

Appeals court allows Vietnamese woman on death row to produce new evidence

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PUTRAJAYA, Oct 11 — In a rare decision, the Court of Appeal here today allowed an application brought by a Vietnamese woman, who was sentenced to death for drug trafficking, to bring in new evidence in her bid to prove her innocence.

A three-member panel chaired by Justice Datuk Balia Yusof Wahi granted Nguyen Thanh Ngoc Tuyet's application to produce new evidence in the form of two police statements and oral evidence of three Vietnamese witnesses to support the contents of those documents.

The statements were allegedly made by her friend Tran Tranh Tam to two Vietnamese police officers who had recorded her statements in Vietnam.

Nguyen Thanh, 25, a university dropout, had claimed in her defence that she had picked up a bag (in which drugs were found) belonging to Tran Tranh at the Penang International Airport and that she had no knowledge of the contents of the bag.

Justice Balia fixed December 11 for the Court of Appeal to hear the testimonies of Tran Tranh and two Vietnamese police officers.

Their (Tran Tranh and the two Vietnamese police officers') evidence would then be included in the records of appeal and would be considered by a three-member panel of the Court of Appeal which would hear Nguyen Thanh's appeal against her conviction and death sentence.

Justice Balia who presided on the panel with Justices Datuk Rohana Yusuf and Datuk Seri Zakaria Sam ordered that the three witnesses be produced before the Court of Appeal at the defence's expense.

He also made an order that the testimonies of the three witnesses were to be heard by a Court of Appeal panel and not before the High Court because judicial commissioner Mohd Amin Firdaus Abdullah who heard Nguyen Thanh's trial had retired this year.

"Our paramount consideration is the interest of justice. Every opportunity must be given to the appellant (Nguyen Thanh) because she is facing the death penalty. There is a special circumstances to grant her application," said Balia.

In today's proceedings, Nguyen Thanh's counsel K.Simon Murali said the statements that were recorded revealed vital facts that were capable of fortifying his client's defence that she had no knowledge of the presence of the alleged drug substance in the bag she was carrying at the time of her arrest.

Simon said the new evidence only surfaced in December last year and July this year and were not available to Nguyen Thanh during trial in the High Court.

He said the High Court's grounds of judgment had held that Tran Tranh was not a fictitious character but a real individual who had actually arranged Nguyen Thanh's travel and accommodation in Malaysia.

Simon said the defence had the cooperation of the Vietnamese Embassy on this matter.

The mother of a child (Nguyen Thanh) was sentenced to death by the High Court in George Town on July 18, 2012 after she was found guilty of trafficking in 2,030.5gm of methamphetamine at the arrival hall of the Penang International Airport in Bayan Lepas at 10.10am on June 26 2011.

She lodged an appeal to the Court of Appeal against the High Court's decision. — Bernama