

WHERE MALAYSIA STANDS IN THE HUMAN TRAFFICKING AND MIGRANT SMUGGLING ORDEAL

Arziah binti Mohamed Apanđi*

ABSTRACT

The country's single piece of legislation to combat the heinous practise of trafficking in people and smuggling of migrants, namely, the Anti-trafficking in Persons and Smuggling of Migrants 2007 ("the Act"), is not completely tailored to prevent the demoralising misconduct. Although after its inception, the Act was amended in 2010, 2015 and 2022, Malaysia remains in the lower position as one of the countries with poor progress in obstructing the people trafficking and migrant smuggling conducts. The Top Glove case exposed the company's deplorable working conditions and poor hygiene living accommodation of its factory workers whilst the Sime Darby case brought embarrassment with below-par living conditions of its plantation workers all of whom are predominantly migrants. While these companies were internationally castigated, the local laws remain unsettled in many aspects, particularly on the definition of forced labour and whether there is trafficking in those case scenarios. Under the Act, forced labour is undefined making prosecution a difficult task. Many issues have arisen recently like the Indonesian maid issue and foreign worker inflow where Malaysia is keenly observed by the global economic players on whether we can tackle this problem of trafficking and smuggling of migrants. The US Government maintained Malaysia in its Tier 3 classification from 2018 until 2022 but has now classified Malaysia in the Tier 2 Watch List category in 2023. Considering the impact of COVID-19 pandemic, Malaysia was considered to have made some significant progress in its anti-trafficking policy. But, Malaysia still has not resolved its old problems especially in failing to sufficiently prosecute labour traffickers and failing to achieve a systematic implementation of standard procedures across the region to proactively identify victims during law enforcement raids. Fresh efforts by the new government saw that in early 2023, immigration officers were charged in court for alleged smuggling of migrant syndicates. But, is that enough? Surely if Malaysia fails to tackle this problem, foreign investors will shy away from this country thus worsening the economic condition that needs urgent revival after the COVID-19 pandemic. Malaysia must put a fast but hard push in its enforcement and preventative measures to

* The Honourable Puan Arziah binti Mohamed Apanđi, Judicial Commissioner High Court of Malaya, Kuala Lumpur (NCVC 8).

stop the crimes of trafficking in people and smuggling of migrants. The beautiful façade of Malaysia must be reinstated so that people across the globe are attracted to us once again and not be put off by our lackadaisical attitude to eradicate these inhumane practices.

Keywords: Human Trafficking, Migrant Smuggling, Malaysia

INTRODUCTION

The United States (US) Government's special office to monitor and combat trafficking in persons published in 2022 a detailed report on Malaysia's efforts to stop trafficking in persons. The US Government's rating of Malaysia as a Tier-3 country reflects the country's lesser efforts in combatting human trafficking. The said report concluded that the Government of Malaysia did not meet (yet again) the standard requirements to satisfy the minimum standards in eliminating trafficking. Malaysia is observed not to perform well in putting obvious efforts despite the consideration of the impact of the COVID-19 pandemic. Despite its effort to implement the five-year National Action Plan in 2019 to eliminate forced labour by 2030, amending its Anti-trafficking in Persons and Smuggling of Migrants 2007 ("the Act") with the Employment Act 1955 to cover a broader scope of forced labour, convicting more traffickers, issuing more passes with increased mobility to victims rescued and put at the government centres, adding more translators and protection officers to assist victims in the arduous judicial process, all these government's actions do not yield satisfactory results to improve its Tier 3 status. It is now realised that by maintaining to consolidate both human trafficking offences with migrant smuggling crimes has resulted in disruption in its law enforcement and efforts to properly identify the real victims of trafficking or migrant smuggling and arrest the actual perpetrators of the two crimes. The knock-on effects of this conflation include the anti-trafficking investigations being greatly reduced. The investigation into the complaints against government officers as suspects of complicity in the trafficking crimes is almost non-existent. Whilst further action upon strong allegations of trafficking crimes is minimal no proper action is taken upon being informed of such trafficking complaints. The trafficking crimes that exist in the country's rubber, manufacturing and palm oil industries' labour forces are reported internationally but not in the local news. Malaysia's failure to solve these problems has led immoral employers to have the 'freedom' to sometimes act with impunity. With fewer victims identified, the government is unable to systematically implement holistic standard operating procedures (SOPs) across the nation to proactively identify victims during law enforcement raids or checks amongst vulnerable groups. Due to inconsistent identification efforts, the authorities continue to inappropriately penalize trafficking victims for immigration and "prostitution" violations. Poor inter-agency coordination and

