

## `Help offenders through drugs court`

Rehabilitate, not hang, them, says president of organisation

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MOHD YUNUS: Drug users must be encouraged to come forward and be cured

**A DRUG** rehabilitation organisation has proposed a "narcotics court" to handle cases with the aim of rehabilitating offenders instead of hanging them.

The president of Pengasih Malaysia, Datuk Mohd Yunus Pathi, made the suggestion when commenting on a **proposal from Minister in the Prime Minister's Department and de facto law minister Datuk Seri Nazri Abdul Aziz on Wednesday that there should be a stay of execution for drug traffickers and mules on death row**

"Why do we keep killing people and keep many waiting to face the gallows?" asked Mohd Yunus.

"We have to abolish this law because it has been tried, tested and failed.

"The government has tried so hard, setting up 29 rehabilitation centres. How many billions of ringgit has been wasted.

"We have tried caning and it has not worked. We need a transformation approach to encourage drug users to come forward and be cured."

Human rights groups were all for Nazri to forward to the Cabinet the proposed moratorium on capital punishment until a study on abolishing the death penalty under the Dangerous Drugs Act 1952 was completed as it was considered degrading to human life under the United Nation's Charter.

Human Rights Commission of Malaysia (Suhakam) commissioner Muhammad Sha'ani Abdullah supported the move as the death penalty was viewed as degrading to human life to the international body.

"It is mutually agreed that any criminal justice system must give a chance for the wrongdoer to repent. The death penalty does not offer that chance. Some see the death penalty as the state punishing a crime with another crime," he said.

"Malaysia is one of the last 16 countries which have not ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."

He said the government should also look into replacing the death penalty with appropriate jail terms that could double as a rehabilitation process.

"However, the country needs to improve current standards of correctional programmes within prisons," he said.

Association for the Promotion of Human Rights (Proham) secretary-general Datuk Dr Denison Jayasooria said punishment was always seen as a better option of reform than death.

"Many groups have called for the move, which is consistent with human rights," he said.

"In the Dangerous Drugs Act 1952, the death sentence is not based on the discretion of the judge or evidence, so it does not allow for the punishment to match the crime or offence. It is better to allow the court to determine the penalty imposed.

"In drug cases, not all offenders are criminals. Some are just carriers or have been tricked into carrying the drugs, which opens a high possibility for an innocent person to be given the death sentence."

He said the penalty had also not served as a deterrence to drug offences.

Civil liberties lawyer Syahredzan Johan said there must be "strong and cogent reasons" to mete out the death sentence.

"We need to go back to the reason why we imposed the death penalty for drug offences in the first place. The principle differs from murder, where there is that 'eye for an eye' element at play," he said.

"The main reason for the death penalty is to provide a strong deterrent in our fight against drug abuse."