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ABOUT EUGENE

Eugene Thuraisingam read law at the National University of Singapore, where he was placed on the Dean's List in his final year. He was called to the bar in 2001.

In 2003, just two years into practice, Eugene was awarded the prestigious "Young Lawyer's Award" by the Law Society of Singapore. Eugene rose through the ranks at Allen & Gledhill, one of Singapore's largest and most storied firms, and was made partner in 2006, aged just 31. He later went on to join Stamford Law Corporation, where he was one of the pioneers in the firm's dispute resolution practice. Between 2001 and 2012, although Eugene's practice largely centred around high-value commercial dispute resolution, he was a regular volunteer with the Criminal Legal Aid Scheme. In his first decade of practice, Eugene developed a reputation for being an advocate who was fiery, incisive, and tenacious. Clients often described him as a "*fighter*".

After spending more than 12 years in Singapore's most distinguished law firms and arming himself with a wealth of experience in both commercial and criminal dispute resolution, Eugene decided to take the path less trodden. In 2012, he ventured out on his own and formed Eugene Thuraisingam LLP ("**ETLLP**"). Eugene embarked on a mission to build a firm that specialises in criminal defence and commercial dispute resolution while upholding the fundamental principles of access to justice.

In a span of less than a decade, ETLLP has blossomed to become a well-recognised boutique firm whose name is synonymous with criminal defence and public interest litigation Eugene embarked on a mission to build a firm that specialises in criminal defence and commercial dispute resolution while upholding the fundamental principles of access to justice. This well-rounded practice has earned Eugene, and the firm, widespread recognition and acclaim. Most notably, in 2020, Benchmark Litigation recognised ETLLP as the "Boutique Firm of the Year" in the Asia-Pacific Region and paid tribute to the firm's involvement and expertise in complex domestic and cross-border disputes. For two consecutive years from 2020 – 2021, ETLLP was ranked amongst the "Best Law Firms" in Singapore by the Straits Times, and was ranked by the often referred to as 'the gold-standard', Chambers and Partners, in its 2022 edition of Chambers Asia-Pacific Guide for Corporate Investigations/Anti-Corruption: Domestic practice area. Eugene was named as one of Asia's Top 15 Litigators 2022, and Asia Super 50 Disputes Lawyers 2022 by Asian Legal Business. He was recognised in the fields of Litigation and Criminal Defence in the Fourteenth Edition of *The Best Lawyers*[™] in Singapore. Most recently, he has been named as a Litigation Star for White-collar Crime Disputes by Benchmark Litigation Asia-Pacific 2022.

In the field of criminal defence, Eugene and ETLLP have become household names. In the Straits Times' Best Law Firms Survey 2022, ETLLP established itself as the lawyers' choice for criminal defence as it received the highest number of recommendations from fellow law firms ranked.

Despite the immense growth and numerous successes, Eugene and ETLLP have never strayed away from its unwavering commitment to access of justice. Eugene received the LASCO award in 2016 for his work on capital cases. In 2021, he was appointed Pro Bono Ambassador of the Year for his tireless dedication to access to justice.

For Eugene, this focus on public interest litigation and access to justice is a natural extension of his personal belief in the importance of fundamental liberties and his creed that no cause or person should be denied justice. Over the years, Eugene has litigated many seminal cases involving human rights and fundamental liberties that have since found their way into constitutional textbooks.

These cases cover a wide spectrum of issues including freedom of speech, the constitutional right to counsel, s 377A, the exercise of prosecutorial discretion, and the constitutionality of statutes like POFMA and POHA. In many of these areas, ETLLP has played an instrumental role in advancing novel arguments and the development of the law.

