

FACTSHEET ON JABING KHO

Case Background

On 17 February 2008, Jabing, together with an accomplice, assaulted two construction workers. Jabing hit one of the construction workers repeatedly on the head with a piece of wood. The construction worker suffered 14 fractures to the skull with severe haemorrhage in three areas. He died on 23 February 2008. Jabing was convicted of murder and sentenced to death on 30 July 2010.

Severity of Crime

2. In their written judgment on 14 Jan 2015, the Court of Appeal said that they were “completely satisfied” that Jabing had shown a “blatant disregard for human life”, in light of the “sheer savagery and brutality” of the attack. The Court of Appeal also observed that “even after the deceased was no longer retaliating (after the first blow)”, Jabing “went on to strike the deceased an additional number of times, completely unnecessary given that his initial intention was merely to rob him.” This left the deceased with a “completely shattered skull”.

Abuse of Legal Process

3. In the Court of Appeal judgment on 5 April 2016 (for the first criminal motion), the following observations were noted:

- The number of applications to re-open concluded criminal appeals have burgeoned. In 2015, 11 criminal motions of such nature were filed. Of these 11, 8 were dismissed summarily for being wholly without merit.
- For Jabing’s case, the Court of Appeal said in their written judgment that “applying the legal principles which we have just outlined to the Present Application, this application is misconceived in principle and must fail. For the most part, the Applicant merely traversed the same grounds as those which he covered in his submissions before this court at the hearing of *CA (Resentencing)*. There was very little in the way of “new” material, let alone material which is “compelling” and which justifies the exceptional recourse of a review.”

4. At the Court of Appeal hearing on 19 May 2016 (for the second criminal motion), the Court of Appeal (represented by Judge of Appeal Chao Hick Tin) said:

“The Applicant contends that (the apparent bias) argument is a new one. This is not true. When he filed the motion last year, he withdrew the same argument. While he did not say why, it is not proper for him to amend and choose arguments as he deems fit. It is an abuse of process for him to do this. After the first application was dismissed, he has filed a fresh application containing same ground he withdrew the first time. The Court cannot allow this. No court will ever allow this.”

5. At the Court of Appeal hearing on 20 May 2016 (for the third court application), the Court of Appeal (represented by Judge of Appeal Chao Hick Tin) said:

- The lawyers “knew very well the execution was to have taken place last year” but had continued to file numerous last-minute legal applications which were without merit.
- “The court should not be seen as a device to undermine the legal process. We cannot allow applications made at the eleventh hour, one after another.”
- “The legal system will fall into disrepute if we allow the system to be scuttled this way.”