

24 NOVEMBER 2017

## Life in jail for traffickers mulled

22 Nation



### At the dewan rakyat

Reports by MARTIN CARVALHO, HEMANANTHANI SIVANANDAM and LOSHANA K SHAGAR

# Life in jail for traffickers mulled

## Proposal to abolish mandatory death sentence for drug runners tabled

A PROPOSAL to abolish the mandatory death sentence in sentencing drug traffickers was tabled in the Dewan Rakyat.

These amendments to the Dangerous Drugs Act 1952 (Act 234) seek to revert to the original law prior to 1983, which allowed the Court to impose life imprisonment with whipping or death.

Currently, those convicted with trafficking dangerous drugs under Section 39B face the gallows. Section 39B was first included via an amendment to Act 234 in 1975.

The Government wants to change

subsection 39B (2) of the Act to empower the court to impose a punishment of death or imprisonment for life, and whipping of not less than 15 strokes.

Minister in the Prime Minister's Department Datuk Seri Azalina Othman Said, who tabled the Bill for its first reading, said the changes were in line with the principle of sentencing where the court is given room to impose punishment besides the mandatory death sentence.

However, the court's discretionary powers, she said, are subjected to specific circumstances.

These include if there was no evidence of the individual buying and selling the dangerous drugs at the time of arrest, where there was no involvement of an agent provocateur, or when the individual was only transporting, carrying, sending or delivering the drugs.

The Public Prosecutor must also certify in writing that the individual assisted an enforcement agency in disrupting drug trafficking activities within or outside the country.

The determination whether or not a person had assisted law enforcement shall be at the sole

discretion of the Public Prosecutor.

Assisting an enforcement agency includes providing information leading to arrest, detention or prosecution of any person involved in drug trafficking.

Azalina said the amendments are a proactive measure by the Government to ensure appropriate justice to those who should not be sentenced to death.

"However, the death penalty must be maintained to show the Government will not compromise with drug traffickers who pose a threat to the people," she said.