Whether it is a criminal case, or a civil dispute, or a matter of public interest, Eugene and his team at ETLLP are the people you would want to have in your corner. As Eugene himself says "*We will fight hard and fight on, because that is what fighters do.*"

Matters of significance in which Eugene has been instructed to advice and act, to name a few:-

Commercial Litigation / Arbitration

- ***Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd [2015] 4 SLR 1; [2015] SGHC 125***
Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd [2016] 4 SLR 1124; [2016] SGCA 47
Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd [2017] SGHC 197: Successfully persuaded the Court of Appeal that former employers owe their employees a duty of care in the preparation of reference checks to be communicated to the employees' prospective employers. At the High Court level, we successfully obtained a damages award of SGD 4.26 million for against a financial institution which had issued negligent reference checks. The Court of Appeal largely affirmed the decision of the High court Judge, save that the Court of Appeal applied a small discount of 20% to the award.
- ***Rohini d/o Balasubramaniam v HSR International Realtors Pte Ltd [2018] 2 SLR 463:*** Acted for the Respondent, an estate agent, in claims commenced by the Appellant in negligence, vicarious liability and agency. At the High Court, we succeeded in getting the Appellant's claim dismissed primarily on the basis that it was the Appellant's own severe carelessness in giving the agent blank cheques which had caused her loss. On appeal, the Court overturned the said decision and held that the Respondent was negligent in failing to put in place a viable internal system or mechanism to supervise the rogue agent's conduct, *but* held that the Appellant was contributorily negligent and was therefore only entitled to 30% of the amount claimed.
- ***Tan Kim Heng v Tan Kim Li [2018] 3 SLR 766; [2017] SGHC 177***
Tan Kim Heng v Tan Kim Li (CA/CA 69/2017): Acted for the Plaintiff in both the High Court and Court of Appeal in challenging a will. At issue was whether an affidavit signed by an owner of a property in support of application seeking declaration that owner and the plaintiff were joint legal and beneficial owners of property, can be construed as a disposition of the owner's equitable interest in the said property.

- ***Broadley Construction Pte Ltd v Alacran Design Pte Ltd [2018] 2 SLR 110:*** The Court of Appeal was invited to consider the extent to which misrepresentations made at the pre-contractual stage be actionable where the true position appears clearly from the express terms of the contract. The Court of Appeal affirmed our arguments that where the true position is reflected clearly in the express terms of the contract, which the claimant places importance on and which the defendant would expect the claimant to read and understand, such misrepresentations cannot be actionable even if the claimant had signed the contract without reading its terms.
- ***2017 SIAC arbitration involving a charterparty dispute:*** Acted for a shipping company in an SIAC arbitration, involving a charterparty dispute of over USD 10 million. We succeeded in persuading the Tribunal that the Respondent had accepted the terms of the addendums to the charterparty, notwithstanding that it was unsigned. The arbitral award was issued in our favour.
- ***2019 UNCITRAL arbitration involving an oil & gas dispute:*** Acted for the Respondent, an oil exploration company in a USD 126 Million UNCITRAL arbitration against a Middle Eastern state-owned company. The dispute arises out of a joint venture agreement under which the Claimant was designated as the operator of a petroleum-producing oil field. One of the issues in question is the validity of the Claimant's cash calls made over several months amounting to approximately USD 26 million. The arbitration was heavily contested at the interlocutory stage involving, inter alia, an application for interim measures, an application for the Tribunal to fix deposits/costs in unequal pending the determination of the dispute under the UNCITRAL Arbitration Rules 2013. At a macro level, the dispute is a multi-jurisdictional one involving multiple proceedings in different jurisdictions. This included a criminal complaint in a Southeast Asian country relating to the legality of the Claimant's sale of crude oil from the said oil field without the Respondent's consent.
- ***2020 UNCITRAL arbitration involving an oil & gas dispute:*** Acted for the Claimant, an oil exploration company, in a USD 16.5 Million UNCITRAL arbitration involving a joint operating agreement where the Respondent was the designated operator of an oil field. The dispute involved an alleged default on the part of the Claimant for payment on cash calls where the Respondent proceeded to issue several Notices that purportedly transferred the Claimant's rights in the exclusive operation to the Respondent. The Claimant sought a declaration on the invalidity of the Notices, and damages flowing from their issuance. The arbitration was heavily contested even at the interlocutory stage involving, inter alia, an application for interim measures, an application for the Tribunal to fix deposits/costs in unequal pending the determination of the dispute under the UNCITRAL Arbitration Rules 2013.
- ***2020 SIAC arbitration involving a service agreement:*** Acted for the Claimants in Expedited Procedure arbitration proceedings seated in Singapore involving a claim of USD 1 Million. The dispute arose out a service agreement between the parties where the Claimants provided brokerage, technical and/or advisory services to the Respondent, including the introduction of clients. The Respondent refused to pay the Claimant approximately USD 1 Million of service fees owed under the service agreement. The dispute was a heavily contested one even at the interlocutory stage, which includes, challenges to jurisdiction of the Tribunal. We have also made an application for this dispute to be brought under the recently enacted Expedited Procedure framework of the SIAC Rules. This application was also contested by the Respondent. The final arbitral award was issued in our favour, where the Respondent was ordered to pay the Claimants damages, full costs of arbitration and legal costs with interest.

