

*Public Prosecutor v Yue Liangfu***PROSECUTION'S SUPPLEMENTARY SKELETAL SUBMISSIONS ON SENTENCE**

1. The accused has pleaded guilty to and been convicted by this Honourable Court of an offence under s 379 of the Penal Code (Cap 224, 2008 Rev Ed), committed while on board an aircraft in flight. This Court has jurisdiction to deal with this case by virtue of section 3(1) of the Tokyo Convention Act (Cap 327, 1985 Rev Ed).
2. On 12 July 2013, I indicated to this Honourable Court that we were seeking a sentence of at least 12 weeks' imprisonment. Your Honour asked the Prosecution to obtain certain information, and then adjourned this matter to today for sentencing. The information sought by Your Honour is provided below.
3. During the adjournment, we have reconsidered our position on sentencing. We are now asking for a **deterrent custodial sentence of 12 months' imprisonment to be imposed on the accused.**

**Reasons for Seeking a Deterrent Sentence**

4. There has been a significant upward trend in the commission of theft onboard aircraft cases over the past 2 years. The following table shows the number of reported cases on Singapore-controlled aircraft since 2011, and the outcomes of the cases in terms of whether an arrest was made:

2011		2012		2013 (Jan to date)	
Number of reported cases where a suspect was arrested	1	Number of reported cases where a suspect was arrested	25	Number of reported cases where a suspect was arrested	22
Number of reported cases where no arrest was made	0	Number of reported cases where no arrest was made	18	Number of reported cases where no arrest was made	13
Total number of reported cases	<b>1</b>	Total number of reported cases	<b>43</b>	Total number of reported cases	<b>35</b>
Number of persons arrested	1	Number of persons arrested	36*	Number of persons arrested	26*

Number of persons convicted #	0	Number of persons convicted #	17	Number of persons convicted #	17
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\* There are cases where more than 1 suspect is arrested.

# The number of persons convicted is smaller than the number of persons arrested because in many cases, there was insufficient evidence to proceed with a court prosecution.

5. In 2012, there were 17 convictions. This is the same number of convictions in 2013 to date (inclusive of this current case). There have already been 35 reported cases in 2013 thus far.

6. Given that new cases are being reported each month, it is likely that the figures for last year will soon be surpassed. In fact, the most recent case was reported just 2 days ago, on 17 July 2013. In the latest reported case, a male suspect was witnessed to have taken the victim’s sling bag from the overhead compartment while the victim was sleeping. The suspect subsequently replaced the victim’s sling bag. The victim only noticed that RMB1500 was missing from his sling bag after he disembarked from the aircraft. Unfortunately, the suspect had already left Singapore, and he could not be arrested.

7. In 2012, the sentencing range was 3 to 8 weeks for such cases, with 7 out of the 17 convicted offenders being sentenced to 8 weeks’ imprisonment. These sentences clearly did not deter like-minded offenders. Only about 7 months of this year have passed, and we already have the same number of convictions as that for the whole of 2012. The number of reported cases is approaching the number of reported cases for the whole of 2012.

8. Thefts on-board aircrafts are particularly egregious because offenders take advantage of the inherently vulnerable position passengers are placed in. Passengers are left with little choice but to place their carry-on luggage in the overhead compartments and are unable to exercise constant vigilance of their belongings. The compartments cannot be locked, and to introduce such measures would be expensive, and would create a negative impression of the safety on board our aircrafts. In the event that travel documents are stolen or lost, great inconvenience and cost will be incurred on the part of the traveller.

9. Such offences are also hard to detect and prosecute. It is difficult to apprehend offenders and bring them to justice, as witnesses and offenders often leave the country with relative ease soon after arriving in Singapore. This explains the fact that the conviction figures are significantly lower than the arrest figures, which are in turn lower than the number

of cases reported. Last year, there were 18 reported cases where no arrests were made. This was because the police were unable to trace the offenders. This year, there have been 13 cases where no arrests have been made. In some cases, even where arrests are made, there is insufficient evidence to prosecute the offender due to the fact that witnesses have left Singapore.

10. The Prosecution has thus far taken an incremental approach in seeking to increase the imprisonment sentences of those convicted, as can be seen from the table at the Annex to these submissions.

