

21/01/2004

Rais to propose to Cabinet public flogging for rapists

Firdaus Abdullah; Deborah Loh

KUALA LUMPUR, Tues. - A Cabinet Minister today proposed public flogging for child rapists as a deterrent, but the Bar Council opposed this in an immediate reaction.

Minister in the Prime Minister's Department Datuk Seri Dr Rais Yatim, commenting on the brutal rape and murder of two 10-year-old girls in Sabah and Johor over the last fortnight, yesterday proposed "adjusting the law" to protect children from would-be rapists and murderers who were undeterred by the present death penalty.

Rais, who is the minister responsible for law, said he would propose the amendments to introduce public flogging to the Cabinet soon.

"The law must be updated to protect youngsters who are raped, what more if they die in the course of it," he said.

Bar Council president Kuthubul Zaman opposed Rais's proposal, saying there was no proof public flogging would reduce crimes against children.

"We are against public flogging as there is no proven correlation. The punishment of death for rape-cum-murder and maximum jail sentence for rape should be sufficient deterrents," he said.

The council's human rights committee vice-president Yeo Yang Poh said although the council opposed public flogging, technically, Malaysia faced "no legal impediment" to enacting such an amendment as the country had not signed the Universal Declaration on Human Rights.

The killings have triggered public fury. There has been a deluge of letters to newspapers demanding tough and swift action against the perpetrators. On Internet sites, the language has been less couched and heated responses have demanded equally brutal retribution against perpetrators.

Rais, in backing up his call for public flogging, cited statistics showing that between 60 and 67 per cent of rape victims were under 16.

He said stiffer punishments under the Penal Code must reflect the severity of the crime. "We are looking here specifically at violent rape of a young child and if the child dies."

Public flogging was something "we have never done before", Rais said, but the Government was considering the matter. The idea was floated last year but the Government put the suggestion on hold due to vehement objections from various non-government organisations.

He said Tun Dr Mahathir Mohamad had suggested public flogging as a punishment for incest and child rape while he was still Prime Minister in early 2002.

"My (law reform) committee and the Attorney-General's Department thought at the time that public flogging should be a last resort.

"God willing, I will propose this to the Cabinet once again and hope that this time around society will fully support the Government in amending the law and making the punishment for child rape more deterrent."

On calls for swift justice, Rais said the Government was fine-tuning a proposed amendment to the Criminal Procedure Code (CPC) stipulating a time-frame for police to close an investigation and submit the investigation papers to the Attorney-General for prosecution.

At present, the CPC does not set a time limit, except to state that investigations should be completed in "the shortest time possible".