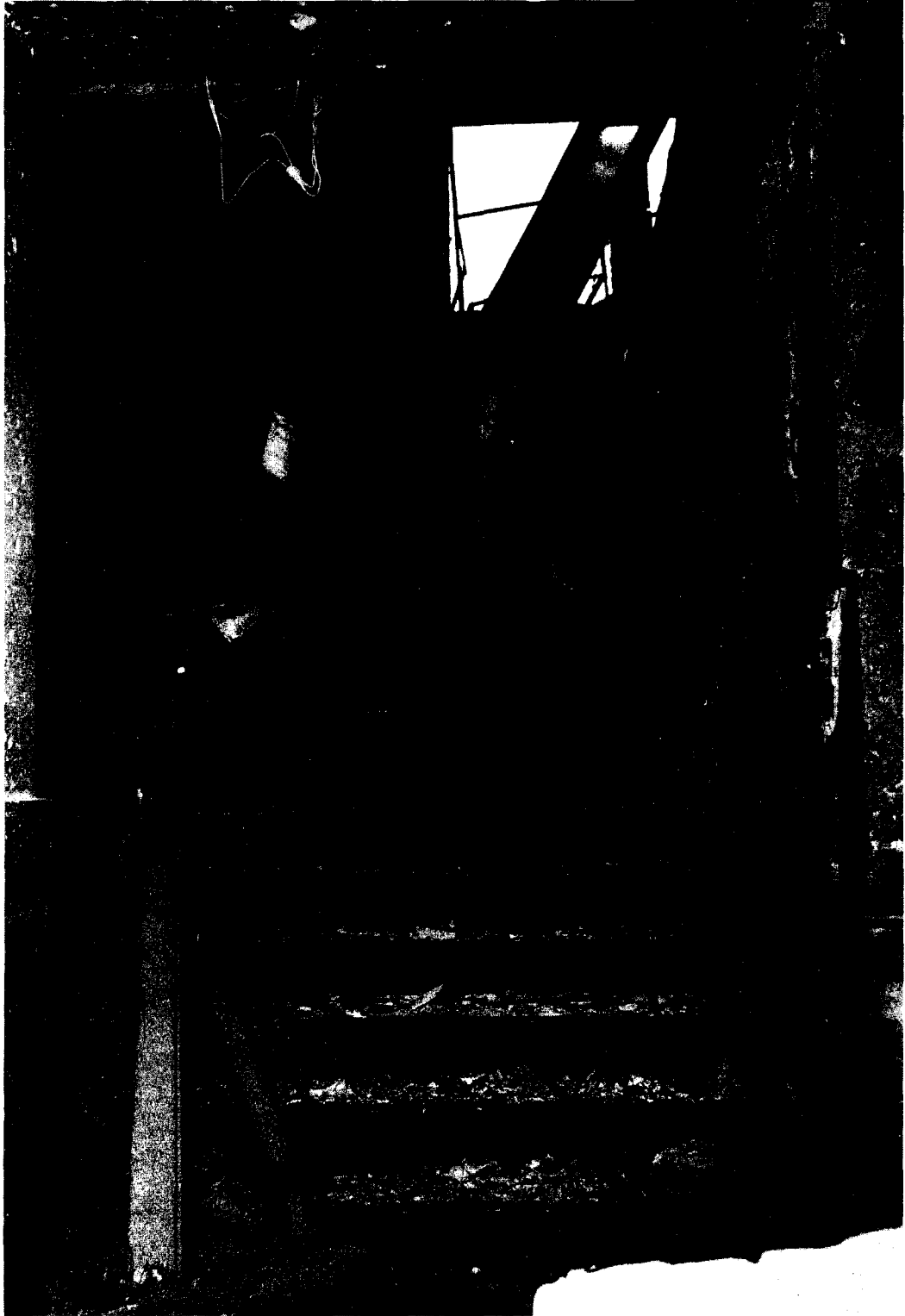


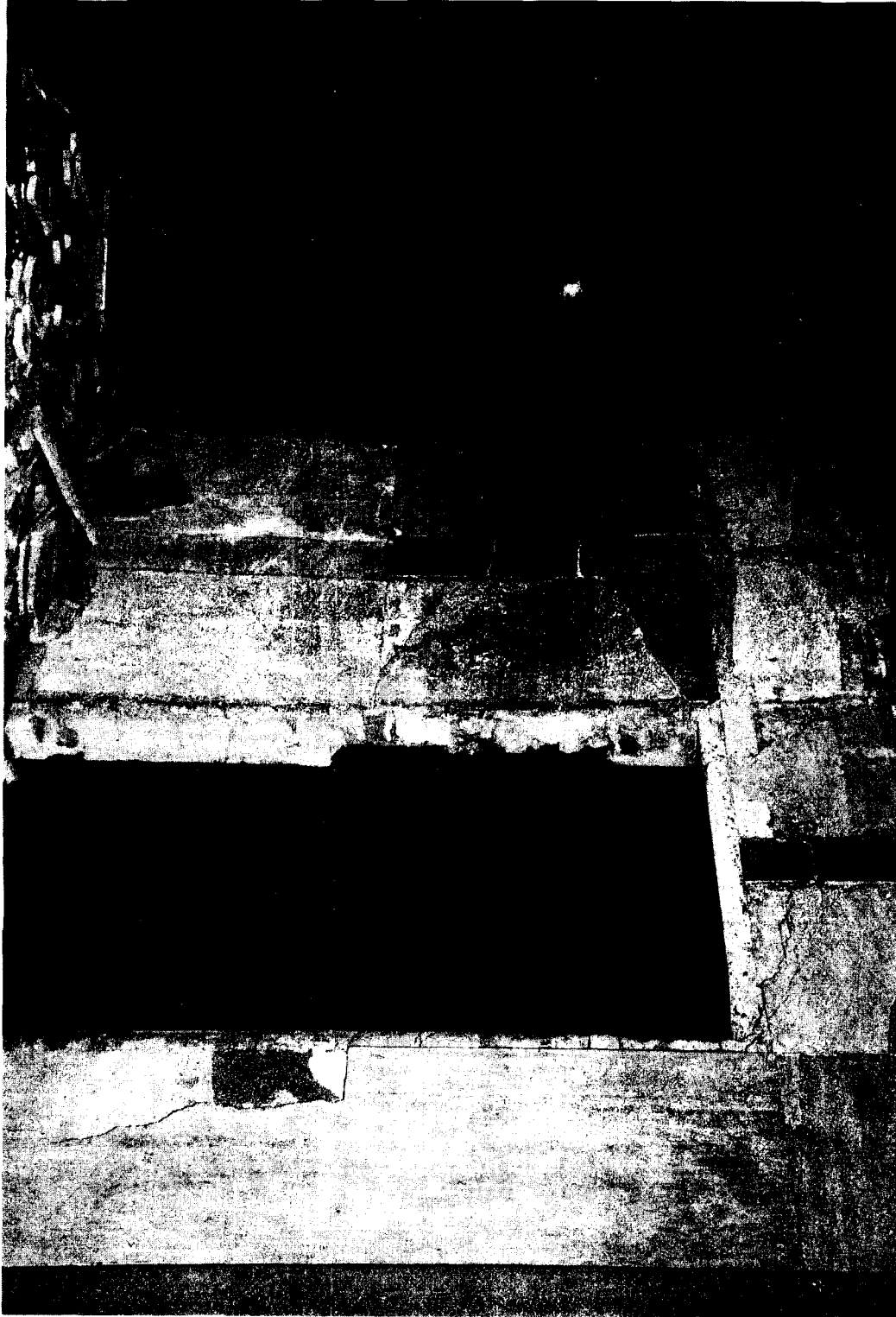
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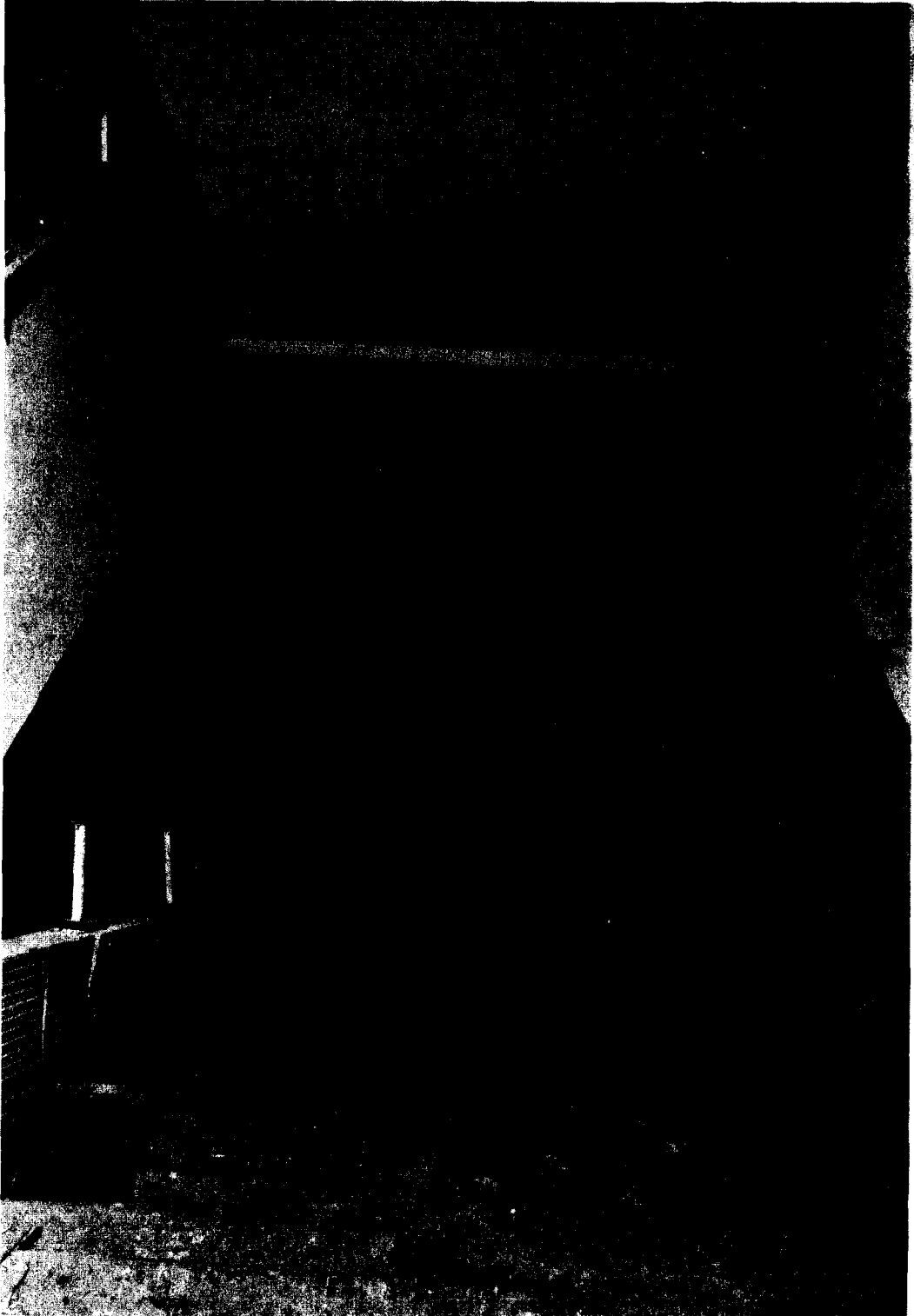


