

DNA Bill: Defect rather than perfect
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Rahmah Ghazali

Opposition MPs savaged the DNA Bill during its debate today - alleging that it's defective and requires review before even being tabled.

MCPX

Under fire was the proposal to place the DNA Databank under a minister appointed police officer. The Databank will be storing the results of tests conducted primarily by the Chemistry Department of Malaysia and Forensic Laboratory of the Royal Malaysian Police.

gobind singh deoTemperatures rose when Gobind Singh-Deo (DAP-Puchong) argued that a magistrate should have ultimate prerogative over the management of DNA evidence in every criminal proceeding.

The lawyer-turned-politician said that magistrates should be overseeing court cases.

"Why is it not under the jurisdiction of a magistrate? We should let them decide whether or not to take a DNA sample. Why does it have to be under police jurisdiction instead?" he asked.

MP Abdul Khalid Samad (PAS-Shah Alam) went further and accused the ministry of a 'hasty' decision, debating a defective bill and asked it to be withdrawn for review.

The bill was intended for a later reading, and the tabling of it for a second read today by Home Minister Syed Hamid Albar surprised the House.

The opposition maintained that the bill is politically motivated - in an effort to shore up the sodomy charge against Pakatan Rakyat leader Anwar Ibrahim.

Anwar has so far refused to provide his DNA on grounds that he feared tampering.

Let's bring it outside

Gobind also rekindled the evidence tampering fear, reminding the House of Anwar's first sodomy case a decade ago.

He shared his concern that the police will have a free hand in procuring DNA samples - as stipulated in section 14 - from suspects and possibly plant evidence.

"This happened 10 years ago, when Anwar was beaten up by the police and they took his blood sample and splattered it on the mattress as evidence," he alleged.

Despite efforts to curtail him from bringing Anwar into the debate by deputy speaker Wan Junaidi Wan Ahmad, Gobind persisted that the bill was manufactured to attack "some politicians."

syed hamid albarGobind went on into the present sodomy charge against Anwar, and this got Syed Hamid up to protest, saying the Puchong MP should not interfere in an ongoing

court case and drag it into the Dewan Rakyat.

"Then, I challenge you. Let's bring this outside the House!" exclaimed Gobind, drawing support from opposition MPs who started calling the minister 'coward'.

Section 14 will not solve the problem

Government backbencher Bung Mokhtar Radin joined the chorus to beat down the bill, saying that section 14 would not solve any problem.

Section 14 makes it a criminal offence to refuse giving your DNA sample. Offenders are liable for a fine not exceeding RM10,000 or to one year imprisonment or both.

"This bill is supposed to solve problems, but this section particularly would cause more problems. I would suggest that a committee be established to find resolutions towards this section," he said.

Another backbencher Puad Zarkashi (BN-Batu Pahat) echoed the same, although he has previously supported the bill.

"If a suspect refuses to give his DNA sample, but then he gets convicted for another offence, then the case would drag on," he added.

Last week, Syed Hamid expressed the necessity of the bill to be passed in the current Parliamentary sitting in order to help police solve crimes.

The bill he stated would cover all cases under the Penal Code and anyone arrested or charged under the code would be subjected to DNA testing. Anwar's present charge is under 377B of the Penal Code.

Besides mandatory testing, the bill will clarify elements of forensic DNA analysis and the use of DNA profiles.

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