### **Profile of Offenders and Modus Operandi**

11. The vast majority of suspects and offenders are nationals from the People's Republic of China (PRC). Out of the 26 accused persons arrested this year, 24 were from the PRC (22 from Henan province, 1 from Jiangxi province and 1 from Hubei province). Out of the 36 accused persons arrested last year, 34 were from the PRC (29 from Henan province, 4 from Jiangxi province and 1 from Hubei province).

12. The Police's assessment is that there is one or more organised crime syndicates targeting Singapore-controlled aircrafts. The offenders deployed on aircrafts are likely to be working in pairs. They target cash only, which is difficult to trace back to the owner and easy to dispose if an alarm is raised. One person will usually be responsible for stealing cash from a bag in the overhead locker, and another person for holding on to the loot. The first person will remove baggage stowed away in an overhead compartment and bring it back to his seat or a seat away from the overhead compartment to rummage for cash. Once he is through rummaging the baggage, he will return it to the overhead compartment. If he successfully finds some cash, he will pass it to his partner, so that if he is questioned, the loot will not be found in his possession. In some cases, the police have found cash deposited in the compartments of the aircraft toilet, which is a sign that the criminals have abandoned the loot for fear of being arrested. This *modus operandi* is present in many of the cases listed in the Table at the Annex and in the instant case.<sup>1</sup>

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<sup>1</sup> The Police have also informed us that in the 22 cases where a suspect was arrested in 2013, the suspects were witnessed rummaging through the stolen baggage in 20 cases. Out of these 20 cases, there were 9 cases where money was found in the baggage and subsequently retrieved when the accused returned the cash or when the Police found the cash stowed away in some part of the aircraft. In 11 of the 20 cases, the accused either replaced

13. Investigations have also revealed that the travel patterns of these offenders are similar. They usually travel as passengers on round flights from China, Macau or Hong Kong, to Singapore, and usually transit in Singapore for a day or less on each occasion before leaving for other South-East Asian countries, including Cambodia and Indonesia.

14. The significant rise in the number of reported cases over the past 2 years suggests that the sentences meted out by the courts are not sufficient to deter overseas organised crime syndicates from targeting our aircrafts. We submit that a strong message needs to be sent to potential offenders. The syndicates clearly still find it worthwhile to take the risk of sending people on board our aircraft to steal, and are increasing their efforts.

15. The Prosecution is of the view that a sentence of 12 months' imprisonment is necessary to drive home the point that such acts will not be tolerated.

16. In Hong Kong, where an accused person pleads guilty to a similar offence at the pre-trial stage, sentences ranging between 5 to 12 months' imprisonment are meted out.

**KRYSTLE CHIANG**  
**DEPUTY PUBLIC PROSECUTOR**  
**SINGAPORE**  
19 JULY 2013

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the luggage in the overhead compartment without taking anything from it or was caught in the act of rummaging through it by the victim or a witness.

Annex

**Summary of Recent Cases involving Thefts on Aircrafts (updated from Prosecution's Submissions dated 12 July 2013)**

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
1	<p>29 April 2013</p> <p><i>PP v Xu Changkai</i> [MAC 3490-2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of attempted theft (under s 379 read with s 511 of the Penal Code and s 3(1) of the Tokyo Convention Act). The accused was witnessed to have taken the victim's duffel bag from the overhead compartment and rummaging through it. <u>The accused had rifled through the victim's duffel bag for valuables but did not find any.</u></p> <p>The accused <b>did not take</b> anything of value from the victim's bag.</p>	6 weeks' imprisonment	<p>Accused was sentenced to <b><u>6 weeks' imprisonment.</u></b></p> <p>During police investigations, the accused <b>denied</b> committing the offence.</p>

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
2	<p>16 May 2013</p> <p><i>PP v Ren Dapeng</i> [MAC 3914/2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act) of a bag containing S\$450,000 worth of jewellery. <u>All items were recovered.</u></p> <p>The accused <b>took</b> the victim's bag (containing S\$450,000 worth of jewellery) from the overhead compartment and brought it back to his seat. He returned the bag to the victim after being confronted by him.</p>	<p>Not less than 8 weeks' imprisonment</p>	<p>Accused was sentenced to <b><u>4 months' imprisonment.</u></b></p> <p>During police investigations, the accused <b><u>denied</u></b> committing the offence.</p>

