

No mandatory death penalty under amended Act

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Top News

No mandatory death penalty under amended Act

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KUALA LUMPUR — The death penalty will not be the only punishment judges can mete out on drug traffickers once the Dangerous Drugs Act 1952 is amended.

Minister in the Prime Minister's Department Datuk Seri Azalina Othman Said said in a written reply to Bukit Gelugor MP Ramkarpal Singh the Cabinet had unanimously agreed to amend the Act.

She explained that the Attorney-General's Chambers, through the International Centre for Law and Legal Studies (I-CELLS), had conducted a review of the death penalty.

In March, the results of the study were presented to the Cabinet, which unanimously agreed to review Section 39B of the Act and allow the courts to decide on the punishment.

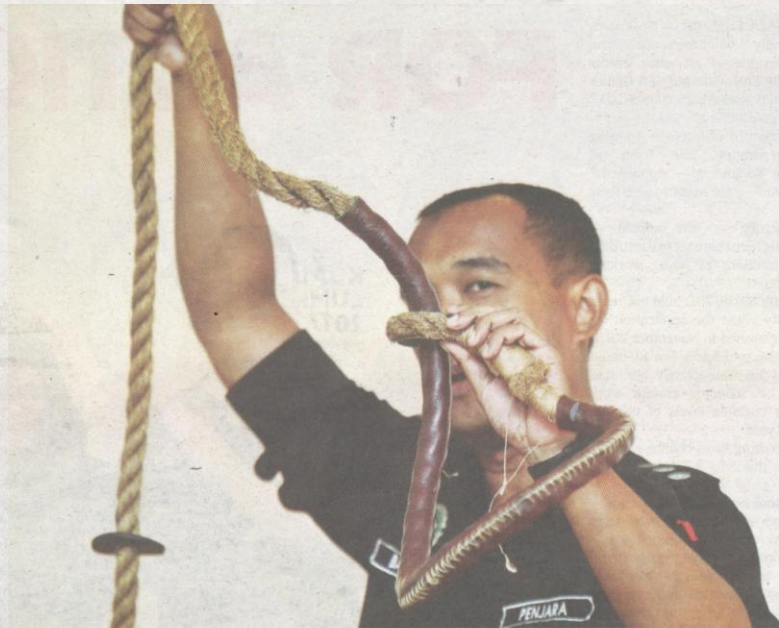
“While the announcement for changes to the mandatory death penalty sentence in its limited form to drug trafficking is a welcome move, it must only be considered a first step towards total abolition.”

— Amnesty International Malaysia

“The Cabinet agreed to include additional clauses which provide discretionary powers to the courts to deal with other sentences, apart from the mandatory death penalty, in certain situations,” she said.

It is learned that about two weeks ago, the Cabinet was briefed on the provision of the law that can be amended, and the Attorney-General's Chambers is drawing up the Bill.

The Bill is expected to be tabled by the



An officer at Kajang Prison shows how hanging is carried out during a visit by students recently.

Home Ministry as the Act is under the ministry's jurisdiction.

It is not immediately clear when the amended law would be put before parliament, but it is expected to be approved.

A total of 651 Malaysians have been sentenced to death since 1992, most of them for drug offences, Azalina said.

In March, human rights group Amnesty International ranked Malaysia 10th in the use of death penalty among the 23 countries that carried out capital punishment last year.

“While the announcement for changes to the mandatory death penalty in its limited form to drug trafficking is a welcome move,

it must only be considered a first step towards total abolition,” Shamini Darshni Kaliemuthu, executive director of Amnesty International Malaysia, said in a statement yesterday.

Shamini said the amendment would allow the court to consider mitigating factors as there had been people falsely convicted after being tricked into carrying drugs.

“We welcome the move as a recognition that the mandatory death penalty is an egregious form of punishment,” she said.

“Most people on death row for drug-related offences have been tricked into smuggling drugs into the country, some even without their knowledge. As surprising as this may

seem, it does happen.”

Shamini said the government must also consider revisions to Sections 36 and 37 of the Dangerous Drugs Act.

“Under Section 37, we are concerned with the retention of ‘presumptions’, where defendants found with specified amounts of certain drugs, or even simply in possession or in control of objects or premises in which prohibited substances are found, are guilty of drug trafficking,” she said.

“In those circumstances, the burden of proof is shifted onto the defendant (Section 36), in violation of the presumption of innocence and fair trial rights.”