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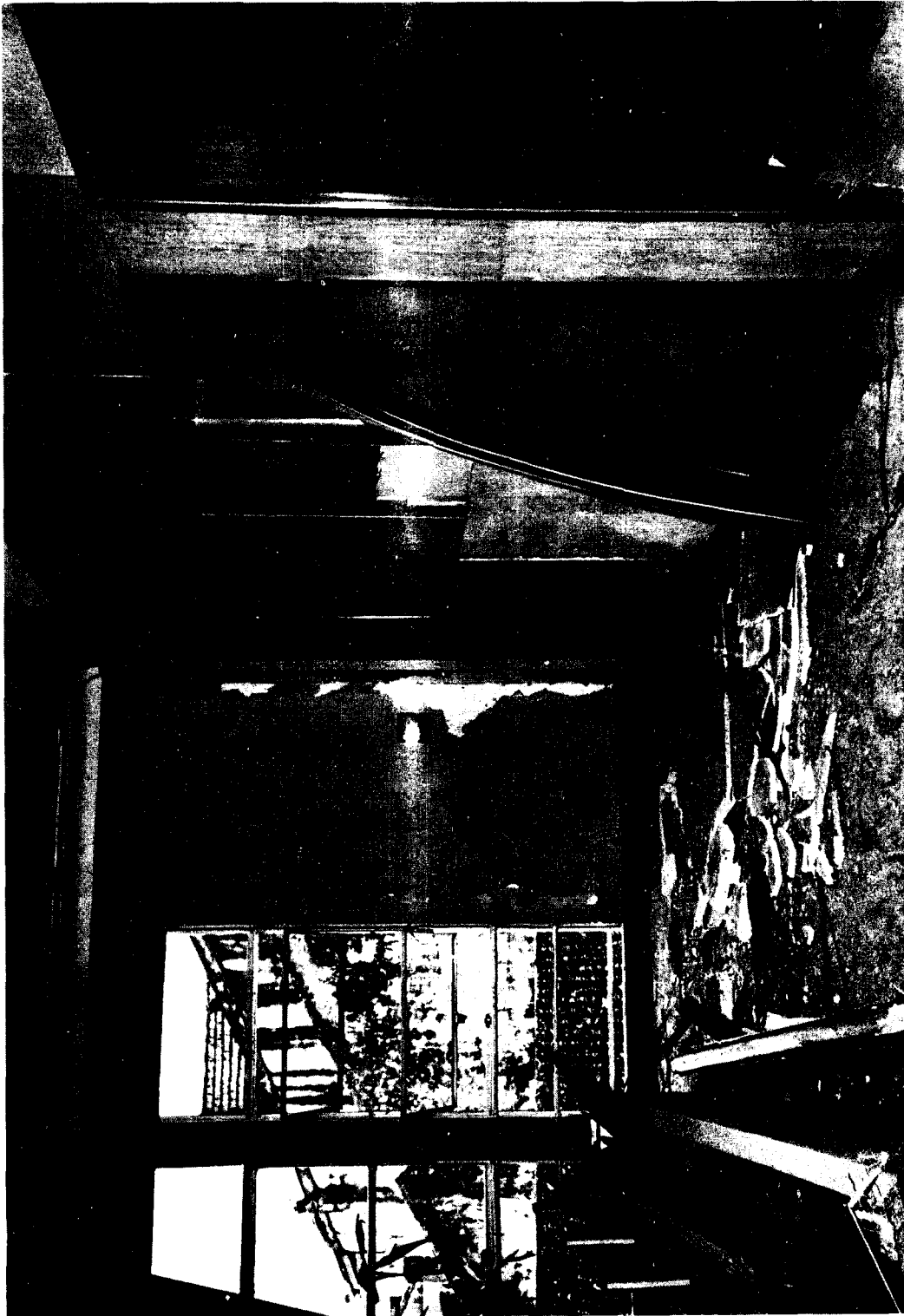
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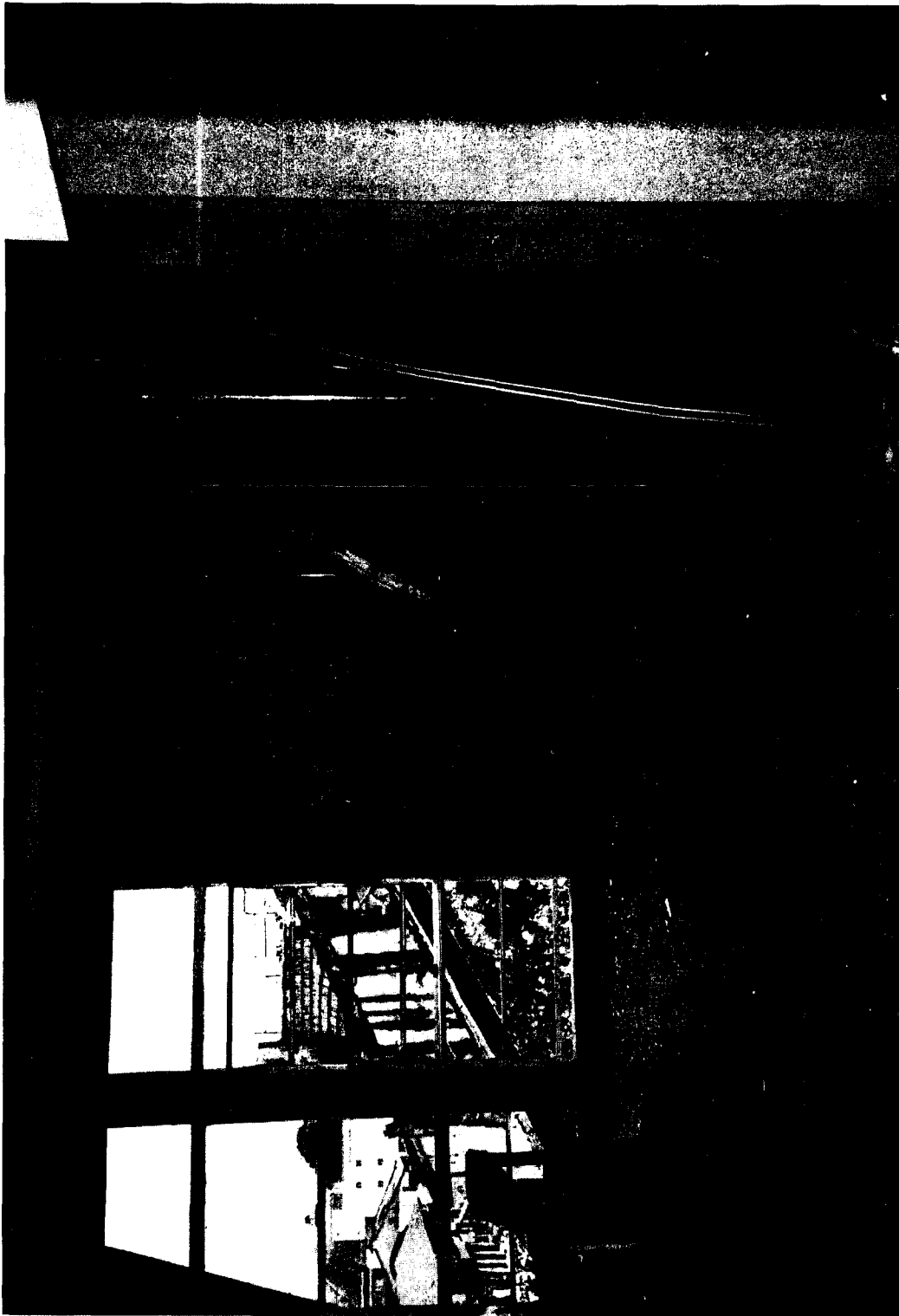
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