- **2021 SIAC arbitration involving a shareholder dispute:** Acted for the Respondent in a dispute arising out of a 'Make Whole' obligation alleged by the Claimant to entitle him to over USD 128 Million. We argued that its application was modified by a series of amendments and variations to the shareholders' agreement between the parties. The matter involved the interpretation of high-value commercial contracts concluded across multiple jurisdictions, and in particular, the application of 'Make Whole' obligations where the original commercial circumstances in which the contract was made, have changed. The matter reached an amicable resolution in August 2021.
- **Weston Global Funds Limited PCC & 3 Ors v PT Bank JTrust Indonesia, TBK (formerly known as PT Bank Mutiara TBK) & J Trust Co., Ltd:** Acted for the Plaintiffs, which are prominent distressed-debt corporations, in long-running proceedings before the High Court valued at USD 150,000,000 involving various issues arising from judgments of the Supreme Court of Mauritius (Commercial Division).

This four-year long running lawsuit is especially complex, given the numerous interlocutory applications taken out against the Plaintiffs to halt the progress of the lawsuit. All but two of these applications were the subject of appeal before a Judge. The Plaintiffs prevailed in all but two of these applications. Further, two of these applications were the subject of applications for leave to appeal before the Court of Appeal, which subsequently affirmed the decisions of the Judge in favour of the Plaintiffs.

Criminal Litigation

- **Public Prosecutor v Hamidah Binte Awang and another [2015] SGHC 4**
Public Prosecutor v Ilechukwu Uchechukwu Chukwudi [2015] SGCA 33
Ilechukwu Uchechukwu Chukwudi v Public Prosecutor [2017] 2 SLR 741
Public Prosecutor v Hamidah Binte Awang and another [2019] SGHC 161: We acted for the accused - Ilechukwu Uchechukwu Chukwudi - in defending a capital charge of drug trafficking. The accused maintained that he was not aware that a luggage bag which he was carrying contained drugs. In 2014, we acted for the accused in the trial, and obtained a full acquittal for him. In 2015, the Court of Appeal reversed the acquittal and remitted the matter to the High Court judge for sentencing. In 2017, we successfully persuaded the Court of Appeal to re-open its own concluded verdict that the accused is guilty, for the first time in Singapore's legal history. The matter was remitted back to the High Court, where we succeeded in persuading the Court in making factual findings in the accused's favour.
- **Nagaenthran a/l K Dharmalingam v Attorney-General [2019] 2 SLR 216; [2019] SGCA 37:** Argued before the Court on Appeal on two significant questions of law, namely: what the definition of an "abnormality of mind" under s 33B(3)(b) of the Misuse of Drugs Act ("MDA") should be, and whether the Public Prosecutor's decision not to issue a certificate of substantive assistance under s 33B(2)(b) of the MDA may be judicially reviewed on grounds other than bad faith or malice.
- **Public Prosecutor v Moad Fadzir Bin Mustaffa & Zuraimy Bin Musa [2019] SGHC 33**
Public Prosecutor v Zuraimy Bin Musa (CA/JCCA 14/2019)
Zuraimy Bin Musa v Public Prosecutor (CA/JCCA 18/2019): Acted for Zuraimy Bin Musa who stood trial for sharing a common intention with his co-accused to traffic in 36.93 grams of diamorphine. The Judge found that the evidence had not necessarily shown that Zuraimy knew that his co-accused was purchasing the drugs for the purpose of trafficking, and therefore amended the charge against Zuraimy to a reduced one of abetting his co-accused to obtain possession of the drugs. On appeal, we argued on a novel issue as to whether the Prosecution can rely on s 18(4) of the MDA, together with s 17 of the MDA to apply the presumption of trafficking against Zuraimy, notwithstanding that he was not in actual possession of the drugs.

