

Iswaran's 12-month prison term underlines intrinsic value of public trust

The integrity of our public institutions is paramount and serves as the lynchpin for our faith in governance.



Eugene K.B. Tan

Integrity underpins good governance. It's a non-negotiable. When public trust erodes, the country risks descending into dysfunction, as accountability falters, and public institutions lose legitimacy.

For many in Singapore – and around the world – the high-profile case of former minister S Iswaran was seen as an anomaly here, and yet at the same time a litmus test of the integrity of our system and governance.

Last week, Iswaran pleaded guilty to four Penal Code Section 165 charges, which make it an offence for a public servant to ask for or accept gifts as a public servant from someone with whom he has an official business relationship, and one charge for the obstruction of justice. Thirty other charges under Section 165 were taken into consideration in sentencing.

On Oct 3, Justice Vincent Hoong sentenced Iswaran to 12 months' jail – twice the six to seven months the public prosecutor had argued for and about six times what the defence had put forward.

In his view, anything else would be a "manifestly inadequate sentence".

The message was clear.

The paramount importance of trust and confidence in public institutions was writ large and

robustly reiterated in the High Court's 94-page ruling.

PERCEPTIONS AND PUBLIC INSTITUTIONS

At one level, the sentence underscores the court's strong stance against any offence that undermines trust and confidence in public institutions.

Even perceptions of influence peddling by gift givers or abuse of office are highly detrimental as they have an insidious effect on public trust and confidence.

Perceptions often operate as reality. In other words, the harm caused can be significant even from perceptions. This is a reasonably compelling position to take.

The public interest in the integrity and trustworthiness of public institutions, which is necessarily hard-earned, is undermined and easily dissipated by perceptions that individuals could enjoy the patronage of public servants, or that public servants are susceptible to influence by pecuniary benefits. As such, perceptions of unethical conduct or unlawful actions must be vigorously avoided.

Is this too high an expectation and standard of public servants and public institutions?

Not at all. The public sector is such a vital part of our lives and its impact significant in all that we do. Should it fall into disrepute, governance can only become awry.

Notably, the judge recognised that distrust in the public sector can arise not just from outright corruption but also where public institutions become the target of influence peddling, the lack of impartiality in decision-making,



Former transport minister S. Iswaran leaving the Supreme Court on Oct 3 after he was sentenced to 12 months' jail. He had pleaded guilty to four Penal Code Section 165 charges and one charge for obstruction of justice. ST PHOTO: GAVIN FOO

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and being prone to dispensing patronage.

Justice Hoong put it well: "The swift denunciation of such offences is necessary to deter the acquisition or cultivation of the patronage, loyalty or goodwill of public servants by valuables for the perceived benefits of persons with dealings connected to the official capacities of public servants".

ZERO TOLERANCE

But this was also a case that demonstrated the various public institutions and the rule of law at its best even though the matter was hugely embarrassing for the Government and ruling party.

The judge found that Iswaran had abused his high office.

The mitigating factors he put forth, including his public service

and contributions to Singapore, the voluntary disgorgement of benefits received, and a guilty plea at the start of the trial, did not sway the sentencing in his favour.

The judge made it clear that persons in high office with the "associated power and status" should generally be regarded as having acted with more culpability in abusing their position to obtain valuable gifts.

The investigation, prosecution and outcome of this case align with the longstanding position of zero tolerance of corruption.

Any doubt that there has been a wavering of the commitment on incorruptibility across the whole of government or that preferential treatment was accorded to Iswaran should now be banished.

Consider how the Corrupt Practices Investigation Bureau

(CPIB) investigated the matter without fear or favour, how the Attorney-General's Chambers prosecuted the case resolutely, how then Prime Minister Lee Hsien Loong immediately gave his concurrence for CPIB to commence formal investigations, and how the judiciary heard the case and disposed of it impartially and firmly.

Due process was observed and the law was allowed to take its course.

As then Prime Minister Lee stated in Parliament last year on the CPIB investigation involving Iswaran, "Whichever way the facts come out, the case will be taken to its logical conclusion. That has always been our way... when there is suspicion or allegation of wrongdoing in the discharge of official duties, especially possible corruption, there is zero tolerance".

Undoubtedly, this case is a grave setback even as human frailties remain an unchangeable fact in every facet of life.

Paying our ministers relatively well has been among our measures to safeguard high public life standards. But men and women of integrity and capability with their hearts in the right place to serve must be the cornerstone of our system of government.

Prime Minister Lawrence Wong reiterated in a statement on Oct 3 that the integrity of the Singapore system and the tone of society depend critically on a clean and incorruptible political leadership:

"Those entrusted with public service must uphold the highest standards of integrity and their conduct must be beyond reproach. This is absolutely vital and non-negotiable.

"We will do what is right by Singapore and Singaporeans, regardless of the political costs or the personal pain we feel when a colleague and friend has been jailed," he assured Singaporeans.

Nevertheless, the ruling party and the Government will have to work hard to regain any lost trust and confidence.

The attribution of blame to "a bad apple" is commonly resorted to but must be strenuously resisted.

Instead, are there weaknesses or gaps in the system such as that which allowed the gift giving to have taken place undetected over at least seven years?

Besides good institutions, policies, men and women, are there other measures that will purposefully reinforce the integrity of our system of government and governance?

While there is no foolproof system, this case affords an opportunity to re-examine our public life standards and the anti-corruption framework and what it means by our public institutions commanding trust and confidence.

The right lessons must be learnt.

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