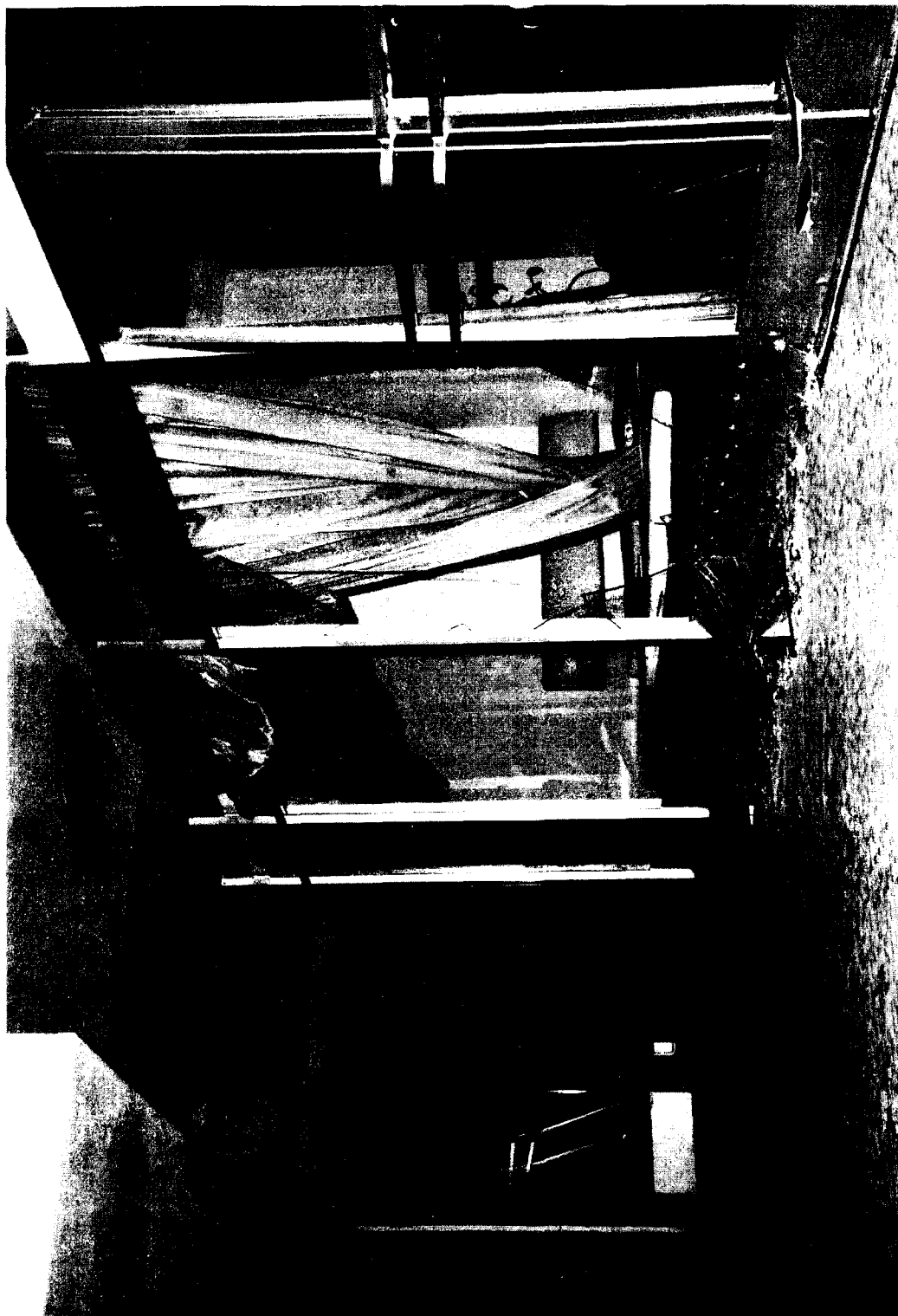
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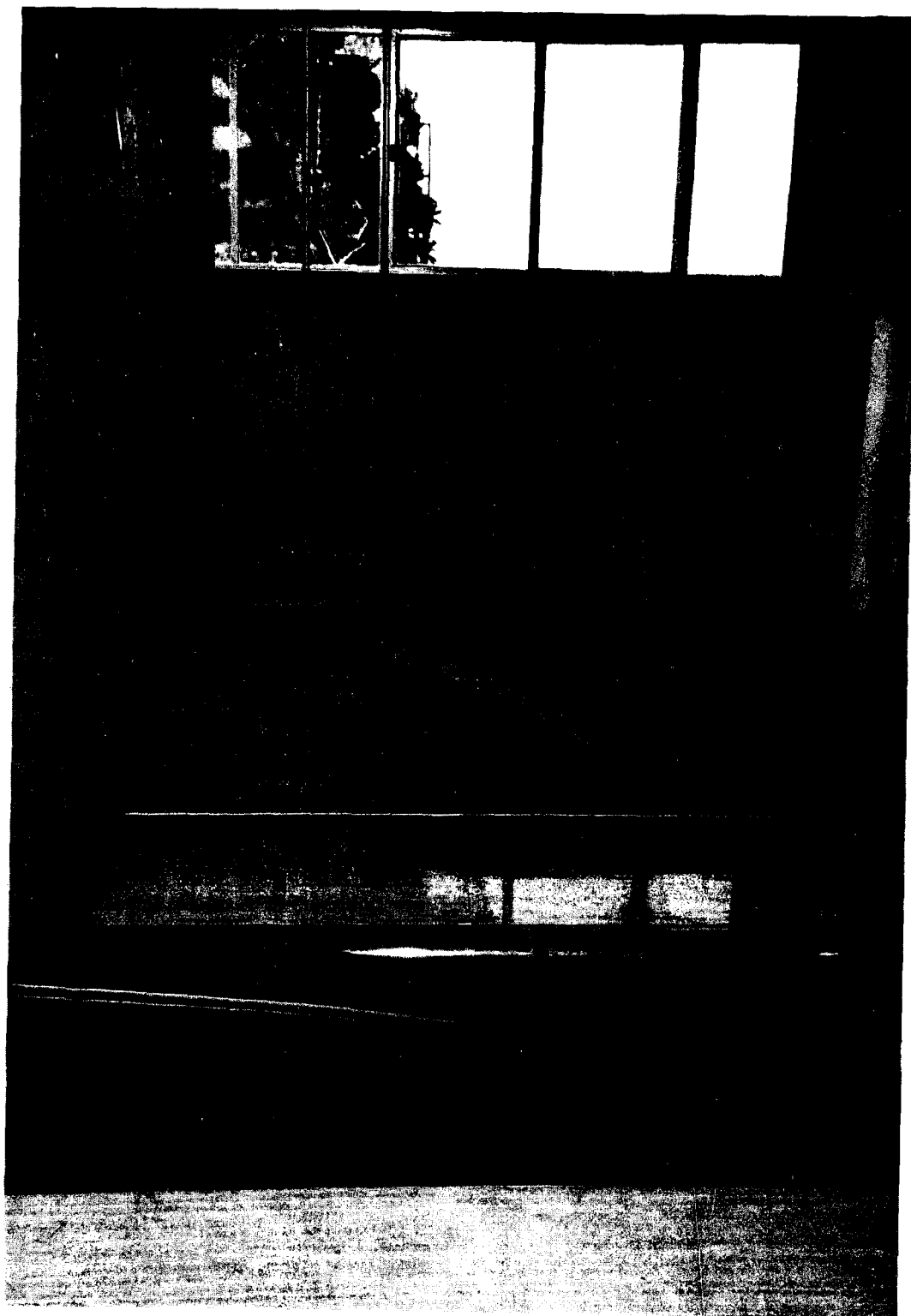
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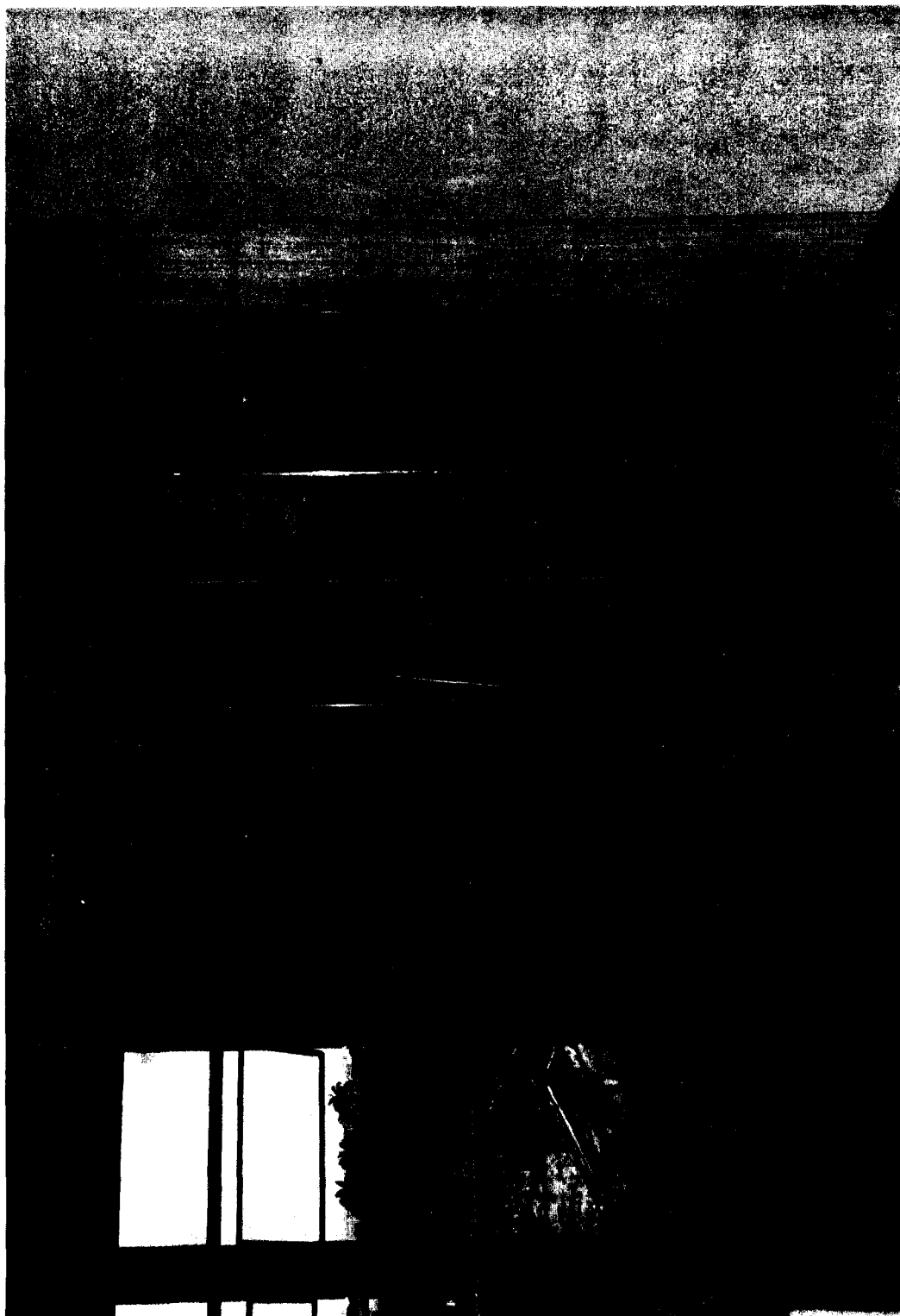


