

15 AUG 1996

Mahathir-Proof

GOVT STUDYING IMPLICATIONS OF COURT'S DECISION ON STANDARD OF PROOF

KUALA LUMPUR, Aug 15 (Bernama) -- Datuk Seri Dr Mahathir Mohamad said today that the government is studying the implications of the Federal Court's decision on the standard of proof required of the prosecution in criminal trials, to ensure justice for the accused and society.

The Prime Minister said that the court's decision would have a bearing on cases due for hearing and appeal in the courts throughout the country.

"Right now we seem to have some problems and we are seeking ways to overcome them.

"We have over 400 cases for hearing and we believe all (the accused persons) will be acquitted as a result of the (Federal Court's) decision," he told reporters after visiting the federal police headquarters in Bukit Aman here.

On July 27, the Federal Court decided by a 4-3 margin that the prosecution in criminal trials must prove their charges beyond reasonable doubt at all stages of their cases.

Dr Mahathir, who is Home Minister, said that the government had to request for criminal cases due for hearing and appeal in the High Courts throughout the country be stood down until the study on the implications of the decision had been completed.

There must be justice not only for the accused persons, but also for society, he added.

The Prime Minister admitted that the government faced difficulties in proceeding with such cases because of the fact that the prosecution had to prove their charges beyond reasonable doubt at all stages of their cases.

However, Dr Mahathir gave an assurance that it was the government's responsibility to protect the interest of all parties.

The government would not be prejudiced in favour of the accused persons at the expense of justice for society, he said.

Meanwhile, Attorney-General Tan Sri Mohtar Abdullah said that the AG's Chambers was studying the Criminal Procedure Code (CPC) and relevant laws to overcome the problem.

Mohtar, who was present to give a briefing on the court's decision, said that the amendments to the CPC would be proposed to the Cabinet within two weeks.

He said that since the court's decision had far reaching consequences on the prosecution and investigation of police cases, a study had to be conducted to ensure that pending cases could proceed.

"It is not a question of the government deliberately causing the delay, it is in the interest of justice.

"We want justice to be done and we have to look at the implication of the law to ensure that justice is properly done not only to the accused but also to the state," he said.

The issue of burden of proof arose in the appeal by lorry attendant S.Arulpragasam, 28, who was sentenced to death for dadah trafficking by the Pulau Pinang High Court on Dec 11, 1992.

However, he escaped the gallows after the Federal Court unanimously allowed his appeal, quashed the conviction and set aside the death sentence. -- BERNAMA

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