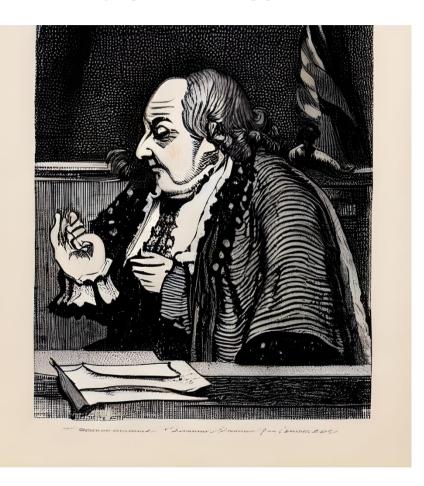
I'm not stupid, yer Honor: A brief on my experience with Singapore "Justice"



by Mohamed Helmy Wednesday 19 April 2023 The Singapore Rules of Court were changed on the first of April or April Fool's Day of 2022. The present work discusses matters under the original Rules of Court. Those revoked Rules of Court can be accessed online here.

To the best of my knowledge, the current Rules of Court and which are referred to as '2021' were announced by Singapore Ministry of Law under the announcement 'Upcoming New Legislation on Court Procedures for Intellectual Property Disputes' on 23 February 2022, click <u>here</u>.

To the best of my knowledge, all current resources for the pro se litigant on the Supreme Court electronic filing system or <u>eLitigation</u> is based upon the revoked Rules of Court.

To the best of my knowledge, <u>two</u> Supreme Court Practice Directions are applicable depending on whether a matter was commenced on or before/after the first of April 2022.

The pro se litigant in Singapore law

Singapore Rules of Court and Family Justice Rules allow costs to be awarded to, and service to be effected by, a litigant in person. The Statutes of the Republic of Singapore allow for measures to deal with vexatious litigants including extended and general civil restraint orders. Measures to deal with vexatious litigants are also elaborated in the current Rules of Court and Family Justice Rules. The proximal and stereotypical concern is that litigants acting in person notably within the Family Justice Courts is not conducive to efficiency, rather than vexatious. For the matters under discussion in this article, there is no question of an identified vexatious litigant. In other words, any vexatiousness is to be examined as it relates to the matter discussed, and not the parties.

Singapore Statutes allow for legal aid to citizens and permanent residents.⁵ Poverty must be demonstrated.⁶ This is generally not applicable to persons litigating in Supreme Court.

¹ Supreme Court of Judicature Act 1969 (Chapter 322); Rules of Court 2021, Order 1; and Family Justice Act 2014 (Act 27 of 2014), Family Justice Rules 2014, Division 63, paragraph 870. Note, the latter paragraph 870 was stated to have been derived from Order 59, rule 18A of the Rules of Court (see page 750 of the Family Justice Rules 2014 pdf) which is therefore a reference to the retired Rules of Court discussed in the present work, and not the current Rules of Court.

² Statutes of Republic of Singapore, Supreme Court of Judicature Act 1969, 2020 Revised Edition, <u>Division 2</u>.

³ Current Rules of Court, Order 70; and Family Justice Rules Parts 16A and 16B.

⁴ For example see, *Litigants in Person: Principles and Practice in Civil and Family Matters in Singapore* by Jaclyn L Neo & Helena Whalen-Bridge, Singapore SAL Academy Publishing, 2021.

⁵ Statutes of the Republic of Singapore, Legal Aid and Advice Act 1995, <u>2020 Ed;</u> and Legal Profession Act (Chapter 161), Legal Profession (Pro Bono Legal Services), Rules <u>2013</u>.

⁶ For a discussion of poverty and access to justice in Singapore see: Gary C. Yew, 'Access to Justice for the Poor: The Singapore Judiciary at Work', 17 *Pac. Rim L & Pol'y J.* 595 (2008), available here.

