

The Lawyer's Burden

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Unsurprisingly, the recent news about the City Harvest trial has galvanised the online community, where many have questioned how Mr. Edwin Tong, SC could defend Kong Hee, the pastor of City Harvest Church. At times like these, it is all too easy to add one's voice to the clamoring of the mob, but we would like to add our input here also.

Is it the lawyer's job to decide if the client is right or wrong? Guilty or innocent? That unenviable task falls to the Court, but lawyers are not immune to the feelings of moral outrage towards - say a rapist or child molester. The difference is that the defence lawyer cannot give into those feelings. Many lawyers who practice criminal law have a strong sense of compassion. Compassion that drives them to work tirelessly, leaving no stone unturned, to save an accused person charged with a capital offence. Much like an old friend who you see only occasionally but who is always there for you, the lawyer may not condone what the accused has done, but still sticks with the client.

It is good to remind ourselves of the role of a criminal defense lawyer. Before a case ends up in the criminal courts, investigators and the Attorney General would have determined that the weight of the evidence shows the accused is guilty. They may be right and the Court finds the accused guilty. However, once in a while, the judgment of the Court can be reversed on appeal.

A good example is the case of Gopu Jaya Raman, which was recently decided by the highest court - the Court of Appeal. Entering Singapore from Malaysia, he was caught at the Woodlands Checkpoint with three bundles of drugs hidden in his motorcycle. He was charged and sentenced to death, but the Court of Appeal later overturned his conviction for lack of evidence.

Clearly, Kong Hee is not perfect - but then again, neither are lawyers or any of us.





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