

Gov't mulls scrapping death penalty for drug couriers

MalaysiaKini.com

July 11, 2012

By Andrew Sagayam, The Malay Mail

Malaysia may follow Singapore's move to abolish the mandatory death penalty for drug couriers.

Attorney-general Abdul Gani Patail said his Chambers was working towards proposing an amendment to the Dangerous Drugs Act 1952 to give judges the discretion of not imposing death sentences on couriers.

"We are getting advice from law experts throughout the world regarding drug laws and how are they applied in their country," Abdul Gani told The Malay Mail yesterday.

"Since late last year, we have been doing research and studies, and one of the suggestions is that we want to allow those on death sentence to be resentenced.

"This means those on death row would be referred back to the courts, with legal representation, to be re-sentenced," he said, in response to a query following Singapore's decision to scrap the mandatory death penalty for drug couriers.

On Monday, Singapore Deputy Prime Minister Teo Chee Hean said the proposal would give judges the discretion to sentence drug couriers to life imprisonment and caning.

Teo, who is also Minister for Home Affairs, had said in parliament that the changes would apply to drug couriers and those convicted of homicide where intention to kill could not be established.

However, the mandatory death penalty for drug kingpins and traffickers remains.

Bar Council president Lim Chee Wee said Malaysia should abolish the mandatory death penalty or at least begin with a moratorium on execution.

'Executions have not reduced drug trafficking'

He said leaders and lawmakers should stop thinking of politics namely the impact of such abolition would have on votes adding that the statistics show that mandatory death penalty has not reduced the number of drug trafficking cases.

"The Bar has consistently taken the position that the government must abolish the death penalty if we are to be called a just, democratic and progressive society in the eyes of the world.

"We urge the government to demonstrate leadership by immediately declaring a moratorium on any imposition for the death penalty," Lim (left) said.

He said the majority of arrests for drug trafficking is usually of low-ranking "drug mules" who are the most visible and easy to apprehend.

"In other words, while policymakers hope that the death penalty serves as a deterrent, the reality is that the majority of these arrests of "minor offenders" would not impact the scale

or profitability of the drug market," he said.

Lim said as it is well-acknowledged that no legal system in the world is foolproof or error-free the opportunity to right a wrong is, however, not available if the death sentence on a person has been carried out.

"In such event everyone will be collectively responsible for having sent an innocent man or woman to the gallows. We should take no risks to subject a person to death, as the execution of the death sentence is irreversible," he said.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd

Source: <http://www.malaysiakini.com/news/203319>