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Lawyers all for abolishing mandatory death penalty

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PETALING JAYA: Lawyers are saying aye to a proposal by the Government to abolish the mandatory death penalty for certain cases.

They agree that High Court judges should be given the discretion either to impose a life imprisonment or death sentence on convicted offenders.

Senior lawyer Datuk V. Sithambaram said that the sentence of death penalty for all cases should be abolished.

"An eye-for-an-eye concept of justice does not prevail in the civilised world," he said.

He added that if the Government did not intend to abolish the death sentence completely, then the discretion to impose life imprisonment or the death sentence should be restored to the High Court.

Sithambaram said the discretion for the death sentence should only be imposed in the rarest of cases, such as in gruesome murders or manufacturing of drugs.

Currently, a mandatory death sentence is being imposed in Malaysia for cases such as murder, drug trafficking, firearms possession, kidnapping and treason. Such convicted persons will be hanged to death.

Minister in the Prime Minister's department Nancy Shukri, who is in charge of legal affairs, had said an amendment to abolish the mandatory death sentence for drug offences and to give judges the discretion on sentencing would be tabled in March next year.

Lawyer and author Datuk Baljit Singh Sidhu said death sentences did not mark any

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Datuk V. Sithambaram

reduction in crime rates.

Baljit said death punishment should be reserved for crimes of brutality and violence.

Lawyer Datuk Salehuddin Saidin also supported the idea to allow judges the discretion to impose a custodial or death sentence on the convicted persons.

Human Right Commission of Malaysia (Suhakam) chairman Tan Sri Hasmy Agam said this positive development would bring Malaysia's position on the issue closer in line with many countries that had in recent years abolished the mandatory death sentence.

"The Commission reiterates that the death penalty undermines human dignity and violates the right to life," said Hasmy in a press statement.

Hasmy said the commission also wished to advise the Government to review all criminal laws to ensure that the death penalty, if imposed, would be applicable only to the most serious crimes.

Malaysia Crime Prevention Foundation vice chairman Tan Sri Lee Lam Thye said it was a move in the right direction because after having implemented the DDA 1952, drug trafficking activities in the country still continued unabated.

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