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Give judges discretion in death penalty

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AT present a mandatory death sentence is imposed in Malaysia for convictions of murder, certain fire-arm offences, kidnapping, drug trafficking and treason.

The mandatory death sentence in our penal system doesn't allow a judge to exercise his discretion in dispensing punishment.

Parliament must delete the word 'mandatory' for the death sentence in the Dangerous Drugs Act. Low level drug mules who traffic small amounts of drugs, mostly young girls who could have been deceived into carrying them, have been sentenced to death because of the mandatory provision.

The death sentence should be reserved for the big drug lords who rarely are caught. Hopefully, in time to come, the mandatory death sentences for other non-drug related crimes too will be left at the discretion of the judge.

There are 1,041 inmates languishing on death row in our prisons. The sentences have not been carried out as the appeals are still pending.

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Despite the mandatory death sentence for drug trafficking, it has not reduced cases of drug trafficking in Malaysia.

And despite all international flights into our airports reminding passengers in several languages of the mandatory death sentence drug trafficking, they still try to bring them in.

Many of our own young girls are also behind bars in other countries awaiting the death penalty for trafficking in drugs. There was a

report of a father yearning for the return of his daughter who is in a prison in China for almost eight years for being a drug mule. Many of these young girls were offered free trips and vacations to exotic destinations by new acquaintances who ended up using them as drug mules.

Last year a drug mule aged 64 was released after 31 years in prison for drug trafficking. The woman was 33 when she was caught at the Subang International Airport in 1985 trying to smuggle drugs to Australia. She got the death penalty. She appealed but lost. However her sentence was commuted to life imprisonment by the Sultan of Selangor in 2003.

After 31 years behind bars the woman became religious, repented and learned skills to generate income after her release. Her husband and daughter were waiting for her outside the Sungai Udang Prison in Malacca when she walked out. A life sentence also allows for miscarriages of justice to be addressed, unlike if the death penalty had been carried out.

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