insufficient victim protection service have discouraged foreign victims to remain in Malaysia to be involved in criminal proceedings as prosecution witnesses, thus continuing to erode Malaysia's efforts to succeed in its effort to curb trafficking in persons in the country.

DEFINITION OF TERMS

What is human trafficking?

The UN definition of human trafficking is given a wide meaning that blankets the acts of exploitation in the sex, entertainment and hospitality industries, and those as domestic workers and even those in forced marriages. Human trafficking broadly covers the practice where the victims are forced to work, usually in large plantations or manufacturing plants and big construction sites, with no or inadequate salaries where they live fearful of violence inflictions and they also often stay in inhumane conditions. Some victims are cheated, manipulated or coerced into having their body organs removed where they would end up dying. Child victims are often trafficked as forced labourers, child soldiers or young criminal offenders who commit crimes upon instructions from their criminal "employers".

References like forced labour, modern slavery, human trafficking or debt bondage are given where these references affect women, men and children all around the globe, be it far away in other parts of the world or within the four corners of our locality. These acts of human trafficking are often unseen through the naked eye because it is camouflaged, because we choose to be ignorant about them, or maybe simply because we do not recognize it. But, most of the time, it is because the victims themselves, out of fear of reprisal or of losing the little they have left to cling on, prefer to remain invisible from the public eye. These victims of trafficking do not know who to trust anymore. What is worse is that they do not even know their rights. Being unseen creates indifference and indifference creates the unseen. For us to come out of this tenacious vicious cycle, we have to face the reality. How can we make the victims visible to step afront to defend their rights?

What is trafficking in persons?

It refers to the recruitment, transportation, transfer, harbouring or receipt of persons which is done by force, coercion, fraud or some other form of deception for the purpose of exploitation [United Nations

Human Rights Office of the High Commissioner, OHCHR and trafficking in persons, 2023].

It is possible to identify a case or incident of human trafficking by establishing whether the three (3) key elements of the definition in Article 3 of the Trafficking Protocol (and from the national legal framework) are present. The three (3) elements in Article 3 of the Trafficking Protocol cover firstly “the action” of what is done with the victims. The actions would vary from the recruitment, harbouring, transfer, transportation, and receipt of the persons trafficked. The second element is the “means” or “methods” of the trafficking inflicted on the victims. The “means” cover threat or use of force, fraud, abuse of the position of vulnerability, deception, coercion, and the giving or receiving of payments or benefits to secure the consent of the person controlling the victim. The third element is the “purpose” or “reason” for the trafficking which covers from labour to sexual exploitation, slavery and organ removal.

Malaysia has now adopted a similar definition of trafficking in persons as Article 3 of the Trafficking Protocol in the Act vide its 2022 amendment (Act A1644). Section 2 of the Act defines “trafficking in persons” to be:

“all actions of recruiting, conveying involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harbouring, providing or receiving a person for the purpose of exploitation, by the following means of threat or use of force or other forms of coercion; abduction; fraud; deception; abuse of power; abuse of the position of vulnerability of a person to an act of trafficking in persons; or the giving or receiving of payments or benefits to obtain the consent of a person having control over the trafficked person”.

