

IN THE SUBORDINATE COURT OF THE REPUBLIC OF SINGAPORE

PS NO . 1348/08)

YAP KENG HO

VS

PUBLIC PROSECUTOR

REPLY TO PP's SUBMISSION &
Application to Strikeout PP's submission paragraphs 42 & 46

To the Honorable the Judges of the Subordinate Court of Singapore.

- 1.The reply to submission of PP**
- 2.Application to Strike-Out PP's
submission paragraphs 42 & 46**

Reply to PP's submission In General:

1.The DPP is ONLY DESPERATE in his submission in spending great length of his writings regarding the matters concerning Yap Keng Ho.

2.Generally, I must tell the court that P7 consisted of Fuzzy Unclear and Mixed-Up memories of more than one activities held separately and independently on different dates, however involving similar people and places. That is clarified by myself on the witness stand in great length. However, the DPP seems to be twisting and ignoring these evidence when writing that submission.

3.In P7, answers A1; A2; A11; A13; A14; A16; A20; A22; A23; A24; A27; A40; A49; totally 13 numbers of answer consistently be "***I can't remember***". Further, in answer A12, it clearly said that "***there were several events that took place and I am getting some confusions over them.***" Therefore, there is clear indications that some of the statements regarding pamphlets within P7 are not accurate. I had in great length and details clarified under cross-examinations and re-examinations. The DPP's written submission is still seriously distorting the evidence raised in the trial. I urge the court to refer back to Notes of Evidence regarding the actual evidence raised instead of DPP's distorted written submission.

4.There is nothing within P7, that I told the investigation officer about myself distributing any pamphlets except of a clarified error at A32, to any members of public. But the DPP's written submission had REPEATEDLY and WRONGFULLY twisted this around. There is only answer A19 within whole P7, which said "***I made photocopies of it somewhere along the way. There wasn't enough pamphlets.***" That is VERY DIFFERENT from distributing pamphlets to members of public along the way, as DPP is TOTALLY DISHONEST & COMPLETELY WRONG by distorting this in his paragraph 42, from line 1 to line 3. He repeated in this same way in his paragraph 46, at the very last sentence. With twice repeating the same mistake, I doubt weather the DPP was paying attention to the evidence raised in the trial, or just simply sticking to his own wrong assumptions throughout, neglecting all the evidence. If the prosecution had any dispute

against the evidence, they should submit on their reasons and basis of dispute, instead of choosing to neglect what was proven and simply twist things around in this written submission.

5. Answers A31 the word “**we**” was used inappropriately by bad choice of word. In A31 “It was very random. Because there were so much activities of different kinds. People were talking to us. We were giving pamphlets and being interviewed by the press on the way. We were doing video and photography and at some stage interrupted by the police. There were also many traffic light crossings and zebra crossings such that we did not managed to group together. There were also a lot of rest stops for e.g. The Istana.” was meant to answer the question on the manner the walk was done. The the “**we**” was not intended to wrongly reflect that I was among those who gave pamphlets, but was merely indicating that some persons were busy with such activities therefore the body of a procession was not formed up on the way. When understanding the purpose of A31 and carefully taking notes of all the evidence raised, the inappropriately chosen “**we**” should NOT cause any unnecessary confusion at all.

6. There was an answer A32 within P7 which recorded “**Ye, I did.**” referring to giving out pamphlets, but it had been clearly clarified during cross-examination that was an inaccurate answer due to the confusion with activities from Freedom Walk. In A12 of P7 I had forewarned the investigation officer that I was getting confusions between more than one activities held, therefore IO and the court should note that statements recorded in such a condition could reasonably contains some inaccuracy in the aspect specified. This had been made clear to IO and recorded at answer A12, which is way ahead of other answers from A13 through A51. The court should therefore deem the correction already done and error in answer for A32 deem rectified. However prosecution is just still attempting to exploit it.

Application to Strikeout PP's submission paragraphs 42 & 46:

I hereby repeat my points 4 & 5 & 6 from above as my submissions in my application to strikeout the baseless and wrongful submissions in paragraphs 42 and 46 (or known as PP's submission points #42 & #46),

from this trial. These points are completely baseless to have allegation regarding me to had distributed pamphlets to members of public along the way on 16.September.2007 which is entirely contrary against the evidence found in this trial.

