

**Karpal: Criminals have free rein under hudud law**  
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DAP national chairperson Karpal Singh has shot down a suggestion by Kelantan that civil law should be like hudud law in its severity.

Karpal, a well-established lawyer, said that it was a misconception to think that hudud laws or severe laws like the death penalty can deter offences.

He added that proponents of hudud law say unlike criminal law, the standard of proof is very high for criminal cases.

While the standard of proof for criminal law is "beyond reasonable doubt", hudud law is based on "certainty", he noted.

"For example, four witnesses who are upright Muslims are needed to prove cases of adultery in hudud law. This is an impossibility and is not suitable for the country," said Karpal (right), at a press conference in Penang today.

"It would be impossible to earn convictions. Criminals would have free rein as it would be impossible for the prosecution to prove its case since four upright Muslim witnesses are needed," he added.

"In fact, there may be more crimes in the country when criminals know how difficult it is to prove the case and convict them. This point must be made clear to everyone," he stressed.

Hudud thorn in Pakatan's flesh

Karpal was responding to a report headline 'Kelantan wants civil laws to be as severe as hudud' published in The Star today.

The report quoted a Kelantan spokesperson on the hudud issue as saying that the government has proposed that civil laws be amended to allow criminals to be punished in the way provided by hudud law.

Such amendments were necessary, said state exco member Mohd Amar Nik, to ensure punishments were fair to both Muslims and non-Muslims.

Mohd Amar, who is deputy chairperson of the technical committee studying the hudud enactment, was responding to questions raised by former premier Dr Mahathir Mohamad (right) on whether hudud law could guarantee justice in multi-religious Malaysia.

The issue of hudud law is a thorn in the flesh for Pakatan Rakyat as DAP and PAS cannot agree to the matter, but the former is adamant that the enactment does not figure in the coalition's common policy framework.

Pakatan fears that this issue can be further exploited as the 13th general election may be called as early as next month or early next year but is not due until 2013.

Misconception severe law deters crime

Meanwhile, Karpal said International NGO Amnesty International had declared that death penalty is cruel and unjust.

In the early 1990s, Karpal had the occasion to ask the then Home Minister Megat Junid whether the death penalty for drug traffickers had reduced the number of offenders.

"I was told that in fact there was an increase (in the number of offenders for drug traffickers), " said the Bukit Gelugor MP.

"The other misconception about hudud law is that it is ordained by God," he added.

Karpal insisted that the severity of the criminal law is enough to deter would be offenders.

In 2008, he said, there had been amendments to the penal code to enhance the punishment for manslaughter, from 20 to 30 years.

For sexual offences like rape, sodomy and incest, the punishment is a 20 year imprisonment which may include whipping, he added.

"So, it is wrong to say criminal law is not severe. Of course it is not as severe as hudud law but severe enough to deter would be offenders," he stressed.

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