- ***Zamri Bin Mohd Tahir v Public Prosecutor* [2019] 1 SLR 724; [2019] SGCA 9:** Appeared before the Court of Appeal to test the limits of the “*courier exception*” in s 33B of the MDA and argued that an accused person who had repacked the drugs *but* not exercised his own business decision-making powers in dividing the drug bundles must be considered a mere courier. The Court held that the central feature of the inquiry on whether such an accused person falls within the “*courier exception*” is the *purpose* or *reason* for the division and packing of the drugs.
- ***Zainudin Bin Mohamed v Public Prosecutor* [2018] 1 SLR 449:** Appeared before the Court of Appeal to test the limits of the “*courier exception*” in s 33B of the MDA and argued that an accused person who had repacked the drugs *but* not exercised his own business decision-making powers in dividing the drug bundles must be considered a mere courier. The Court held that the central feature of the inquiry on whether such an accused person falls within the “*courier exception*” is the *purpose* or *reason* for the division and packing of the drugs.
- ***Liew Zheng Yang v Public Prosecutor and other appeals* [2017] 5 SLR 611:** Successfully persuaded the High Court to make new law by affirming that an accused person who ordered drugs from a seller for delivery to himself for his own consumption cannot be charged of a conspiracy to traffic drugs to himself. This decision was affirmed by the Court of Appeal in *Ali Moha Bahashwa v Public Prosecutor* [2018] 1 SLR 610 where we acted for one of the accused persons, Selamat Bin Paki (see below).
- ***Ali bin Mohamad Bahashwan v Public Prosecutor and other appeals* [2018] 1 SLR 610; [2018] SGCA 13:** Acted for the accused – Selamat Bin Paki – in a drug capital matter. At issue was whether an accused person’s claim that he had intended to consume a portion of the offending drugs was in principle a valid defence against his charge of abetting co-accused to traffic in those drugs. The Court of Appeal answered in the affirmative.
- ***Public Prosecutor v Wee Teong Boo and other appeal and another matter* [2020] SGCA 56:** We acted for Dr Wee Teong Boo at the Court of Appeal. In the judgement below, Dr Wee was acquitted of the offence of rape, but was convicted for outrage of modesty and sexual assault by digital penetration. In a cross-appeal, we argued that the complainant’s testimony did not meet the *unusually convincing* standard due to its internal and external inconsistencies and that digital penetration was *incompatible* with the Prosecution’s case and the complainant’s own account. As to the rape charge, we argued that the acquittal was supported by the medical evidence that Dr Wee was suffering from erectile dysfunction. And further, that Dr Wee could not be faulted for not admitting to his condition in his statement to the police due to the nature of his defence and the Prosecution’s late disclosure of relevant medical evidence. The Court agreed with our submissions and cleared Dr Wee of all charges.
- ***Public Prosecutor v Yeo Sow Nam:*** We acted for Dr Yeo Sow Nam who was accused of 4 counts of outrage of modesty. Under cross-examinations by ourselves, the complainant admitted to lying in court by giving false descriptions and physical demonstrations of how Dr Yeo had allegedly molested her. Following this, the Prosecution withdrew the case and applied for a discharge amounting to an acquittal for all charges against Dr Yeo.
- ***Public Prosecutor v Miya Manik* [2020] SGHC 164:** Miya Manik faced a capital charge for murder. We successfully argued that the elements to prove the charge of murder under section 300(c) of the Penal Code was not made out. In particular, the High Court was persuaded that it was not sufficiently clear that only Manik inflicted the fatal injury, and that there was no common intention to inflict an injury sufficient in the ordinary course of nature to cause death.

- **Public Prosecutor v Muhammad Shafiq bin Shariff [2021] SGHC 150:** We acted for the accused in defending a capital charge of drug trafficking – successfully rebutting the presumption of possession of drugs by proving that he had no knowledge that the box he was carrying contained them. On this point, we had relied on the accused’s consistent evidence that he was not involved in the packing of the box, nor was his DNA found in its interior.

