

B29A.

Para. 129A(2)

Information Sheet to be exhibited in an Affidavit in support of an Application for Permission to make a Post-Appeal Application in a Capital Case under Section 60G of the Supreme Court of Judicature Act 1969

Before a prisoner awaiting capital punishment (“PACP”) can make a post-appeal application in a capital case (“PACC application”), as defined in Section 60F of the Supreme Court of Judicature Act 1969, the PACP must first apply for and obtain the permission of the Court of Appeal to make the PACC application.

To apply for permission to make a PACC application (“application for PACC permission”), the PACP must file written submissions together with a supporting affidavit, as required under Section 60G(4) of the Supreme Court of Judicature Act 1969 read with Order 24A, Rule 2 of the Rules of Court 2021 (“ROC 2021”).

The PACP is to note the following:

- Where the PACP is represented by one or more counsel, the supporting affidavit should state all the matters listed in O 24A, Rule 2(4)(a) of the ROC 2021.
- Where the PACP is not represented by counsel, the supporting affidavit should state all the matters listed in O 24A, Rule 2(4)(b) of the ROC 2021.

Please attach this information sheet as an exhibit in the supporting affidavit.

A Please briefly explain the nature of the PACC application that permission is being sought for.

--

B Please identify the material that the PACP wishes to rely on in the PACC application that permission is being sought for.

1 Is the material new evidence? If so, set out the new evidence.

--

2 Is the material a new legal argument? If so, set out the new legal argument.

--

C If the material is new evidence:

1 When and from whom was the new evidence first obtained, whether by the PACP or the PACP's counsel? If it was first obtained by the PACP, when did the PACP first communicate the new evidence to the PACP's counsel?

2 Why could the new evidence not be adduced in Court earlier, even with reasonable diligence?

3 Please state the interval of time between the date when the material was first obtained and the date of filing of the present application for PACC permission. Please state the reasons why the application for PACC permission was not filed earlier.

D If the material is new legal argument:

1 When did the PACP or the PACP's counsel first become aware of the new legal argument?

2 Why could the new legal argument not be adduced in Court earlier, even with reasonable diligence?

3 Please state the interval of time between the date when the material was first obtained and the date of filing of the present application for PACC permission. Please state the reasons why the application for PACC permission was not filed earlier.

4 If the new legal argument relates to or arises from a change in the law, please state the name(s) of any subsequent court decision(s) that the PACP says has/have changed the law. Please also explain what is the change in the law that the new legal argument is based on.

E Why does the PACP or the PACP's counsel say that the PACC application to be made, if permission is granted, has a reasonable prospect of success?

F Please provide details of previous or pending applications made by the PACP.

1 Has the PACP (whether alone or together with any other person), with or without the involvement of any counsel, made any application for review permission, and/or any review application under Division 1B of Part 20 of the Criminal Procedure Code 2010?

2 If the answer to question F1 is "Yes", please state the details of all such applications (including the date and case number of the application(s), the order sought in the application(s), the decision of the court in the application(s), and whether there was any finding of abuse of process in the application(s)).

3 Has the PACP (whether alone or together with any other person), with or without the involvement of any counsel, made any other application for PACC permission and/or PACC application?

4 If the answer to question F3 is “Yes”, please state the details of all such applications (including the date and case number of the application(s), the order sought in the application(s), the decision of the court in the application(s), and whether there was any finding of abuse of process in the application(s)).

5 Has the PACP (whether alone or together with any other person), with or without the involvement of any counsel, been involved in any other proceedings commenced on or after 28 June 2024 where the Court of Appeal has found that the PACP had abused the process of the court in order to delay or frustrate the carrying out of the sentence of death?

6 If the answer to question F5 is “Yes”, please state the details of the relevant proceedings (including the date and case number of the application(s) or action(s), the order sought in the application(s) or action(s), and the decision of the court in the application(s) or action(s)).

I declare that all the information contained in this information sheet is true and correct to the best of my knowledge and belief.

PACP or Counsel for the PACP

(Note: if there is more than one deponent to the affidavit, the name and signature of each deponent must be set out clearly)