

FOR IMMEDIATE RELEASE

PRESS RELEASE

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**LABORATORY INCIDENT
AFFECTING RESULTS OF DNA TESTS**

1. The Attorney-General's Chambers was informed in September 2011 of the use of the reagent of higher than usual concentration ("the Reagent"), following which we sought clarification from HSA on the scientific scope and impact of the issue. We were informed that the Reagent rendered DNA tests less sensitive in detecting DNA profiles present in samples, and were assured that there was no possibility of falsely indicating any DNA profile that was not present. This means that any DNA detected by the use of the Reagent is definitely present in the sample but other DNA that may have been present in low amounts may not have been identified.

Concluded cases

2. There were 278 criminal cases that have been concluded in the Courts which involved DNA tests that used the Reagent. In order to ensure that the interests of accused persons and the public were not prejudiced by the use of the Reagent, the Attorney-General's Chambers has conducted a thorough review of all these concluded cases.
3. Through our review, we established that the DNA tests results did not materially impact the resolution of all 278 cases. We have therefore not requested re-testing in any of these 278 cases.

4. In fact, in 260 (94%) of the concluded cases, DNA tests were initiated but played no role whatsoever in the resolution of those cases. This would have been so, for instance, where accused persons pleaded guilty before the DNA test results were ready. Since the DNA tests had no bearing in these cases, no further action is required in these cases.
5. In the remaining 18 cases (6%), the DNA tests may have been disclosed to the accused, but on AGC's assessment, did not have an impact on the result of the case. The accused persons will be notified of the use of the Reagent in two weeks' time. These accused persons or their counsel may then contact the Attorney-General's Chambers to discuss if they wish to request a re-test. The results of any re-tests will be made available to the accused persons and their counsel.

Ongoing cases

6. There are 134 criminal cases that are presently ongoing in the Courts that involved the use of the Reagent. AGC has reviewed each of these 134 ongoing cases, and has requested re-testing in 87 cases in which the DNA test results may be relied upon by the Prosecution, the Defence or the Courts. In the remaining 47 cases, for which AGC has assessed there is no impact on the eventual outcome of the case, the accused persons or their counsel may contact the Attorney-General's Chambers if they wish to request a re-test.
7. The accused persons and their counsel in each of the 134 cases will be notified of the use of the Reagent in their cases in two weeks' time. The results of any re-tests will also be made available to the accused persons and their counsel.

Queries from accused persons and their counsel

8. AGC will be briefing the Law Society of Singapore (“the Law Society”) and the Association of Criminal Lawyers of Singapore (“ACLS”) of the incident and its implications on criminal cases. The Law Society or ACLS may then assist in consolidating and channelling queries to AGC where appropriate.

Legal advice for unrepresented accused persons

9. AGC will also explore with the Law Society and ACLS the possibility of referring unrepresented accused persons whose cases involved DNA tests using the Reagent to these two bodies for legal advice. Unrepresented accused persons may write in to agc@agc.gov.sg or call 1800 3399737 for further information.

Conclusion

10. The use of the Reagent would not have resulted in the false identification of DNA that was not present. Moreover, DNA evidence is only one of the many pieces of evidence which may be used to prove a person’s guilt. In the premises, and based on the information at hand, there is no indication that anyone has been wrongly convicted as a result of the use of the Reagent. We wish to assure the public that no effort will be spared in reviewing each case thoroughly to ensure that no accused person is prejudiced and that justice is done.

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