Representation of companies in Singapore

In general, a lawyer or law practice would represent an incorporated association before the General Division of the High Court, the Supreme Court.⁷ A company employee would represent an incorporated association before the Small Claims Tribunals.⁸ Instructions for individuals

⁷ Representation by a lawyer of an incorporated association before the Supreme Court was largely under Rules of Court, Order 1, rule 9; Statutes of the Republic of Singapore, Legal Profession Act 1966, 2020 Ed; and the Statutes of the Republic of Singapore, The Companies Act 1967, 2020 Ed. What constitutes a lawyer is under Legal Profession Act (Chapter 161) Legal Profession (Admission) Rules 2011; Business Names Registration (Act 29 of 2014) Regulations 2015; Legal Profession Act (Chapter 161, Section 2(1) (Definition of "Relevant Legal Officer")) Legal Profession (Prescribed Statutory Bodies and Law Offices in Public Service) Rules R 22 2010 ed; Legal Profession Act (Chapter 161) Legal Profession (Regulated Individuals) Rules 2015; Legal Profession Act (Chapter 161) Legal Profession (Law Practice Entities) Rules 2015); Legal Legal Profession Act (Chapter 161, Section 2(2)) Legal Profession (Qualified Persons) Rules 2002 ed; Legal Profession Act (Chapter 161, Section 25(7), Legal Profession (Practising Certificate) Rules 2010 ed; Legal Profession Act (Chapter 161, Legal Profession (Legal Practice Management Course) Rules 2015; Legal Profession Act (Chapter 161) Legal Profession (Foreign Practitioner Examinations) Rules 2011; Legal Profession Act (Chapter 161) Legal Profession (Representation in Singapore International Commercial Court) Rules 2014; Legal Profession Act (Chapter 161) Legal Profession (Modified Application of Act for International Services) Rules 2015: representing a company before the Supreme Court include those for writing an affidavit.⁹ In *any* case an individual who is not a lawyer, and is representing an incorporated association, may *not* argue points of law before the Supreme Court.

Legal Profession Act (Chapter 161) Legal Profession (Continuing Professional Development) Rules 2012; Legal Profession Act (Chapter 161, Section 75B(2)¹) Legal Profession Act (Appointed Day for Purposes of Section 75C¹) Notification 2010 ed; Legal Profession Act (Chapter 161, Section 27B(2)¹) Legal Profession Act (Appointed Day for Purposes of Section 75C1) Notification; Legal Profession (Amendment) Act 2001 (Act 35 of 2001), Legal Profession (Amendment) Act (Commencement) Notification 2001, and the same for each of Amendment Act 23 of 2004 Commencement Notification 2004; Amendment Act 41 of 2005 Commencement Notification 2006, Amendment Act 20 of 2007 Commencement Notification 2007; Amendment Act 19 of 2008 Commencement Notification 2008, Amendment Act 20 of 2009 Commencement Notification 2009, Amendment Act 8 of 2011 Commencement Notification 2011, Amendment Act 3 of 2012 Commencement Notification 2012, Amendment Act 40 of 2014 Commencement Notification 2015, Amendment Act 22 of 2018 Commencement Notification 2019, Amendment Act 2022 Commencement Notification 2022; and the Legal Profession (Ad Hoc Admission) Notification 2012.

⁸ A link is here.

⁹ Click <u>here</u> to access.

Mohamed Mustafa Mahmoud Helmy vs. Nanyang Technological University

MH is the Plaintiff and pro se litigant in the matter of HC/S 413/2021. Nanyang Technological University or NTU is the Defendant in the matter of HC/S 413/2021.

Nanyang Technological Institute became NTU in 1991, and was corporatized in 2005. 10

The Plaintiff claimed to have been terminated after reporting illegal activity at NTU and tort of extortion, and prayed for reinstatement or damages to be assessed.

The inherent powers of Court were used to dismiss the case before the Pre-Trial Conference, and to suspend legislature regarding the Supreme Court's electronic filing system (*eLitigation*) and pro se litigant service bureaux (*CrimsonLogic*), as well as legislature safeguarding alleged faithfulness of communication between the Plaintiff and the Supreme Court Registry by any means, for the matter of HC/S 413/2021.¹¹ ...the negligence of CrimsonLogic
in the matter of HC/S 413/2021
 may not be compensated for
in the Small Claims Tribunals...