EXHIBIT

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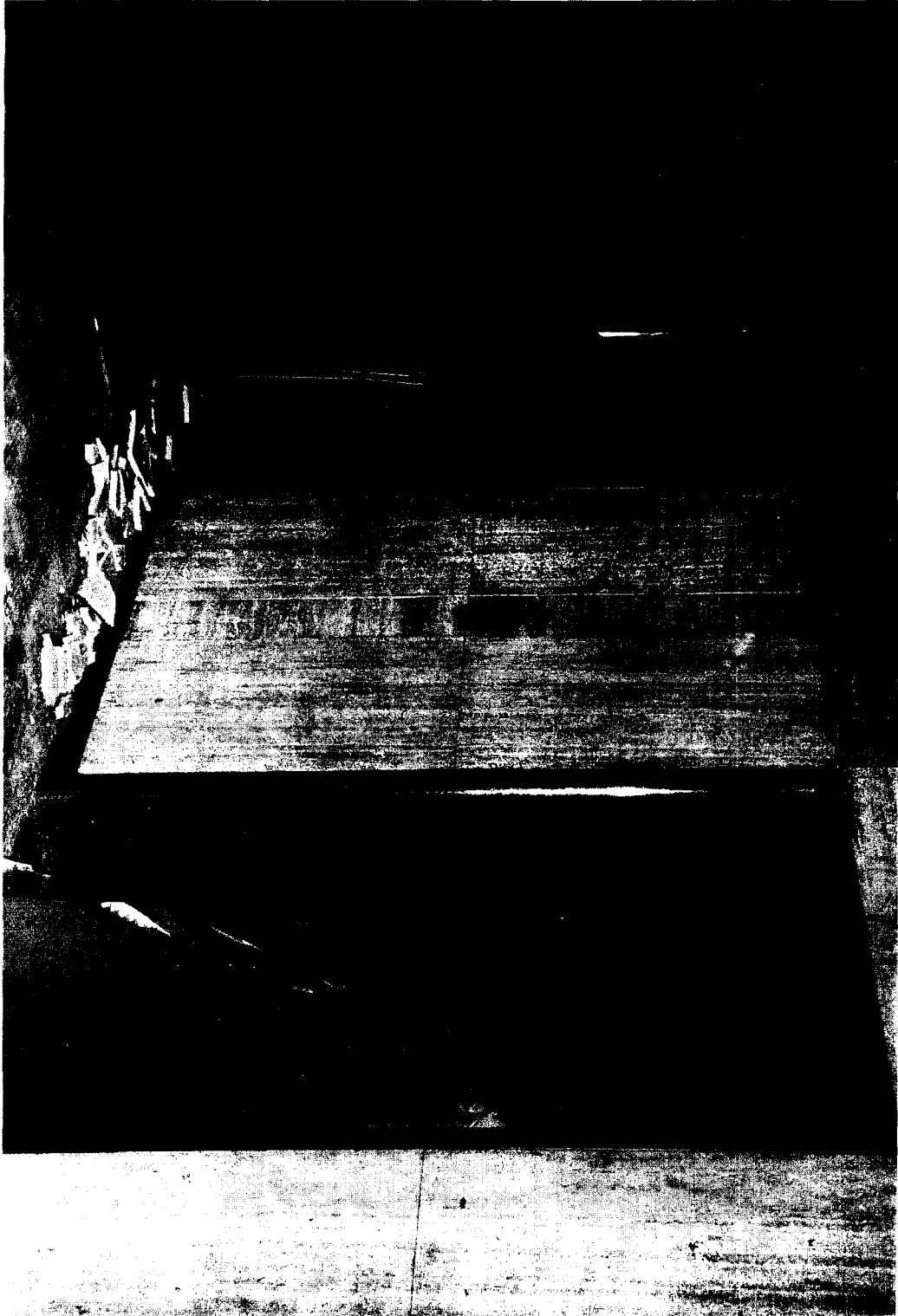
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