

Rough Justice: A Caning in Singapore Stirs Up a Fierce Debate about Crime and Punishment

By Alejandro Reyes

Since March 31, Queenstown Prison has housed Michael Peter Fay, an American teenager who has arguably become Singapore's most famous -- or notorious -- prison inmate. After pleading guilty to vandalism charges, the 18-year-old student was sentenced March 3 to four months in jail, a \$2,200 fine -- and six strokes of the cane. [Because the story involved an American, it] made headlines worldwide...



After losing an appeal against his sentence, Fay asked Singapore's President [to throw out his punishment]. On May 4, the government...recommended...that Fay's caning be reduced to four strokes as a gesture of respect for the American president. ... It was not until about noon the next day that [Fay learned] the news. His legal team was inside [the prison] for more than an hour. "He was happy that the clemency was considered," said Fay's lawyer. "He thanked his family and asked them to pray for him. He's nervous." ...

... Soon after his lawyers left him, Michael Fay was informed that his caning sentence was to be carried out that afternoon. ... In the caning room he was stripped naked. He bent over and his arms and legs were fastened down by straps. A protective covering was placed over his kidneys. A prison official, a medical officer and the caner were the only ones present. The caner wound up and, using his full body weight, struck with the 13mm-thick...rod, which had been soaked overnight to prevent it from splitting. Each stroke on Fay's exposed buttocks came about half a minute apart. It was over in minutes. After the fourth and final stroke, say Singapore officials, Fay shook hands with his caner and insisted on walking back to his cell unaided. He wanted to act like a man.

The cases of Fay and eight other foreign teenagers arrested for vandalism stirred up...a fierce debate about crime and punishment... It put the spotlight on the judicial systems in the U.S. ... and Singapore...

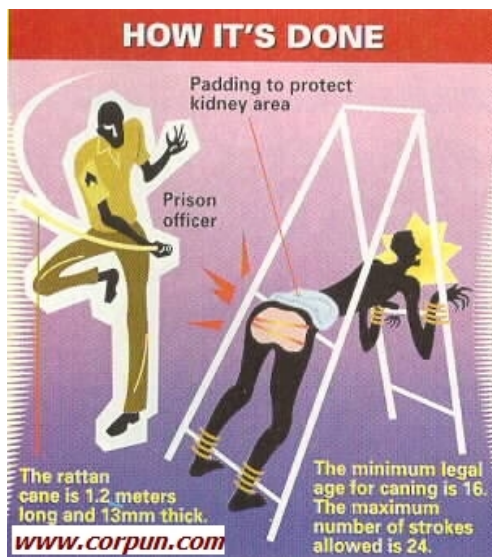
All the trouble began on Sept. 18, 1993. At about 8 a.m. [a Singaporean judge] ...drove his wife's car to the Supreme Court. He didn't notice anything strange. At 10 a.m., however, the judge was informed by police that something was wrong; his car had been sprayed with red paint. [The judge] drove home at lunchtime...where he noticed that his neighbor's car had also been spray-painted. Police later determined that both cars had been vandalized overnight. That afternoon, [the judge] drove to a shop, where the paint was [easily] removed with paint thinner.

Police linked the incident to other cases. The day before, vandals had struck at a multi-story carpark, ...spray-painting at least six cars. On Sept. 26, another car...was pelted with eggs and also kicked and dented. The hood of another car...was damaged by a brick. And on Oct. 4, vandals threw eggs at two cars ... and switched their rear license plates.

[The police] set out to stop the [crime] spree. In the early hours of Oct. 6 they laid an ambush... The operation paid off. Between 3 a.m. and 4 a.m. police chased down a red Mercedes and arrested 16-year-old International School student Shiu Chi Ho of Hong Kong ...

During about seven hours of interrogation, Shiu gave police names of boys he said were responsible for the vandalism. ... Five [students were] arrested including two 15-year-old Malaysians ..., a 16-year-old Australian..., and two Americans: Stephen Freehill, then 16, and Michael Fay, 18. ...

The same day, police took Fay to his mother and stepfather's 21st-floor apartment.... Above the boy's bed hung the American [flag] and a Singaporean flag. Five other Singaporean flags were found in the room, along with two "Not for hire" taxi signs, a "Smoking strictly prohibited" signboard, a "No Exit" sign, and other such items. According to police, the flags and signboards were stolen ...



... Early on, Fay became the center of investigations. He spent nine days in custody, eventually signing a statement of confession. ...[Michael's mother] wasn't able to see her son until the second day of his detention.

Fay ... decided to plead guilty and plea bargain. Fay had faced a total of 53 charges, mainly vandalism. He and his friends were alleged to have damaged eighteen vehicles over a period of ten days. He pleaded guilty to two vandalism charges, two counts of mischief and one charge of possessing stolen property.

[Fay was prosecuted under the] *Vandalism Act of 1966*..., originally conceived as a legal weapon to combat the spread of political graffiti ... The law clearly

mandates between three and eight strokes of the cane for each count of vandalism, though ..first time offenders can escape caning "if the writing, drawing, mark or inscription is done with pencil, crayon, chalk or other erasable substances and not with paint, tar or other non-erasable substances."

[Fay's lawyer] argued that the fact the paint was easily and cheaply removed should have saved his client from the mandatory caning. It didn't. For Judge F.G. Remedios, paint was paint.

The afternoon Fay was sentenced..., [an international debate about fair punishment began.]

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Adaptation Note: All effort was made to honestly excerpt Mr. Reyes' original manuscript. However, obtrusive brackets showing insertions of single, clarifying words were avoided. Full length article can be found at <http://www.corpun.com/awfay9405.htm>.