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
3	<p>17 May 2013</p> <p><i>PP v Chen Dagong</i> [MAC 3938/2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act), and was sentenced to 10 weeks' imprisonment. The accused was witnessed to have taken the victim's bag from the overhead compartment and rummaging through it. He had committed theft of \$500 from a wallet in the victim's bag, which bag the accused had taken from the overhead compartment of the aircraft. <u>The money was returned to the victim.</u></p> <p>The accused <b>took</b> S\$500 from the victim's wallet. He then returned the bag containing the wallet bag to the victim claiming to have taken the victim's bag by mistake. He returned S\$500 after the victim noticed a shortfall in the money contained in his wallet.</p>	<p>Not less than 8 weeks' imprisonment</p>	<p>Accused was sentenced to <b><u>10 weeks' imprisonment.</u></b></p> <p>During police investigations, the accused <b><u>admitted</u></b> committing the offence.</p>

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
4	<p>7 June 2013</p> <p><i>PP v Wang Huaici</i> [MAC 4175/2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act). The accused took the victim's laptop bag from the overhead compartment was observed by flight crew to be rummaging through it. He was confronted by the victim who caught him in the act of rummaging through his bag. <u>Nothing was found missing</u> from the bag.</p> <p>The accused <b><u>did not take</u></b> anything of value from the victim's bag.</p>	<p>8 weeks' imprisonment</p>	<p>Accused was sentenced to <b><u>6 weeks' imprisonment.</u></b></p> <p>During police investigations, the accused <b><u>denied</u></b> committing the offence. He told the police that he had opened the overhead compartment to retrieve his passport and had to take the victim's bag down to take his own bag. He said that he took the victim's laptop bag (together with his own bag) back to his seat "<i>for placing purposes</i>".</p>



S/N	Case and brief facts	Prosecution's submission	Sentence and observations
5	<p>10 June 2013</p> <p><i>PP v Qin Baoguo</i> [MAC 4827/2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act). The accused was witnessed to have been opening and searching various overhead compartments on board the flight for about five minutes. He was then witnessed taking the victim's black bag (containing clothing) from one overhead compartment and rummaging through it. He was then questioned by one of the cabin crew as to what he was doing. He replied that he was searching his own bag and proceeded to return the bag to the overhead compartment. <u>Nothing was found missing</u> from the black bag.</p> <p>The accused <b><u>did not take</u></b> anything of value from the victim's bag.</p>	<p>10 weeks' imprisonment</p>	<p>Accused was sentenced to <b><u>10 weeks' imprisonment.</u></b></p> <p>During police investigations, the accused <b><u>denied</u></b> committing the offence. He told the police that he had taken the wrong bag in a fit of grogginess after waking up.</p>

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
6	<p>14 June 2013</p> <p><i>PP v Liu Mingshu</i> [MAC 4827/2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act). The accused was witnessed to have taken the victim's brown trolley bag from the overhead compartment and rummaging through it. When asked by the cabin crew as to what he was doing, he replied that he was searching for his belongings. The cabin crew then took over the bag and asked the passengers sitting around if the bag belonged to them. The victim then said that the bag belonged to him. <u>Nothing was found missing</u> from the brown trolley bag.</p> <p>The accused <b><u>did not take</u></b> anything of value from the victim's bag.</p>	<p>Not less than 12 weeks' imprisonment</p>	<p>Accused was sentenced to <b><u>12 weeks' imprisonment.</u></b></p> <p>During police investigations, the accused <b><u>admitted</u></b> committing the offence.</p> <p>He said that he had was looking to steal something valuable as he needed money to pay for his wife's medical treatment. He alleged that his wife was suffering from breast cancer.</p>

S/N	Case and brief facts	Prosecution's submission	Sentence and observations
7	<p>26 June 2013</p> <p><i>PP v Li Shuangxi</i> [MAC-4326-2013] Unreported</p> <p>The accused (PRC national from Henan) pleaded guilty to a charge of theft (under s 379 of the Penal Code read with s 3(1) of the Tokyo Convention Act). The accused was witnessed to have taken the victim's black trolley bag from the overhead compartment and rummaging through it. He then proceeded to replace the victim's bag into the same overhead compartment. <u>Nothing was found missing</u> from the black trolley bag. Accused was observed by the learned District Judge to be remorseful.</p> <p>The accused <b><u>did not take</u></b> anything of value from the victim's bag.</p>	12 weeks' imprisonment	<p>Accused was sentenced to <b><u>8 weeks' imprisonment</u></b></p> <p>During police investigations, the accused <b><u>denied</u></b> committing the offence.</p>

The Police have confirmed that in all cases of arrest, the accused persons were first time offenders in Singapore.