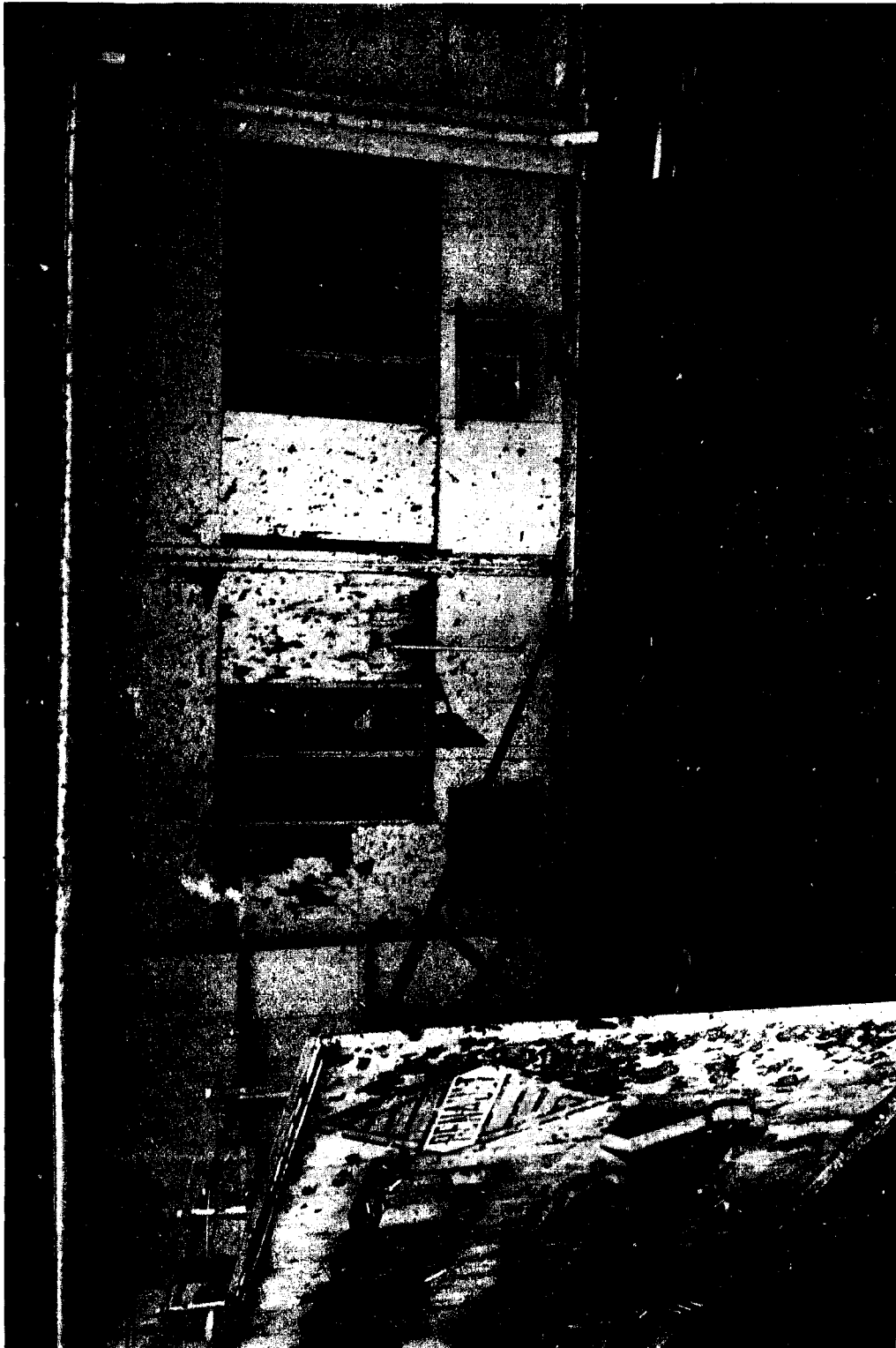
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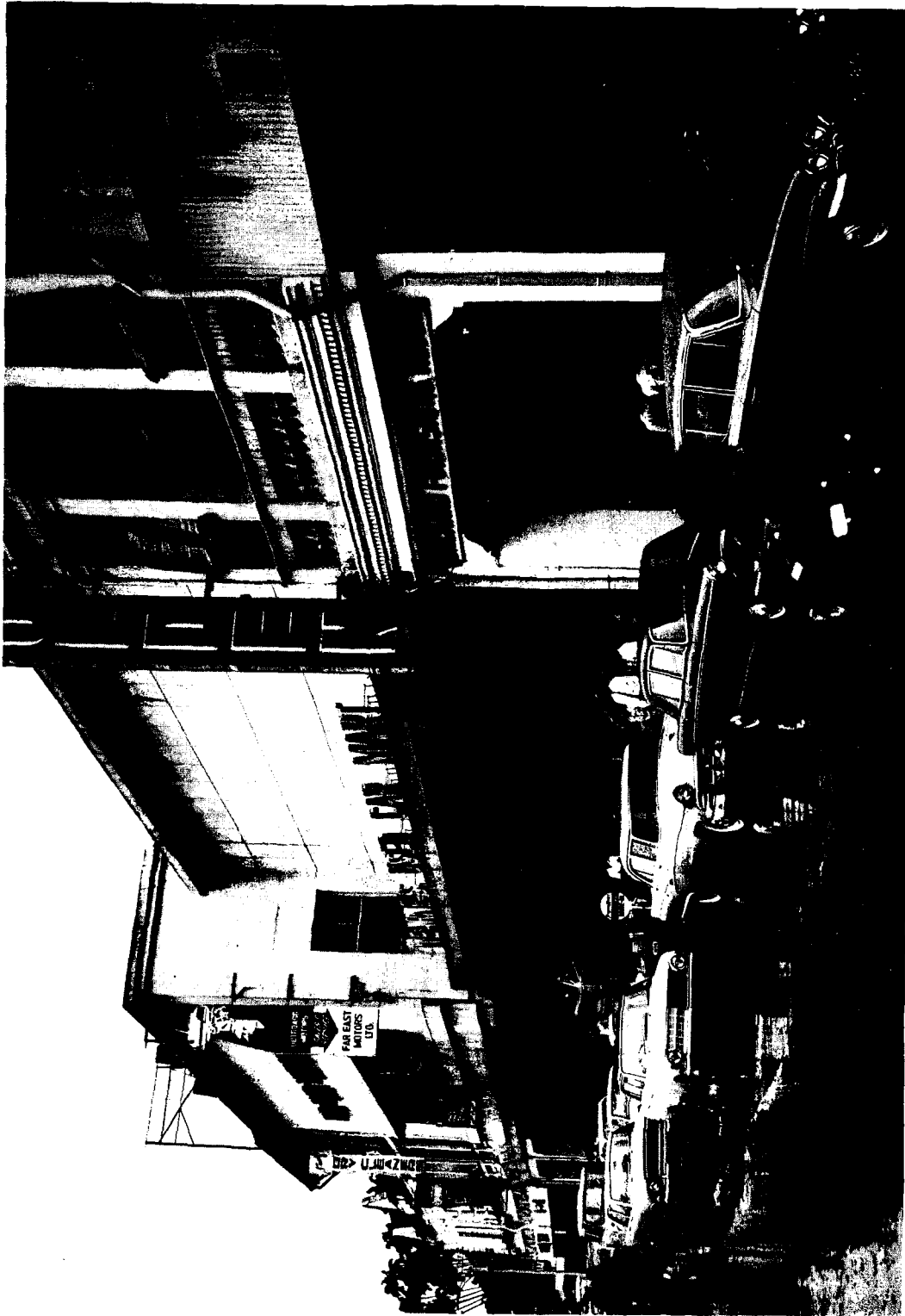
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