Claim No. SCT/16899/2021 between MH as Claimant and *CrimsonLogic Pte Ltd (N.K.A) Singapore Network Services Pte Ltd (F.K.A.)* as Respondent.

¹⁰ The Statutes of the Republic of Singapore, Nanyang Technological University Act (Chapter 192), Act 17 of 1991, <u>1992 ed</u>; and the Statutes of the Republic of Singapore, Nanyang Technological University (Corporatisation) Act 2005, <u>2020</u> Ed.

communication between a person and Court through the electronic filing system were under Order 63A. Provisions for the Court's electronic filing system and pro se litigants' access to the same through service bureaux are in current Practice Directions 2021, Part 3.

Subsequently, the Plaintiff was told by Justice Jaswinder Kaur

¹¹ The powers Court invoked in the matter of HC/S 413/2021 were mostly under Order 33, rule 2 of the Rules of Court. Provisions safeguarding the faithfulness of

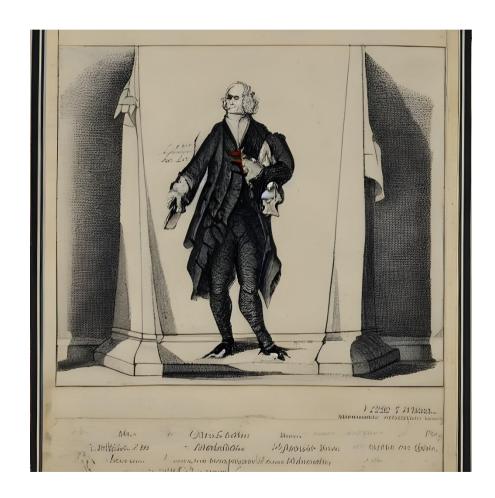
Digitizing Justice: Writ of Summons HC/S 413/2021

Please see www.nanyangscandal.com for Court documents. MH filed suit as outlined above on the 5th of May, 2021. On the *eLitigation* paper filing template, and which was assigned a unique identifier upon payment of fees, under 'Nature of Case (High Court)', MH ticked '69 Others' and wrote 'Civil trial', and '67 Tort – Others' and wrote 'Tort of extortion'. It was necessary to tick a box *and* add the legislation under which the matter is to be heard in writing because 'civil trial' and 'other forms of tort (not listed in the paper filing template)' are accessible on *eLitigation* and not listed on the paper filing template provided for pro se litigants of *eLitigation* through *CrimsonLogic*.

CrimsonLogic staff at the Supreme Court service bureau told MH that his suit would be heard under '27 Employment' only as '67 Tort - Others ('tort of extortion' in handwriting)' could not be accommodated on eLitigation. MH instructed CrimsonLogic staff that if only one of the boxes he ticked on the uniquely identified and signed paper filing template would be transcribed into eLitigation, it must be '69 Others ('civil trial' in handwriting)'.

To MH's surprise, HC/S 413/2021 was listed as a matter of 'Employment' in the Supreme Court's hearing list which was published just prior to the emergency full day trial hearing before the Assistant Registrar Kenneth Wang Ye in Chambers, and in which HC/S 413/2021 was dismissed before

the scheduled Pre-Trial Conference. MH immediately informed the Registry, relevant Registrar, and other Judiciary of this error by email.



Whoring the Rules of Court: HC/SUM 2650/2021

It is vital to note that NTU is unrepresented in the matter of HC/S 413/2021 as shown artistically rendered in Figure 1, below. In all other Court documents pertaining to HC/S 413/2021, NTU appear to be represented by Timothy Ang and Wilson Zhu of *Rajah & Tann Singapore LLP* (henceforth, 'Ang and Zhu').

Ang and Zhu filed HC/SUM 26450/2021 which purports to be Summons Under Order 18, and pursuant to its rules 19(1)(a), (b) and/or (d) of the Rules of Court to wholly strike out the Plaintiff's claim against the Defendant in HC/S 413/2021, that the Defendant's Defence be held in abeyance, costs, and other orders deemed fit.