In reply to PP's submission para 4:

I did Internet dictionary search or the definition of the English word PROCESSION, and found these:

From dictionary.com:

–*noun*

1. *the act of moving along or proceeding in **orderly** succession or in a **formal** and **ceremonious** manner, as a line of people, animals, vehicles, etc.*
2. *the line or body of persons or things moving along in such a manner.*
3. *Ecclesiastical. an office, litany, etc., said or sung in a religious procession.*
Theology. the emanation of the Holy Spirit from the Father and later, in the Western Church, from the Son: distinguished from the “generation” of the Son and the “unbegottenness” of the Father.
5. *the act of coming forth from a source.*

–*verb (used without object)*

6. *to go in procession.*

From dictionary.google.com:

- A **procession** is a group of people who are walking, riding, or driving **in a line** as part of a **public event**. N-COUNT
 - ...a funeral procession.
 - ...religious processions.

The act of progressing or proceeding; A group of people or thing moving along in an **orderly manner**, especially if doing so **slowly and formally**; A number of things **happening in sequence (in space or in time)**; To take part in a procession

en.wiktionary.org/wiki/procession

the group action of a collection of people or animals or vehicles moving ahead in more or less **regular formation**; "processions were forbidden"

wordnetweb.princeton.edu/perl/webwn

in reply to DPP's submission paragraph 4, which said "***a line of people who are all walking or traveling in the same direction, especially in a formal way as part of a religious ceremony or public celebration.***"

I hereby submit that the defendants were not doing anything at fit the definition of a procession. The reason being that the elements of **Orderly Manner; Formality; Sequential; in-line; Ceremonious; Religious; Regular Formation**; etc were all lacking and unfulfilled as clearly proven in the evidence highlighted by the defense. The element of continuous motion was also broken by the repeated resting and stoppages along the way. Therefore, it was only a casual walk that required no permit under the MOA had taken place on 16.Sept.2007. This is in addition to the defense that Yap Keng Ho on 16.Sept.2007 was totally independent blogger to record and report the event on the blog. The defendants are thus no guilty as charged, and are to be all acquitted.

In reply to PP's submission para 6:

The prosecution's version of definition of English word COMMEMORATE required that something is done to remember **officially and give respect...** it is in the evidence that the event of walk was done very casually without any formal ceremonial dress; nor flags; nor signs; nor banners; nor music; nor any name of formal organizations nor entity. Therefore the activities on 16.Sept.2007 did not even fit the prosecution's own definition of COMMEMORATE.

In reply to PP's submission para 9:

The DPP is again here twisting the evidence. There are 2 distinctly different routes raised in evidence: One that was during WB/IMF 2006 when meetings were held at Suntec City Convention Center, with the route specifically passing through Suntec City . One was taking a year later,

completely by-passing Suntec City, and then proceeding another 10km after Istana, throughout Orchard Road, & Tanglin then to **QRP**. In the WB/IMF route, it loops back to Hong Lim Park after Istana, and does not go to Tanglin & **QRP** at all. The differences are so drastic in between the 2 routes. The DPP is writing para 9 with the complete mix-up of these 2 different routes, to suit his own purpose of prosecution. But this is cheating and had been caught by the defendants again.

In reply to PP's submission para 10 to 20:

In summery, the police witnesses were ALL misled and unfairly influence by their own knowledge of contents of exhibit P5 – the web page of SDP. This is very clear that all their testimonies of their observations were all seriously shadowed by information they had read from P5. They were all able to see an illusion of a non-existing procession, only because their mind had been biased by their reading of exhibit P5. Their observations are different from those of any other average persons who had no knowledge about the contents of P5, as the average observers will not easily noticed nor identify any procession that exhibited no body of procession nor exhibited any properties of a procession, according to the prosecution's own definitions. The officers admitted that they knew and recognized most of the defendants and were conscious picking the defendants out among all the other road users and passer-by, the officers knows who to look out for, from the beginning till the end of the walk. The defendants according to evidence, were only casually and naturally walking and conveying themselves on foot like other users of road on the sidewalks, and exhibited nothing unusual or unique apart from other members of public. There were no procession, but the officers could “see” one only because they had constantly picked the defendants out from all the other members of public along the way. For some reasons, officer like ground commander DSP Lian PW8 wants to include 2 bloggers in black (Andrew & E-Jay) plus reporters into a single illegal procession when he admitted that these persons could be of journalistic roles, this is in addition to the fact that police had made absolutely no efforts to check identities of these bloggers and reporters, as they constantly picked only on just the defendants.

In reply to PP's submission para 25:

It is already in the evidence that P7 was made unwillingly because I was unhappy to be treated as a criminal suspect by IO, and I was angry against the way investigation was done, and was giving the IO an ear-full of political statements during the taking of statements for P7. DPP's para 25 has no substance and is inconsistent with facts.

