

29 MAR 1994

Singapore Government

PRESS RELEASE

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Release No.: 14/MAR09-0/94/03/08

mfa/qc

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The US Embassy conveyed its concerns on the caning sentence passed by the Court on Michael Fay to the Ministry of Foreign Affairs on 7 March 1994. In its response, the Ministry registered the following points with the Embassy:

- The Ministry of Foreign Affairs notes the US Embassy's comments on the case. The Ministry had informed the Embassy earlier that the law in Singapore must take its course. The Ministry cannot be expected to intervene in the due process of the law.
- Fay's sentencing was the outcome of a fair and transparent legal process. Fay was given every opportunity to defend himself with representation by counsel of his choice. Based on the evidence, the Court sentenced Fay. The Court had considered in passing the sentence, Fay's guilty plea, age, clean record and mitigation plea. He was also acquitted of 28 other charges. The process is however not over. Fay has access to the appeal system. His counsel has notified the Court of his intention to appeal against the sentence.
- The Singapore judicial process cannot apply different standards to persons subjected to the same law. It is therefore not correct to say that "based on the facts and the treatment of other cases, similar cases, that this punishment is extreme". In fact, Fay is not the first teenaged person nor foreigner to have received the sentence of caning under the Vandalism Act. Twelve Singaporeans and two foreigners, aged 18-21, had received caning sentences for vandalism since 1989. (Details are given in the Annex.)

Based on previous cases involving vandalism, the Ministry would like to place on the record the following facts:

- In 1985, a 17 year-old Singapore male national, who pleaded guilty, was sentenced by the Court to three months imprisonment and three strokes of the cane for an act of vandalism involving the spraying of paint onto the wall of a block of public housing flats.
- In 1990, a 20 year-old Singapore male national was sentenced by the Court to one month imprisonment and three strokes of the cane for damaging public property (metal cover of a public phone) worth S\$50.
- In 1992, a 19 year-old Singapore male national was sentenced to three months imprisonment and three strokes of the cane for damaging public property (adaptor of a urinal sensor system) worth S\$60.

In contrast, Fay admitted in all to 18 counts of vandalism and six counts of mischief. He pleaded guilty to two counts of vandalism, two counts of mischief and one count of dishonestly retaining stolen property. He also consented to 16 other counts of vandalism and four counts of mischief to be taken into consideration by the Court in passing sentence. These facts, among others, reveal that the Court sentence meted to Fay is neither extreme nor unprecedented.

MINISTRY OF FOREIGN AFFAIRS

8 MARCH 1994

MFA(3)/PRmar08.'94