If no pleadings are made under Order 18 Rule 19 then Plaintiff may file Summons For Judgement By Default of Pleadings under Order 19 in Form 79A, which MH did in HC/SUM 3000/2021 and Form 79A.

Relevant to the present article is that MH found it *extremely* difficult to convince *CrimsonLogic* staff that Form 79A exists. Upon paying the fees and receiving a unique identifier, MH received the document purporting to be the *eLitigation* product of Form 79A and published on www.nanyangscandal.com.

Trial without pleadings is under Order 18 rule 22 of the Rules of Court, and to the best of our knowledge there is no precedent for Order 18 rule 22 in a Singapore Court.



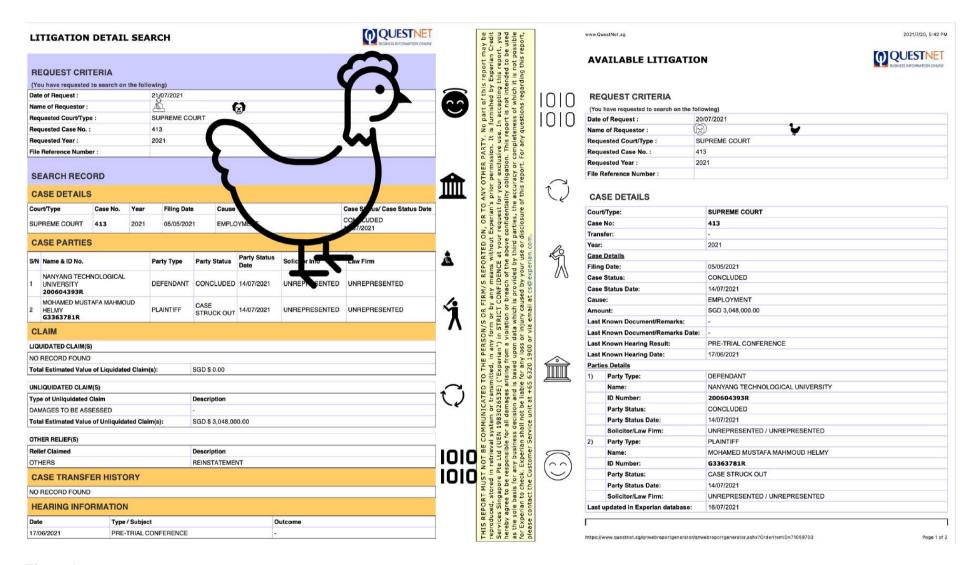


Figure 1Artistic rendering of *eLitigation* information provided on HC/S 413/2021

Trial by Ambush: the Affidavit by Goh

To support HC/SUM 2650 Summons Under Order 18 rule 19 but 22, Ang and Zhu deponed an affidavit sworn by an employee of NTU (henceforth, 'Goh') on behalf of NTU. The Affidavit by Goh was deponed as *Plaintiff* and not *Defendant*, and is in general a pile of nonsense mixed with falsities promising trial by ambush.

The Affidavit by Goh was not associated with a letter authorizing Goh to act on NTU's behalf. However, there is also no warrant for Ang and Zhu to act on behalf of NTU because the inherent powers of Court allowed NTU to be unrepresented as Defendant in the matter of HC/S 413/2021, and to appear to be represented by Ang and Zhu in HC/SUM 2650/2021 (which is to strike out HC/S 413/2021, and which was supported by an affidavit deponed as Plaintiff).

Points of law were argued in the Affidavit by Goh, briefly that HC/S 413/2021 is to be heard under legislation regarding employment only, or the four corners of the employment contract. MH was slandered bombastically. Trial by ambush was promised in that critical evidence would be submitted by Ang and Zhu at a later date. This 'evidence which would be submitted by lawyers at a later date' were Written Submissions filed by Ang and Zhu directly before the emergency full day trial hearing before Registrar Kenneth Wang Ye in Chambers.