In reply to PP's submission para 26:

The paragraph is only accurate in that part that there was significant memory refreshing during the proceedings of the case, via recollections of various persons and via photos and videos taken of the event. However, I was very clear that I said the person who asked for my help to make copies of pamphlets COULD BE Miss Chee, or an other. I wasn't sure. This should be found in notes of evidence, that I pointed out it could likely be Miss Chee or some other person. I only remembered that I considered at once stage to include a nice copy of pamphlet on my blog, and thus made copies in the efforts of obtaining a good copy, but I forgot all about it, as I was unsuccessful in that. All the copies made were of poor quality and unusable for my blog. Extra copy quantities were made on the request of the person who loaned me the clearest pamphlet used for the copying exercise, then the person paid me back the fees of copying.

In reply to PP's submission para 26:

In this paragraph, DPP had completely and conveniently omitted that DW2 Jeremy Auyong had positively recognized and remembered the role of Mr Andrew Loh (blogger in black) and not just Mr. Ng E-Jay (blogger in black). DW2 had visited their blogs and read their political Internet postings. DW2 also agreed that both Mr. Andrew Loh & Ng E-Jay will turn up at various political events to take video and photos and then write and post about these activities on their blogs. He also recognized them as citizen journalists. Similarly, DW2 had known me as a political blogger, who will post writings and video and photos of various political events, similar with Mr. Andrew Loh & Ng E-jay. Other evidence also clearly showed that there was Miss Crystal

Chan from another local media, as well as some photographers from other press at the event on 16. September 2007 all performing journalistic roles instead of joining the activities with group of persons in Democracy Now T-shirts.

In reply to PP's submission para 26:

What the witness DW2 really meant was any passer-by observing the walk could **WRONGLY** concluded that Yap was part of the group. The role of Yap is **NOT** to be determined by any passer-by, but by the evidence raised in the trial. It is in the evidence that various reporters and bloggers were also walking in no different way apart from Yap in the walk, following persons in Democracy Now T-shirts. Any passer-by making observations could come to wrong conclusion about the roles of reporters and bloggers – this will surely include DW2 Jeremy Auyong himself. But that only help the court to understand why the police witnesses and IO had also came to the wrong conclusion regarding Yap's role. PW8 DSP Lian Ghim Hua the ground commander himself had also wrongly alleged reporters and bloggers to be ***part of the group***. But in the trial their actual roles had been proven by evidence to be of journalistic.

In reply to PP's submission para 32:

The Fa Lun Gong practitioners were doing the same Fa Lun Gong practices. None of the practitioners had been proven to be of journalistic roles. The comparisons between PS1348/08 case & Ng Chye Huay vs PP case are not practical. The bloggers & reporters are **NOT** sharing **COMMON PURPOSE** as described and ruled by CJ Yong. Therefore the case law should not be considered as relevant to our case.

In reply to PP's submission para 32:

This para is entirely a self-satisfaction statement of DPP. There is absolutely no evidence of my consent to be part of any procession on 16.Sep.2007 to commemorate anything. It is proven that there were at least 2 other bloggers and several other reporters and photographers on that day who were there only for different purposes apart from the persons wearing Democracy Now

T-shirts. The question should be asked then about why the authorities had just only picked on and charged me and left the other bloggers and reporters alone. Even in a war zone, reporters are being considered as Neutral Persons not participating in the war, and soldiers from any sides does not fire on reporters deliberately. Why single out just one blogger out of the 3?

In reply to PP's submission para 34:

This is a desperate and very poor argument of the prosecution. Why only Yap is identified as collective entity with the other accused persons? Why not the other bloggers and reporters? They had all walked the same route together, they had all interacted and mingled at the same time with the same persons. Can the DPP please check your own statements before submitting? It is so flawed!

