

Johannes Hadi

Partner

LL.B. 2nd Class Hons (Upper Division)
University College London (2014)

MSc in Political Theory (Distinction)
London School of Economics and Political Science (2015)

Accredited Mediator
Singapore Mediation Centre (2020)

Admitted to the Singapore Bar (2018)

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ABOUT JOHANNES

Johannes is a skilled and reliable counsel who has experience at all levels of the Singapore courts. His main practice areas are civil and commercial litigation, criminal litigation, and contentious investigations. His civil and commercial practice includes banking and financing disputes, employment disputes, shareholder and director disputes, and enforcement of creditors' rights. His criminal practice is focused on commercial and international trade fraud, corruption and insider trading, though he also accepts briefs for clients accused of serious crimes like murder and drug trafficking.

He is the Co Vice-Chairperson of the Criminal Practice Committee of the Law Society of Singapore and has been a key player in many notable successes before the Court of Appeal, including high-profile acquittals and landmark judgments in novel or publicly important areas of the law.

Johannes read law at University College London (UCL) where he won the inaugural inter-university Human Rights Moot 2014. He then topped his cohort in several classes at the London School of Economics (LSE), where he graduated with a Master of Science (Distinction) in political theory.

Before he had clients to act for, Johannes acted for theatre audiences. His professional theatre credits include Family Outing (WILD RICE, Man Singapore Theatre Festival) and he has studied classical piano and violin with the Associated Board of the Royal Schools of Music, and musical theatre with the London College of Music.

Each morning he wakes up torn between a desire to improve the world and a desire to enjoy it, which makes it hard to plan the day.

Significant Civil and Commercial Litigation:

- Acted as lead counsel in High Court proceedings for a private investor in a S\$1.5 million investment dispute against a Singapore company involving GoTo Group shares, and successfully obtained summary judgment against the defendant company for the entire claim.
- *UFN v UFM and another matter* [2019] SGCA 54: Acted for the respondent in the first case in Singapore for financial relief consequent upon a foreign divorce under Chapter 4A of the Women's Charter. Successfully obtained judgment on novel questions of matrimonial law of public interest including: (a) the extent to which a foreign divorcee's decision not to exhaust remedies in a foreign matrimonial jurisdiction precludes an application for financial relief in Singapore under Chapter 4A of the Women's Charter; and (b) the applicability of the *forums conveniens* doctrine to the Singapore courts' exercise of discretion to allow financial relief.
- *Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd* (CA/CA 38/2018): Assisted in acting for a senior financial services director in a negligence claim against his former employer. This was a landmark tort case, in which the Singapore Court of Appeal held for the first time that employers owe employees a duty of care when preparing performance reviews to ensure that any facts stated were true and any opinions expressed were supported by true facts. The Court of Appeal assessed damages at S\$3.2 million.
- *Rohini d/o Balasubramaniam v HSR International Realtors Pte Ltd* [2018] SGCA 37: Assisted in defending a real estate agency against an S\$830,000 claim brought by the plaintiff, who argued that the agency should be held vicariously liable for the fraudulent acts of a rogue agent, with substantial success.

Significant Criminal & Public Law Litigation:

- *Roszaidi bin Osman v Public Prosecutor* [2022] SGCA 75: Acted for a drug courier and successfully persuaded the Court of Appeal, in a 3:2 split decision, to reduce the death penalty to life imprisonment on the basis of psychiatric evidence of diminished responsibility.
- *Ramadass Punnusamy v Public Prosecutor* [2022] SGCA 45: Successful obtained an acquittal before the Court of Appeal for an individual initially convicted of cannabis trafficking and sentenced to death.
- *Tan Seng Kee v Attorney-General and other appeals* [2022] SGCA 16 and *Ong Ming Johnson v Attorney-General and other matters* [2020] SGHC 63: Acted for a plaintiff in a challenge against the constitutionality of section 377A of the Penal Code, which criminalises consensual sexual conduct between adult men in private. Shortly after the appeal was dismissed, the Government of Singapore announced that it would move to repeal section 377A.