In addition to HC/SUM 3000/2021 for Judgement By Default, MH filed HC/SUM 2991/2021 Summons for Striking out the Affidavit by Goh under Order 41, rule 6 of the Rules of Court due to its scandalous and oppressive nature, and because it is an abuse of the process of court.



The Action with Kenny

This is summed up in the pronouncement of the Special Assistant to the Chief of Justice Assistant Registrar Kenneth Wang Ye:

Even if the Affidavit by Goh is forged, and even if Timothy Ang and Wilson Zhu have no warrant to act,

I would still strike out your case.

Kenny in Chambers initially struck out HC/S 413/2021 under Order 18 Rules 19(1)(a), (b) and (c). After an awkward silence, Kenny in Chambers corrected himself and struck it out under Rules 19(1)(a), (b), and (d).



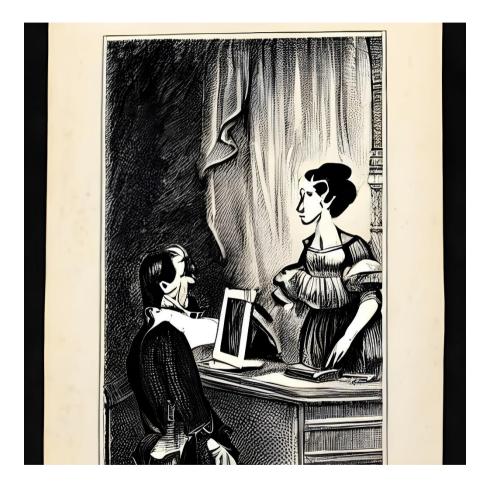
Communication with Court: Computer says 'no'

In addition to the Plaintiff's communication with Court through *eLitigation* and which was perverted by *CrimsonLogic*, MH communicated with Court by email, paper post, telephone, and in person.

All post coming in paper envelopes from Court and not from Ang and Zhu at *Rajah & Tann LLP* was handled by the Supreme Court case officer for Registry assigned to HC/S 413/2021, one Sherlyn Khoo.

Effectively all email correspondence with Court was with the same Sherlyn Khoo and invariably consisted of the information that all communication with Court is to be through *eLitigation* with payment of fees to deliver said communication unto *Rajah & Tann LLP*. For instance see Figure 2 below.

However, one email which MH had sent for the eyes of one Justice at the Supreme Court Singapore Mediation Centre only was replied to by Court secretary *not* Sherlyn Khoo. Nevertheless, the reply consisted of the information that all communication with Court is to be through *eLitigation* with payment of fees to deliver said communication unto *Rajah & Tann LLP*, even though neither HC/S 413/2021 nor *Rajah & Tann LLP* had been mentioned in the email MH wrote for the eyes of one Justice only at the Supreme Court.



When successful, telephone calls between MH and the Supreme Court substantially involved Sherlyn Khoo only. On one occasion MH reached the second designated case officer assigned to HC/S 413/2021, one Adrian Yap, and who told MH that Sherlyn Khoo would be with MH shortly.

MH was successful in meeting Duty Registrar at the Supreme Court on four notable occasions as follows:

- (i) Once with Assistant Registrar Eunice Chan Swee En in which she told MH that the appearance of an Order 33 in correspondence MH had received from Court was erratic and 'there is no Order 33 in the matter of HC/S 413/2021 on eLitigation'. She was lying because it showed on the list of hearings published online before the emergency full day trial hearing with Kenny in Chambers;
- (ii) Once more with Eunice Chan Swee En. I had intended to show her how the signed and uniquely identified *CrimsonLogic* requisition forms and filing templates I had in my procession differed from what appeared on *eLitigation* in the matter of HC/S 413/2021. She kept me waiting outside her room in the side corridor of the Supreme Court (sitting on the floor because there are no chairs there) from about 15.00 in the afternoon to about 17.00. I saw her through the glass in the door and motioned and caught her attention at least thrice over two hours. Then she told me I need to submit this data through *eLitigation*, but the service bureau or *CrimsonLogic* on the ground floor of the Supreme Court was already closed;
- (iii) Once with Duty Registrar Reuben Ong Zhihao to ask that my Request to Inspect Case Files On Premises approved by Court be

honored by *CrimsonLogic*. That Duty Registrar told MH that he cannot help with a problem in the output device furnished by *CrimsonLogic* and suggested MH contact *CrimsonLogic* technical team;

(iv) Once about ten minutes before the emergency full day trial hearing (the action with Kenny) because MH could not see the hearing for HC/S 413/2021 on the Supreme Court's electronic display screens, and which showed hearings and trials in Court that day.