Public Interest Litigation

- **Ting Choon Meng v Attorney-General and another appeal [2017] 1 SLR 373:** Acted for the respondents who were affiliated with the website titled “*The Online Citizen*” in an action commenced by MINDEF for an order under s 15(1) of the Protection of Harassment Act and succeeded in the argument that a government cannot invoke s 15 of the said act as an application under this section was only open to natural persons.
- **Ong Ming Johnson v Attorney-General and other matters [2020] SGHC 63:** We argued before the High Court that Section 377A of the Penal Code was unconstitutional. We canvassed before the Court medical evidence that suggests that persons do not enjoy a choice over their sexual orientations and such sexual orientations were influenced by genetic and non-social environmental factors. Social environmental factors thus play no role in ‘nurturing’ the sexual orientation of an individual. In light of such medical evidence, we argued that S 377A violated the rights of homosexual men to liberty when such deprivation is based on their immutable identity. We further argued that S 377A contravenes the constitutional right to equal protection under the law for the lack of any legislative purpose justifying the differentia between male homosexual persons and female homosexual persons. The matter went on appeal and is pending the Court of Appeal’s decision.
- **Wham Kwok Han Jolovan v Public Prosecutor [2021] 1 SLR 476:** We addressed the Court of Appeal on the constitutionality of section 16(1)(a) of the Public Order Act. We argued that the lack of the Court’s power to *compel* the issuance of license where the Commissioner of Police makes an erroneous rejection, coupled with the criminal sanction present in organising a public assembly without a license, results in a constitutionally invalid derogation of a person’s right to speech.
- **The Online Citizen Pte Ltd v Attorney-General and another appeal and other matters [2021] SGCA 96:** This case involved two appeals pertaining to the exercise of the Minister’s power to issue a ‘Part 3 Direction’ under the Protection from Online Falsehoods and Manipulation Act. Acting for both the appellants – TOC and Singapore Democratic Party – we advanced various arguments as to the unconstitutionality of the Part 3 provisions of POFMA. Singapore Democratic Party’s appeal was allowed in part – the Court of Appeal found that its publications did not contain one of the intended meanings understood by the Minister, and such meaning was therefore not communicated in Singapore. The portion of the Correction Direction issued by the Minister dealing with that meaning was ordered by the Court to be set aside.

Eugene's seminars/publications include:-

- “Preparing for and Managing Corporate Investigations”, In-House Community Magazine featured article, Volume 1 Issue 9, June 2022
- Speaker for a panel session on “*Managing International Commercial Arbitration And Disputes Resolution During A Pandemic*” at the Asian Legal Business Virtual In-House Legal Summit 2021
- Seminar titled “*Experts*” for the seventh run of the Criminal Law Training Programme 2021 by the Criminal Legal Aid Scheme
- Speaker for a webinar on “*In Your Defence: Protecting Mental and Emotional Health as Lawyers*” by The Law Society Pro Bono Services and Eugene Thuraisingam LLP
- Panellist for an online session on “*NUS Law Freshmen Orientation Pro Bono Introductory Session*” by NUS Law Freshmen Orientation Central Committee 20/21
- Panellist for a virtual conference on “*Pro Bono Conference II: Asian Law Students’ Association ALL AROUND THE WORLD*” by Asian Law Students’ Association Singapore
- Speaker for a webinar on “*Singapore Academy of Law’s Litigation Internship Programme 2021 - Pro Bono Segment*” by Singapore Academy of Law
- Speaker for a webinar on “*Legal Issues Arising Out of GE2020*” by The Law Society of Singapore
- Seminar titled “*Pre-Trial Discovery in Criminal Proceedings*” for the sixth run of the Criminal Law Training Programme 2020 by the Criminal Legal Aid Scheme
- Speaker for a webinar on “*Expedited Procedure Under the SIAC Rules for Conducting Arbitration in Singapore*” for a law firm in Cambodia
- Seminars / Lectures for Part B Course on Criminal Law 2020
- Seminar titled “*Post-Trial Matters*” for the fifth run of the Criminal Law Training Programme 2019 by the Criminal Legal Aid Scheme
- “*Ethics and Professional Practice*”, Singapore Law Gazette feature article, August 2016
- SMU Criminal Justice Conference 2015 on “*Dealing with the Singapore Constitution and Punishment / Sentencing*”