- Acted for an individual charged with insider trading under the Securities and Future Act, in a matter related to the prosecution of former executives of the Catalist-listed Oriental Group Limited for *inter alia* cheating, false trading and market rigging transactions, and employing manipulative and deceptive devices in connection with transactions of capital markets products.
- *Public Prosecutor v Yeo Sow Nam*: Successfully defended a prominent anaesthesiologist accused of outrage of modesty and obtained the full discharge of the charges amounting to an acquittal midway through trial.
- *Public Prosecutor v Wee Teong Boo* [2020] SGCA 56: Successfully defended and obtained the acquittal of a general medical practitioner accused of rape, sexual assault by penetration, and outrage of modesty.
- *Ilechukwu Uchechukwu Chukwudi v Public Prosecutor* [2020] SGCA 90: Successfully defended and obtained the acquittal of a Nigerian man accused of trafficking a capital quantity of drugs into Singapore. This was the first time in Singapore's history where the Court of Appeal agreed to re-open an already concluded criminal appeal and reverse a previous conviction in order to correct a miscarriage of justice.
- *Wham Kwok Han Jolovan v Public Prosecutor* [2020] SGCA 111: Acted for a socio-political activist in a criminal reference following his conviction for organising and holding a public assembly without a permit under the Public Order Act (the "POA"). The question of law of public interest posed to the Court of Appeal was — *is section 16(1)(a) of the Public Order Act a constitutionally valid derogation from Article 14(1) of the Constitution?* In its seminal judgment, the Court of Appeal set out a three-step test for determining whether a law impermissibly derogates from Article 14 of the Constitution.
- *Public Prosecutor v Hamidah Binte Awang and another* [2019] SGHC 161: Acted for the accused person in remitted evidential proceedings before the High Court, pursuant to the Court of Appeal's seminal judgment in *Ilechukwu Uchechukwu Chukwudi v Public Prosecutor* [2017] SGCA 44. After 5 days of hearings involving expert evidence from 4 eminent psychiatrists, we successfully persuaded the High Court that the client suffered from post-traumatic stress disorder prior to the arrest in Singapore in 2011, and that he suffered from post-traumatic stress symptoms during his arrest which affected the integrity of his statements to the Central Narcotics Bureau.
- *Nagaenthran a/l K Dharmalingam v Public Prosecutor and another appeal* [2019] SGCA 37: Acted for an accused person who was convicted of a capital drug trafficking offence in judicial review proceedings against the decision of the Public Prosecutor not to issue a certificate of substantive assistance under section 33B(2)(b) of the Misuse of Drugs Act (the "MDA"). The Government argued that section 33B(4) of the MDA was an ouster clause that limited the full scope of judicial review over the exercise of the Public Prosecutor's discretionary power. On appeal, we successfully persuaded the Court of Appeal that section 33B(4) of the MDA did not have the effect of ousting the court's powers of judicial review on grounds other than bad faith, malice, or unconstitutionality. We also acted for the client in an appeal against his death sentence, resulting to the Court of Appeal's

seminal judgment which clarified the proper interpretation of the phrase “*abnormality of mind*” under section 33B(3)(b) of the MDA.

- *Ainon Binte Mohamed Ali v Public Prosecutor* (HC/MA 9244/2019/01): Acted for a tuition teacher convicted of hurting a student in a successful appeal against her original sentence of 4 weeks’ imprisonment. On the basis of strong medical evidence indicating that she suffered from major depressive disorder which contributed to her offending, we persuaded the High Court to subject her instead to a Mandatory Treatment Order of 36 months.

Talks & Publications:

- “*Getting The Deal Through – Anti-Bribery & Corruption 2023 Guide for Singapore*”, Lexology (February 2023)
- “*Singapore: An Introduction to Corporate Investigations / Anti-Corruption: Domestic*”, Chambers Asia-Pacific 2023 Practice Area Overview
- Judge in the International Mediation Singapore Competition (October 2021)
- “*How to Excel in the Second Chair*”, Singapore Law Gazette (June 2021)
- “*Truth, Finality, and Justice: The Singapore Court’s Balancing Act in Capital Punishment Cases*” Lecture, Singapore Management University School of Law, delivered on 27 August 2020.
- “*Section 377A: Singapore’s Long Road to Decriminalisation of Homosexuality*” Talk, Yangon Pride Festival, Myanmar, delivered on 1 February 2020.

Professional Appointments:

- Co Vice-Chairperson, Criminal Practice Committee, Law Society of Singapore
- Member, Social & Welfare Committee, Law Society of Singapore
- Member, Criminal Justice Working Group, Professional Affairs Committee
- Member, Young Members Working Group, Professional Affairs Committee
- Counsel, Legal Assistance for Capital Offences Scheme (LASCO)
- Counsel, Criminal Legal Aid Scheme (CLAS)