MH also approached the Supreme Court Registry's reception office several times. Briefly, the information consisted of 'all communication with Court is to be through *eLitigation* with payment of fees to deliver said communication unto *Rajah & Tann LLP*'.



Dear Mr. Ang and Mr. Zhu,

Other references aside, you cite Singapore Civil Procedure in your Written submissions out of context or in contradiction. For example:

- 1. In paragraph [89] of your Written submissions, you refer to [18/19/13], which refers to O. 18, r. 19(1)(c). That's the one not in SUM 2650.
- 2. In paragraph [119] of your Written submissions, you cite [18/19/5] for the 'self-explanatory' nature of an NTU application with affidavit evidence to strike out under O. 18, r. 19(1)(a), (b), and/or (d), because, I suppose, it is not *just* under O. 18, r. 19(1)(a). The title of [18/19/4], same page, is: "Applicant must specify complaint".
- 3. A reference to [18/19/4] is made in your Written Submissions but not on specificity. You write, "...An abuse of Court process can operate independently as a separate ground for striking out an action, and is not dependent on whether there is any prejudice sustained by the defendant or whether a fair trial is no longer possible...". I am wondering how your statement can be inferred from text in [18/19/4], unless there's been an error. The paragraph emphasizes very strongly the importance of 'precisely' specifying 'what is being attacked', and when made on one or all grounds, 'such grounds must be specified'. I believe that reference commands respect, perhaps sanctity.

In paragraph [55] of your Written submissions you cite "... Gunton v Richmond-upon-Thames London Borough Council [1981] Ch 448 ("Gunton"")..." (sic). I am wondering why, because either judgement speak in my favor. The evidence is in writing, please ask Mr. Goh for it. Assuming you did not know that Mr. Goh has a statement from me saying exactly that – still why did you choose it?

Figure 2

Excerpt from email sent by MH to Timothy Ang and Wilson Zhu at *Rajah & Tann LLP Singapore*, as well as to the Supreme Court of the Republic of Singapore by email and in affidavits sworn before Commissioners of Oaths in the Supreme Court of the Republic of Singapore. This email excerpt was sent shortly before the emergency full day trial hearing with Assistant Registrar Kenneth Wang Ye in Chambers, and in which HC/S 413/2021 was wholly struck out before its scheduled Pre-Trial Conference even if Timothy Ang and Wilson Zhu have no warrant to act.

Switch bitch: OCBC takes all the Plaintiff's money

Ang and Zhu had requested 18,000 Singaporean dollars in costs post-Action with Kenny. Kenny made it 16,000 Singaporean dollars. *Oversea-Chinese Banking Corporation* (henceforth '*OCBC*'), in which MH has his bank account, first on some kind of Judgment, then on a *Garnishee Order to Show Cause* signed by Ang and Zhu and Eunice Chan Swee En, then on a *Garnishee Order* signed by the same, the two lattermost of which are *CrimsonLogic* products namely two (2) *Authentic Court Orders*, took all the money in MH's bank account. Those *Authentic Court Orders* are not in HC/S 413/2021, as can be confirmed by following the instructions for scanning the QR code and entering the case number regarding an *Authentic Court Order* provided by *CrimsonLogic*.

Justice Jaswinder Kaur pronounced that

...since there is no law which states that OCBC must scan the QR code of an Authentic Court Order before taking all the money in MH's bank account, therefore this is negligence on the part of OCBC and not in the jurisdiction of the Small Claims Tribunals...

Claim No. SCT/16848/2021 where Mohamed Mustafa Mahmoud Helmy or MH is the Claimant and *Oversea-Chinese Banking Corporation Ltd* is the Respondent.