In reply to PP's submission para 35:

There is yet another very flawed and illogical argument in this paragraph. There is absolutely nothing to infer that ALL the 5 accused persons were the organizers or the intended participants. Exhibit P5 offers absolutely no information on who were the organizers nor participants. Prosecution's wild guess have no ground at all, it is just a very wild allegation via a very flawed basis of logic. This is alike saying that **since we can not find any other persons to be blamed for this, therefore it must be you because we can not find any body else?!**

In reply to PP's submission para 36:

The prosecution better make up their mind about their stands regarding the Democracy Now T-shirts. Prosecution can not have a DUAL-POSITION regarding these T-shirts. Whether these T-shirts specify the participants or NOT, the prosecution better make up their minds. They can not be at the same time making 2 simultaneous allegations that are directly in self-conflict. If the prosecution adopt one position of the identified purpose of these T-shirts, then they can not include persons who are not wearing it, otherwise, they would have to concede that, there was nothing at all, not even these T-shirt, to identify any alleged procession or group. There were no placards

nor flags nor banners of any sort. The court have to consider that it is possible, although not proven to be one way or the other that Mr. Francis Yong could had originally wanted to take the walk but had not done so on that day for some unknown reasons, that he was only seen in this T-shirt at Hong Lim Park. It is most ironical and unfair that prosecution had in most situations relied on that Democracy Now T-shirt to identify most of the accused person as a group in a identifiable procession, and then later still make self-conflicting submissions that the T-shirt does not serve for such purpose when the come to the situations surrounding Yap Keng Ho.

In reply to PP's submission para 37:

This paragraph is totally a baseless claim. There is no part in P7 nor any evidence to show that Yap has any role essentially different from 2 other bloggers and the reporters on 16.September.2007 unless prosecution is prosecuting all the bloggers and reporters as a part of a procession. Every persons including police officers all have very ACTIVE ROLES on that day. In the first place a procession had not been formed up by any person(s), furthermore, all the roles are essentially different on that day, the individuals all have different purposes to be there, and their purposes are not all one of the same.

In reply to PP's submission para 38:

It is my position that a permit is not required on 16.Sept.2007, as there were no procession being taken. There is no BODY of any procession that can be noticed nor identifiable by most observations, EXCEPT the police who had read exhibit P5, and started to SEE an ILLUSIVE procession in their own minds.

In reply to PP's submission para 40:

“Some activities should be organized every 16.Sept.2006 to remember the event that took place during WB-IMF” is a very general suggestion or idea. It can be any type or form of activities, not necessarily outdoor, not necessarily must be at Hong Lim Park. This was an open suggestion on the Internet,

well received internationally. Even if P5 or the idea of this walk could be resulted from this original idea, it does not incriminate Yap in any way. Yap is very open about it, there is nothing evil about this idea at all.

In reply to PP's submission para 42:

The prosecution made serious mistakes and shown dishonesty in this paragraph as aforementioned. There is no distributing of pamphlets by Yap on 16.Sept.2007 in the evidence at all, and prosecution had FABRICATED it in this paragraph. My reply from **In reply to PP's submission para 40** is again repeated here.

In reply to PP's submission para 43:

Freedom Walk is Unrelated and Irrelevant to this charge. The contents of pamphlet from Freedom Walk is also Unrelated and Irrelevant to this charge. The only significance of Freedom Walk is it's similar route; participants; involvement of T-shirts and pamphlets that had caused memory confusions and mix-up during the time the IO was recording statements. This concern about confusions of memory is recorded in answer A12 of P7, for the rightful purpose of stating that some parts of this statements in P7 could be inaccurate due to that confusion. The route taken on 16.Sept.2007 is only similar with that of the Freedom Walk, but drastically different from that proposed by Dr. Chee during WB-IMF meetings on 16.Sept.2006, in particular, in 2006 Dr Chee wanted to go to Suntec City but did not want to go to QRP (approx 10km further), the difference is HUGE in terms of distance and route.

In reply to PP's submission para 44:

This paragraph is yet another artful twist deliberately made by the DPP, caught by the defendants. All the answers in P7 refers to Annex B, there is no confusion about that at all, but DPP is now trying to cause their own confusion in the evidence, regarding what had been pointed out to be confused during recording of statements (exhibit P7). The only confusion during the time of recording of P7 is about the act of giving out pamphlets which was only done during Freedom Walk and not 16.Sept.2007. This is

clear as crystal during the trial. The prosecution is showing their apparent lapse of memory or wrongly recorded notes they made during the trial. The court's notes of evidence shall be referred.

In reply to PP's submission para 45:

This point is resulted in prosecution's mistake in para 44. It should be entirely disregarded by the court, or else I should apply for it to be struck out.

In reply to PP's submission para 47:

The evidence of this confusion is found within exhibit P7 itself at answer A12 which stated **"There are several events that took place. I am getting some confusions over it. I believe the police have the video of it"**, this is crystal clear evidence regarding this confusion at the time of recording of P7. But the prosecution just chosen to neglect this crystal clear evidence from within P7 which is produced in court by DPP John Lu himself, and relying on it to attack the defendants.

