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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 four consecutive years from 2020 – 2023, 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 2022-2024 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 'Distinguished Practitioner' for Dispute Resolution and Labour & Employment by the 2024 asialaw publication and a 'Litigation Star' for White-collar Crime Disputes by Benchmark Litigation Asia-Pacific 2023.

In the field of criminal defence, Eugene and ETLLP have become household names. In the Straits Times' Best Law Firms Survey 2024, 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.*"

Significant Arbitration Matters: -

- **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.
- **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.

- **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.
- **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.

Significant Litigation Matters: -

- **HC/OC 91/2023; HC/S 624/2020; HC/S 1019/2020:** Acted for entities and persons within a global commodities group of companies in three worldwide disputes, concerning disputed sums amounting to more than USD 630 million. Media coverage: [Trafigura faces hit of up to \\$577mn over alleged nickel fraud](#) / [Trader in Trafigura scandal ordered to pay US\\$63mn to financier TransAsia](#)
- **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.

- **Rohini d/o Balasubramaniam v HSR International Realtors Pte Ltd [2018] 2 SLR 463; [2018] SGCA 37:** 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* [2017] SGHC 162; [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.
- ***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. Media coverage: [Ex-insurance agent gets to keep \\$4m in damages, less 20 per cent](#)

Significant Criminal Matters:-

- **(Drug Trafficking) *Roszaidi Bin Osman v Public Prosecutor* [2022] SGCA 75**: The appellant had been convicted of a capital drug trafficking offence and sentenced to death. The issue before the Court of Appeal turned on the assessment of diminished responsibility when determining whether an accused is eligible for the alternative sentencing regime under s 33B(1)(b). We argued that the appellant had satisfied all three limbs of the test for diminished responsibility. The Court held in our favour that if the accused's mental responsibility for their prior decision to commit the offence was substantially impaired, even if their execution of the act in relation to their offence seemed rational, they would still be eligible for the alternative sentencing regime. The appellant was thus re-sentenced to life imprisonment. Media coverage: [Drug courier's death penalty reduced to life sentence in split decision by Court of Appeal](#)
- **(Murder) *Public Prosecutor v Azlin Binte Arujinah & Anor* [2022] SGCA 52**: Following a High Court trial, we successfully defended the co-accused, Ridzuan Bin Mega Abdul Rahman, against a charge of murder. The High Court judge had found that the element of common intention was not proven beyond a reasonable doubt, and sentenced Ridzuan on reduced charges of voluntarily causing grievous hurt by a dangerous weapon or means. Media coverage: [Father of 5-year-old boy who died from abuse gets life sentence, mother convicted of murder after appeal](#)
- **(Drug Trafficking) *Raj Kumar s/o Aiyachami v Public Prosecutor and another Appeal* [2022] SGCA 45**: We acted for the co-appellant in this matter, Ramadass, and secured a full acquittal of his drug trafficking charge – overturning his initial conviction and life imprisonment sentence. The appeal turned on the contention that Ramadass had not known the nature of the drugs and

thus successfully rebutted the presumption of knowledge. We successfully argued that the contested statements could not be relied upon to show that Ramadass had actual knowledge of the drugs owing to, *inter alia*, the doubt casted on the actual words Ramadass had used to describe the drugs. Media coverage: [Apex court acquits 2 men of cannabis trafficking; 1 of them was on death row](#)

- **(Murder) Ahmed Salim v Public Prosecutor [2022] SGCA 6:** The issue before the Court of Appeal had turned on a novel point of law *i.e.* whether the defence of diminished responsibility would apply to a person who planned and carried out a murder. The Court of Appeal answered the question in the positive, that is, the *partial* defence of diminished responsibility can still apply for premeditated murder, for instances where the accused can demonstrate that his mental disorder impaired his rationality in coming to the decision to commit murder.
- **(Murder) Public Prosecutor v Miya Manik [2022] SGCA 73; [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. We successfully defended Manik's acquittal before the Court of Appeal. Media coverage: [Court of Appeal upholds murder acquittal, sentence of man who slashed cigarette syndicate leader](#)
- **(Outrage of Modesty) Public Prosecutor v Yeo Sow Nam [2021] :** 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. Media coverage: [Doctor acquitted of molesting woman after she admits to lying in court](#)
- **(Rape) 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.
- **(Murder) Public Prosecutor v Boh Soon Ho [2020] SGHC 58:** We acted for the accused, who had been charged of murder by strangulation of the victim. The issues before the High Court turned on (1) whether the elements of the offence under s 300(c) had been proven beyond a reasonable doubt, and (2) whether the partial defence of grave and sudden provocation and (3) the partial defence of diminished responsibility had been proven on the balance of probabilities.
- **(Drug Trafficking) 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. Media coverage: [Apex Court dismisses appeals by Malaysian man on death row for 9 years for importing drugs](#)

- **(Drug Trafficking) *Public Prosecutor v Zuraimy Bin Musa* (CA/CCA 14/2019)**
- ***Zuraimy Bin Musa v Public Prosecutor* (CA/CCA 18/2019)**
- ***Public Prosecutor v Moad Fadzir Bin Mustaffa & Zuraimy Bin Musa* [2019] SGHC 33:** 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.
- **(Drug Trafficking) *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. Media coverage: [Man acquitted again in drug trafficking case, escapes death penalty in new twist 9 years after the incident](#)
- **(Drug Trafficking) *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.
- **(Drug Trafficking) *Liew Zheng Yang v Public Prosecutor and other appeals* [2017] 5 SLR 611; [2017] SGHC 157:** 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).

Significant Matters in Public Interest:-

- ***Wham Kwok Han Jolovan v Public Prosecutor* [2020] SGCA 111:** We addressed the Court of Appeal on whether section 16(1)(a) of the Public Order Act is a constitutionally valid derogation from Article 14(1) of the Constitution. In its seminal judgment, the Court of Appeal laid down a three-step test for determining whether a law impermissibly derogates from Article 14 of the Constitution. Media coverage: [Activist Jolovan Wham chooses 16 days' jail over fine for assembly without permit, refusing to sign police statement](#)

- ***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. Media coverage: [Court of Appeal upholds constitutionality of Pofma, allows part of SDP's appeal](#)
- ***Tan Seng Kee v Attorney-General and other appeals* [2022] SGCA 16; *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. Shortly after the appeal of the matter concluded, the Government of Singapore announced that it would repeal S 377A. Media coverage: [S377A officially repealed after President Halimah gives assent to Bill](#)
- ***Ting Choon Meng v Attorney-General and another appeal* [2017] 1 SLR 373; [2017] SGCA 6:** 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.

Eugene's seminars/publications include:-

- Seminar titled "*Apprehension & Detention of the Suspect*" for the ninth run of the Criminal Law Training Programme 2023 by the Criminal Legal Aid Scheme
- "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 a virtual conference on "*Pro Bono Conference II: Asian Law Students' Association ALL AROUND THE WORLD*" by Asian Law Students' Association 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*"