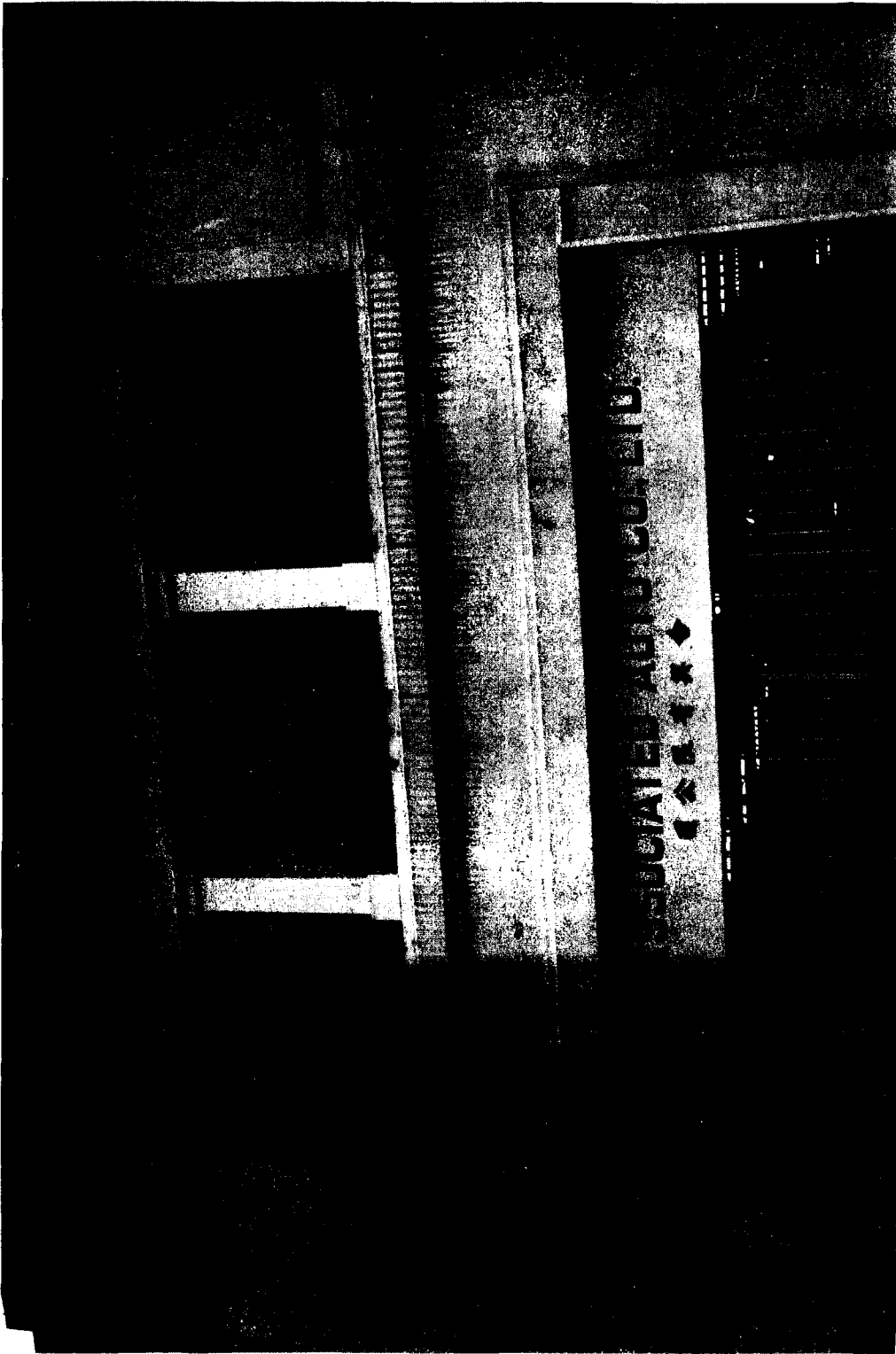
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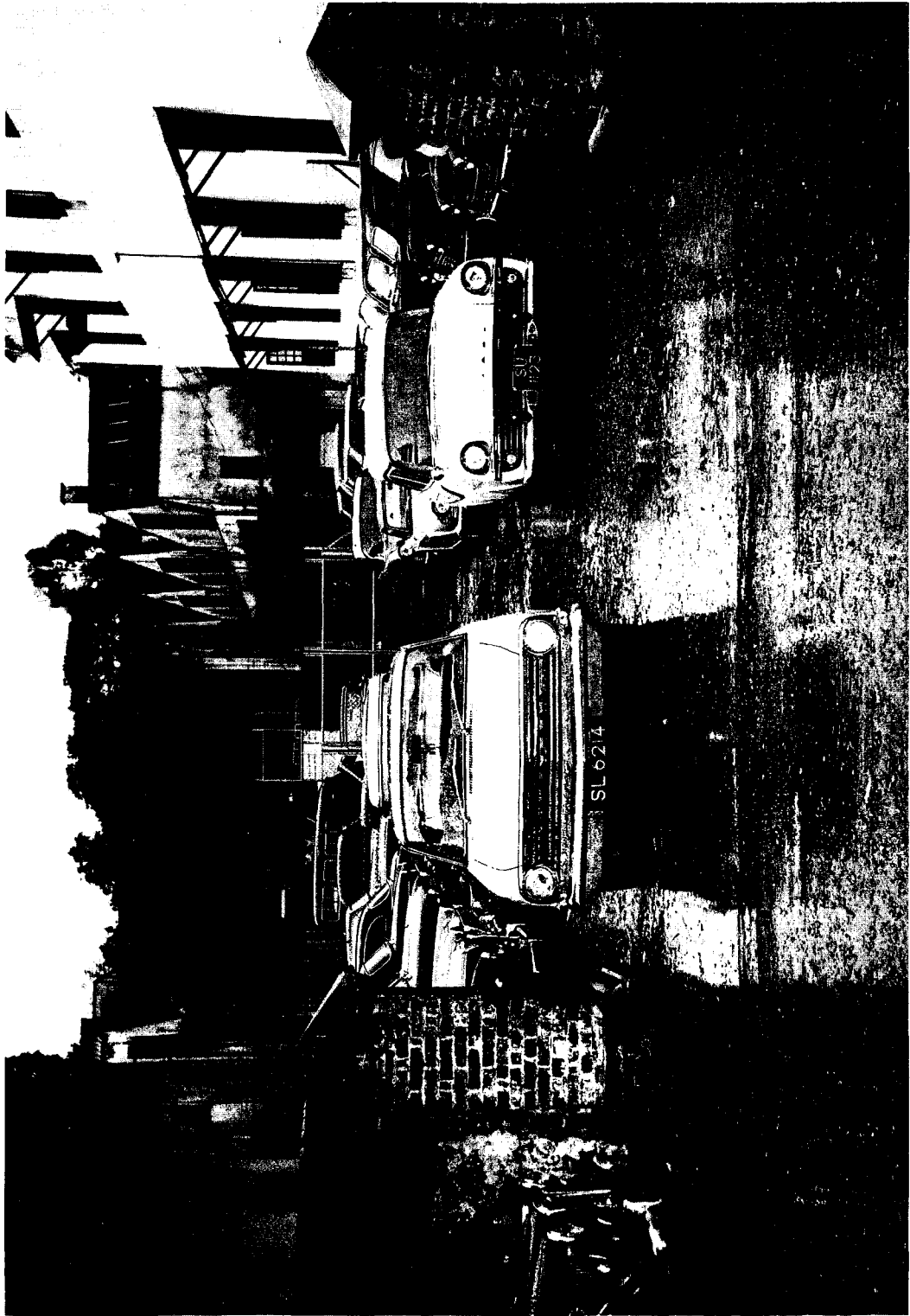