In reply to PP's submission para 48:

The person in question who had asked me to make extra copies was not only said to be POSSIBLY be Miss Chee and NOT POSITIVELY be her. This was said clearly on the witness stand by myself, and I added that it could be either Miss Chee or one other person, I wasn't sure about it. Then during further cross I just referred to this person subsequently as Miss Chee but I did not mean to testify that I was sure it was her, but was merely using her name to describe the person who asked me to make extra copies. I could have no quarrel with any other defendants if they disagreed that person is other than Miss Chee.

DPP is trying to suggest that I had initially concealed the matter of making extra copies but this is baseless. There is absolutely nothing criminal about making these extra copies, and there is no reason to conceal anything about it at all. No witness will be able to tell all the details of an event of several hours and all the activities on a route of 12 Km. Surely only the cross-examinations had caused more details to surfaced, and yet still there are lots of facts not surfaced in the trial. The prosecution is the only party interested

in the matter of making copies, and no other party will share this interest. The prosecution is only interested because they seriously lack the necessary factors to cause convictions to defendants especially myself.

In reply to PP's submission para 49:

There had been no change of any person's stance on my non-involvement in the walk, much less my own. There is evidence that I had agreed with group led by Dr Chee that I stay independently apart from them in ALL activities because I do not want to accept any Peer Moderations & Group Discipline and I want to be totally Free and Independent from the group. This is a permanent & long standing agreement between myself and the other defendants.

My role as clearly stated even with exhibit P7, answer A4 and A7 and A46. That A4 stated my purpose was "**Video and Photographing the activity / activists and as well as the police**". A7 stated "**To take photo and observe the police actions and see if everything was within lawful limits. I was to take pictures and videos for my news blog. I have several places and eventually most of the pictures were on the news blog uncleyap-news.blogspot.com**". A46 stated "**We did not have any discussion as long as the activity still continues and the police is still around and I will stick to the activity, I will continue to photograph and do video of the activity.**". That proved my stance consistently unchanged regarding my own purpose and role on 16.Sept.2007, during the trial as well as during investigation interview. There is no inconsistency regarding this from any of the defendants as well as DW2 Jeremy Auyong. The testimony from EVERY police witnesses matched my role of following the event to take video & photos of it. This is identical role as the other bloggers' and the reporters. The only extra thing I performed was the role of **policing the police**, as I testified that **I was anticipating to catch any action of the police exceeding the lawful limits of their authorities and to report accordingly on the Internet**. This is the main reason that the police are hostile against me and the prosecution had charged me out of all the other bloggers and reporters. The other bloggers and reporters did not police the police, therefore the police and prosecutors had left them alone.

In reply to PP's submission para 50:

The prosecution had not been challenging my credibility as a witness when I was on the stand, then they had later write in such a way in their submission. All the doubts casted by the DPP and been clarified clearly and openly while I was on the stand. During my own re-examination I had further and voluntarily gave more information. The prosecution was then unable to show any doubtful inconsistency in the court, and now write in such way in para 50. I agree that many important facts were consistently stated in exhibit P7 as well as my testimony on the stand, such as my purpose there to take video and photos. I also stated clearly in exhibit P7 answer A28 & A31 which provided the IO with the information regarding how the walk was done NOT in a procession. A28 stated "***I don't remember if we were able to leave together because we had to separately await for the traffic light crossings***", A31 repeated this in greater clarity by stating "***It was very random. Because there were so many activities of different kinds. People were talking to us. We were giving pamphlets and being interviewed by the press on the way. We were doing video and photography and at some stage were interrupted by the police. There were so many traffic light crossings and zebra crossings such that we did not managed to group together. There were also a lot of rest stops. For e.g. The Istana.***" this is then further and consistently elaborated that body of procession was not formed up, there was no continuity nor sequence nor order of walking, there were no banner nor flag nor placard, there were no musical instruments nor songs nor sound. These had been reconfirmed by DW2 Jeremy Auyong and other police witnesses. Therefore the contents of P7 are true and accurate, this is what I agree with prosecution – except that some parts of P7 were wrong due to a confusion which had been correctly annotated by A12 of P7. This annotation (A12) explains the reason of confusion and informed the IO & the court of possible inaccuracy in some answers due to the reason of confusion, instead of Yap deliberately giving anything inaccurately. The annotation (A12) can not be neglected when reading the statements within and the annotation had made P7 itself as a whole a very reliable evidence.