Paper-only proceedings at the State Court

To access Justice without *eLitigation*, MH could have construed the signed and *CrimsonLogic* uniquely identified paper form requisitions and filled-in templates as his intellectual property and protected data, the contractual duty of *CrimsonLogic*'s which was to transcribe faithfully into *eLitigation*, and which had not been met. This entailed filing an Originating Summons (now 'application' perhaps) for paper-only proceedings with the Duty Registrar at the State Courts and not in the *CrimsonLogic* service bureau at Chinatown Point. However MH would probably not have managed to walk from where he would have to print the documents to the State Courts without expecting to see Eunice Chan Swee En as Duty Registrar in the State Courts.

MH had two enlightening discussions with Justice Jaswender Kaur by Zoom. As mentioned above, negligence by *CrimsonLogic* to realize their contractual obligation to faithfully transcribe MH's Court Documents into *eLitigation* is not in the jurisdiction of the Small Claims Tribunals, as was the common sense obligation for *OCBC* to scan an *Authentic Court Order* before taking all the money in MH's bank account.

I asked Justice Kaur what she thought about the whoring of the Rules by Court by Ang and Zhu, with the approval of Kenny and Eunice Chan Swee En. I believe she replied that judicial decisions made in the Supreme Court are obviously not open for review by the Small Claims Tribunals. I indicated that Justice is above Registrar and in my esteem. I believe she repeated her previous argument.

Justice Kaur confirmed the complexity of the paperless system in place. MH suggested we go back to paper. She said they will not and the *OCBC* guy laughed.



Locus standi: the Magistrate's Complaints

Regardless of a financial cap, the personally aggrieved MH filed two (2) Magistrate's Complaints in the State Courts seeking reinstatement at NTU. This included the request attached electronically to any Magistrate's Complaint in a 'yes-or-no and if-yes-then-details' manner, to be protected from harassment or POHA form since I was being harassed on record at least by NTU and the Singapore Police Force.¹²

The letter mentioned in my Statement of the Claim HC/S 413/2021 refers to a letter which was delivered to my place of residence at that time by two Investigating Officers and a third because I had refused to go again to the Rochor Neighbourhood Police Centre for a farcical police inquiry that was never an investigation.¹³ That letter was signed by the Attorney General and this fact is not mentioned in my Statement of the Claim in the matter of HC/S 413/2021.

During the first Hearing in Chambers with Senior Magistrate Mrs. Lee-Khoo Poh Cho Zooming in and MH sworn in an un-Sharia-like manner in the States Courts Chinatown Chamber 2-12, the Magistrate stated that she can 'only see one police report', presumably on her screen.¹⁴ That police report 'was on corruption' but the Complaint 'is about employment' so she dismissed the first Complaint.

During the second Hearing in Chambers with Senior Magistrate Mrs. Lee-Khoo Poh Cho Zooming in and MH sworn in an un-Sharia-like manner in the States Courts Chinatown Chamber 2-12, the Magistrate stated that the one police report she could see presumably on her screen 'was on research' but the Complaint 'was about employment' so she dismissed the second Complaint. MH argued that his employment was in research, and asked what her Honor would like to see in a police report since he may already have such a one, or else he may lodge such a one (that afternoon).

This was associated with a retardation of MH leaving Chamber 2-12 with Mrs. Lee-Khoo Poh Cho Zooming on screen and speaker in increasing tone, pitch, and volume demanding MH leave Chamber 2-12.

¹⁴ MH was instructed to place a hand on a copy of the Quran, raise another, and repeat a formula adapted from the Christian tradition. In Sharia courts one proclaims: 'By The Great God, I will say the truth'. Placing a limb on any object and/or raising another to somehow formalize the transaction amounts to blasphemy.

¹² The Statues of the Republic of Singapore, Protection from Harassment Act 2014, 2020 Ed.

¹³ MH had placed three glasses of water before the three Singapore Police Officers and only the Officer who was not at that time ranked Investigating took a sip of water from the glass placed before him.

Perhaps stupid is indeed as stupid does.