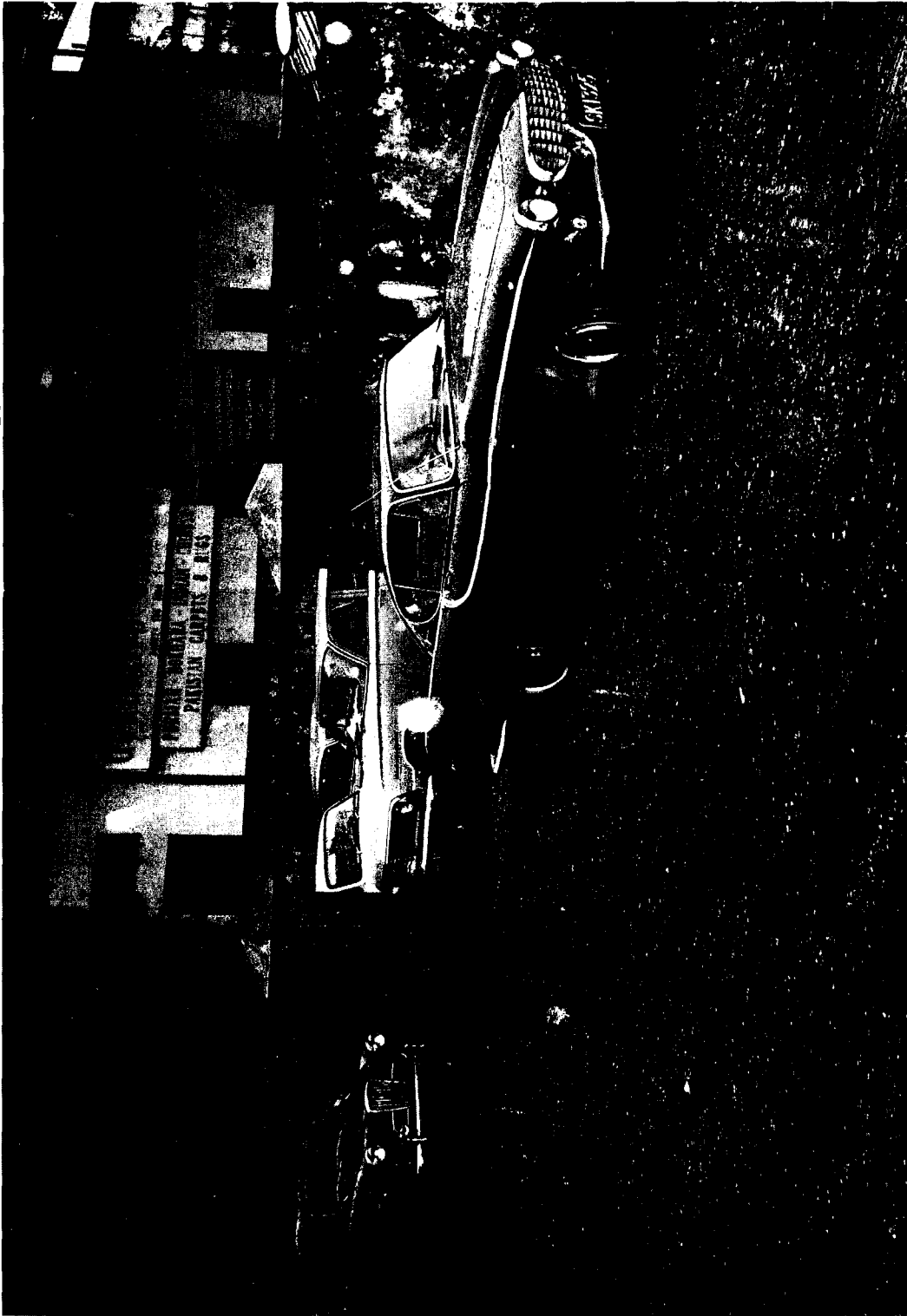
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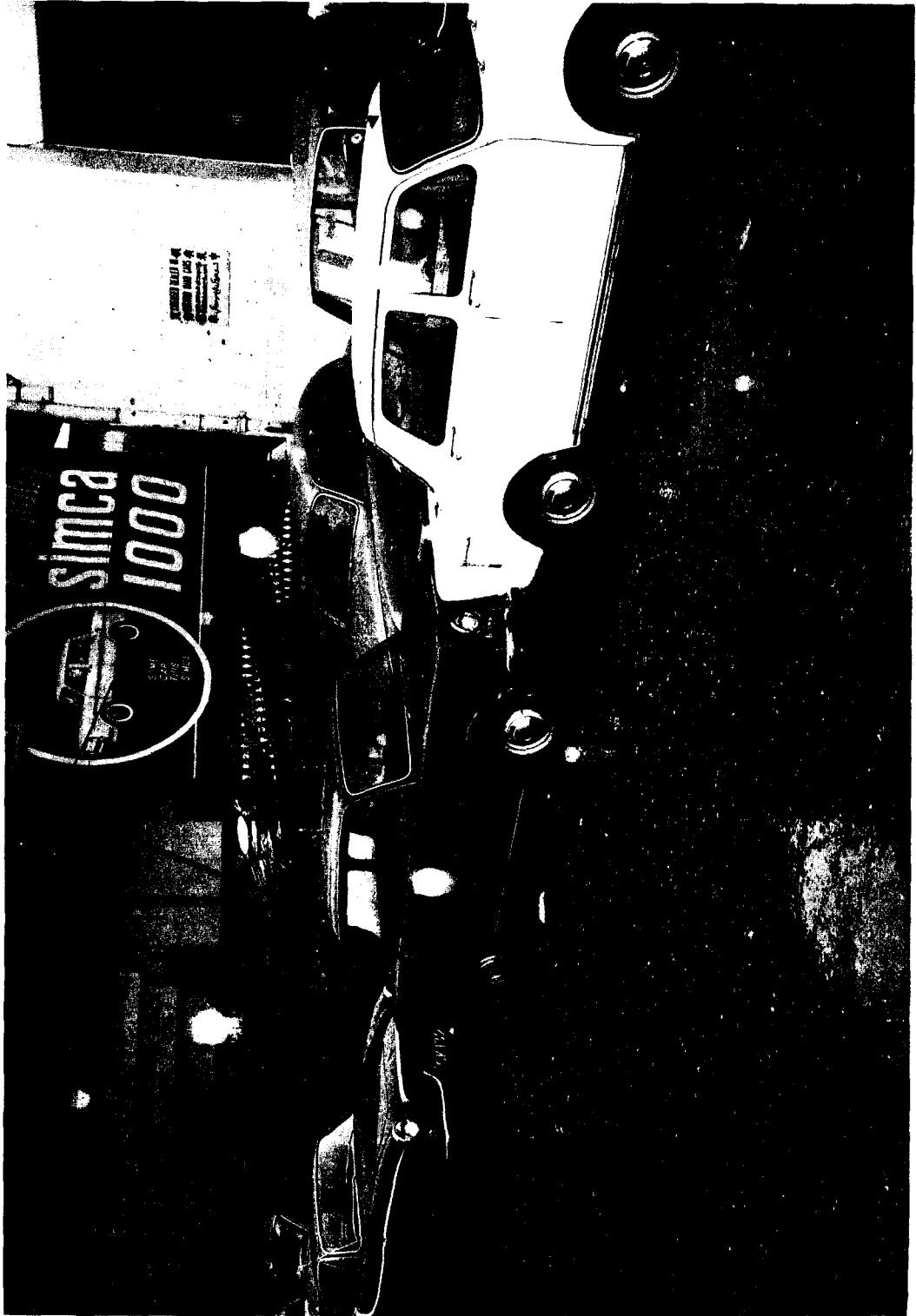