In reply to PP's submission para 51:

It is the duty of IO to establish the identities of Mr. Andrew Loh & Mr. Ng E-Jay as well as other reporters and take their statements accordingly. The defendants have no such duty. Failing to do this, it had only reflected the incompetence of police. For the defense DW2 Mr. Jeremy Auyong is sufficient, as he positively identified both bloggers Mr. Andrew Loh & Mr. Ng E-Jay at the scene. Furthermore, DW2 confirmed he had been reading the political blogs belonging to both Mr. Andrew Loh & Mr. Ng E-Jay, he noted the names of the blogs to be The Online Citizen and SG Politics. DW2 agreed that both these bloggers had been covering Singaporean political events on blogs by personally going to these events and took photos and videos etc, just like what Yap had been doing all these years. Furthermore, DW2 gave the name of Miss Crystal Chan from another local media, and said that there were other press photo-journalists and reporters whose names he could not recall. There is no evidence that DW2 Jeremy Auyong had himself entered the parliament square on 16.Sept.2007, no one had claimed to see him there on that day either. Therefore DW2 Jeremy Auyong could had been at elsewhere when others were at the parliament, and thus he don't recall himself being at the parliament. On 16.Sept.2007 it was only a casual manner walk, therefore no other person could compel DW2 Mr. Auyong to go or stop at parliament, each individuals took their own ways and pace, and walk or rest at their own decisions and convenience and there was no procession at all.

In reply to PP's submission para 52:

DW2 Jeremey Ouyong is the independent witness from SPH, he is not related to any defendants. The testimony of DW2 is the independent evidence, and a very reliable one. The judge had after the re-examination asked dozens of questions directly to DW2 regarding how the walk was done without uninterrupted continuity; other passer-by had cut through the positions between all the defendants; the walk was entirely on pedestrian walk-ways; the defendants were walking with random sequence and order; the was no rigidly fixed distance maintained between defendants;

defendants were not linking arms or shoulders during the walk; the answers from DW2 proved that the defendants were not forming up any body of a procession, identifiable and noticeable by an average observer.

In reply to PP's submission para 53:

There is no evidence at all in this case against Yap Keng Ho that he had been a part of any procession. All evidence supports the defendants' shared position that Yap did not take part as a member of any group, and was there only to take photos and video for blogging just like the other bloggers, and bloggers' role are similar to the reporters' role. Yap admitted that he have an extra objective to police the police, which is likely not shared by any others, but this is a legitimate duty of any citizen to check and ensure that enforcements by the police officers does not exceed the lawful limits of their authorities, this is a part of our Civil Rights to lawfully safeguard and uphold. No one should be wrongfully alleged to be in any procession just for lawfully exercising our Civil Rights.

In reply to PP's CONCLUSION para 54:

In conclusion, there were no procession on 16.sept.2007 from Speakers Corner to QRP, it was only a casual walk instead of a procession even by the definitions of English word **procession** agreed by both prosecution & defendant Yap Keng Ho. This is so because witnesses had not seen defendants forming up anything that can be identifiable nor noticeable as a procession by the public, and instead had merely conveyed themselves on foot from Speakers Corner to QRP, in normal manner not any different from other members of public or pedestrians. A permit under MOA is thus NOT required for the defendants, and the lack of such permit is no offense.

Yap Keng Ho had not been invited to take part in the event, nor had he agreed to be a part of it, and was there both to observe & record for blogging, and he consciously looked out for potential police violation of civil rights or abuse of police power in exceed to lawful limits. By doing what he did, there was no infringement of law on his part. The charge against Yap is unfair, unfounded, lack basis, and he may had been wrongfully charged only for policing the police.

There had been 2 other bloggers, and many other reporters, who were all there for purpose of journalism. These persons took the same walk, but for different reasons and can not be deemed to be sharing the objectives of persons who organized and staged that walk.

An illustration for comparisons (for the conclusion part):

hundreds of pupils in identical school uniforms walk to convey themselves from the MRT station to their school, their start / end point are identical, their objectives were same – to get to school, their routes are identical. But they are not a procession, because they walk in random sequence and order; they walked causally; they are not in rigid formation; they carry no flag nor banners; they have no music nor instruments. That is a walk and not a procession.

However, on another occasion, the same pupils might had lined up in fix formation led by their teachers, they got accompanied by school flag and musical marching band, as they commemorated their school anniversary. They then became a procession.

DATED THE 24TH DAY OF SEPTEMBER 2009



YAP KENG HO
THE DEFENDENT

**IN THE HIGH COURT OF THE
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VS

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REPLY TO CLOSING SUBMISSION