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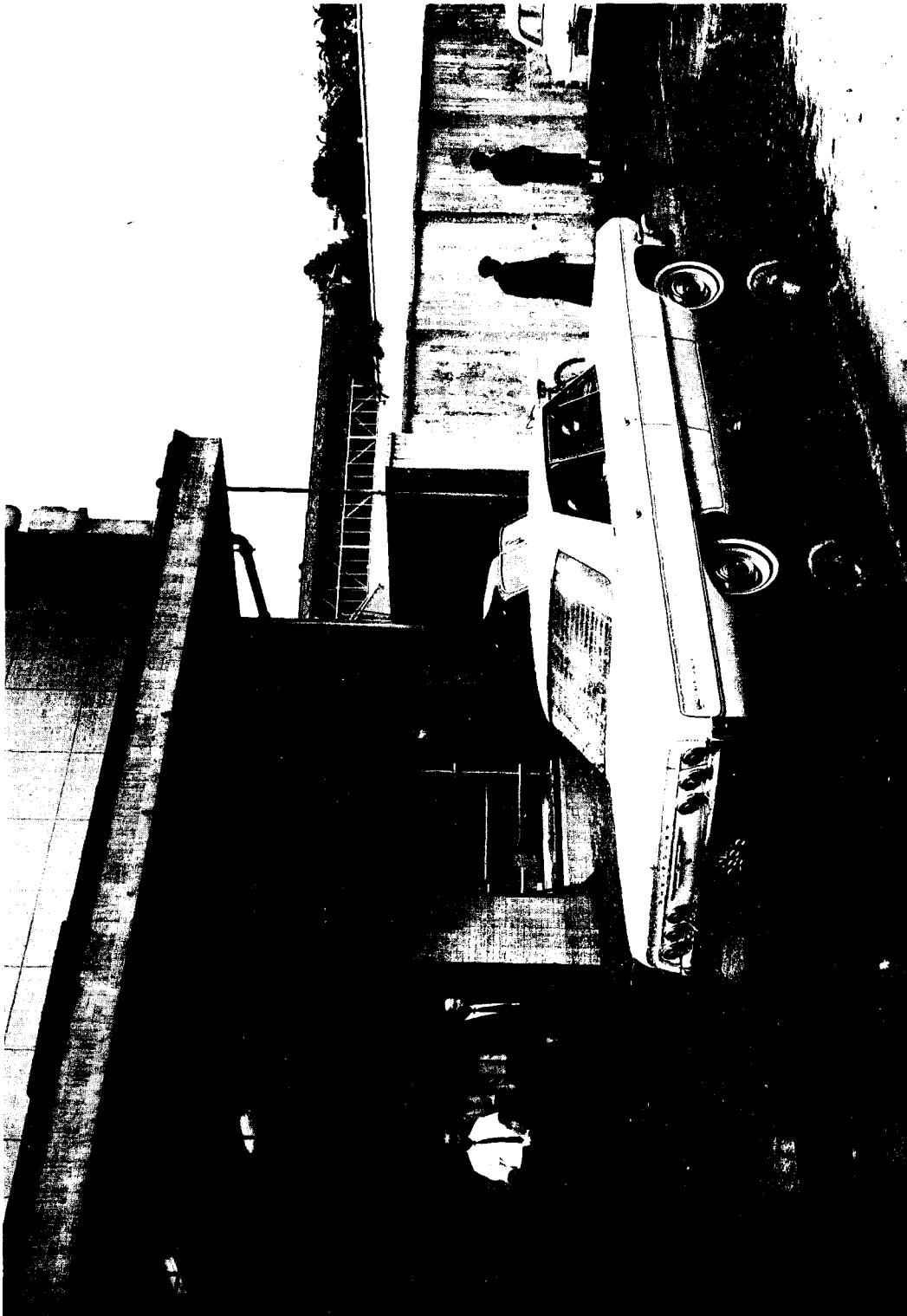
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ON APPEAL FROM THE FEDERAL COURT
OF MALAYSIA HOLDEN IN SINGAPORE
(APPELLATE JURISDICTION)

B E T W E E N :-

(1) OSMAN BIN HAJI MOHAMED ALI

and

(2) HARUN BIN SAID alias TAHIR Appellants

- and -

THE PUBLIC PROSECUTOR Respondent

RECORD OF PROCEEDINGS

VOLUME II

(pages 390 to 656)

JAQUES & CO.,
2 South Square,
Gray's Inn,
London, W.C.1.
Solicitors for the
Appellants

CHARLES RUSSELL & CO.,
37 Norfolk Street,
Strand,
London, W.C.2.
Solicitors for the
Respondent