On the broader spectrum, the international human rights law acknowledges the acts of “trafficking in persons” to include debt bondage, slavery, servitude, child sexual exploitation, forced marriage and forced prostitution. This definition of “trafficking in persons” is based on the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially women and children, supplementing the United

Nations (UN) Convention against Transnational Organized Crime ratified in the year 2000.

Modern slavery

The current definition of modern slavery means, for global estimation, to consist of two major components namely forced labour and forced marriage. The definition is derived from the International Labour Organization (ILO) Report on Global Estimates of Modern Slavery: Forced Labour and Forced Marriage in 2021.

These two (2) major components refer to exploitation circumstances where the person cannot refuse or cannot leave because of facing threats, violence, deception, and abuse of power or other forms of coercion made on the said person. The ILO Report found that 49.6 million people are involved in modern slavery daily where they are either forced to work unwillingly or forced into a marriage involuntarily. From this modern slavery component, forced labour accounts for 27.6 million and forced marriage accounts for 22 million.

The ILO Report released shocking data that showed a large number of people are in fact involved in modern slavery. The ILO Report discovered that in the year 2021:

- 49.6 million people were in modern slavery lives where 27.6 million were in forced labour and 22 million were in forced marriage.
- Out of the 27.6 million population of people in forced labour, 17.3 million are victims in the private sector; whilst 6.3 million are in the forced commercial sexual sector, and 3.9 million are in state's forced labour.
- Out of the 6.3 million in the forced commercial for sexual sector, women and girls account for more than 70% (4.9 million).
- 12% of all those in forced labour are children where a staggering over 50% of them are in the commercial sexual exploitation.
- The Asia and the Pacific region has the highest people in forced labour (15.1 million) with the Arab States tops the highest prevalence (5.3 per thousand people).

Forced labour

The ILO Forced Labour Convention, 1930 (No. 29), refers “forced labour” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The ILO Report on Global Estimates of Modern Slavery: Forced Labour and Forced Marriage in 2021 acknowledges that child labour, forced labour and human trafficking in global supply chains originated in the interplay of the three (3) critical circumstances which are (1) lacunae in statutory legislation, enforcement and access to justice that create opportunities for disobedience; (2) socio-economic pressures inflicted on individuals and workers; and (3) business conduct and overall business conditions. The ILO and Human Resources Without Borders report had released the information that in 2021, there were 25 million children and adults in forced labour globally.

The figure that 25 million people are in forced labour worldwide is mind-boggling and makes us wonder if we are oblivious to the obvious forced labour or if we are accustomed to the practices of forced labour that we ratify it. Maybe the time is ripe to be reminded to ensure that we are still able to identify the existence of forced labour within our circle of life. While we may be grossly occupied with our lives, let it be remembered that the lives of the oppressed others need our attention and dutiful assistance. These oppressed victims of forced labour also are entitled to a right of reasonable and acceptable livelihood. Here are some guides based on the ILO Indicators of Forced Labour to ascertain if the person may be trapped in forced labour situations:

INDICATOR	
Deception	Person is directed to perform other different job(s) that they were promised before or do work for reduced pay
Complex dependency on employer	Person depends on employer for job, place to stay and food
Seclusion	Person is prevented to communicate with family
Restriction of movement	Person is locked up in workplace or is able to leave workplace but with supervision
Violence	Person is forced to physical, sexual or psychological violence
Bullying and threats	Person is threatened of retaliations against family or report to police for illegal entry into the country
Abuse of predisposition	Person is forced to sign a contract in incomprehensible language or is blackmailed to pay recruitment fees to get the job
Abusive working and living conditions	Person works and lives in appalling and without dignity conditions
Retention of identity documents	Person is denied possession of passport back from their employer who retained it
Withholding of salary	Person is not paid as agreed for no concrete reason
Debt captivity	Person is unable to repay debt because the amounts were controlled unscrupulously
Excessive work hour	Person works overtime beyond legal limits under compulsion

Table I: Table 1: Indicators of force labour situations
Source: ILO Indicators of Forced Labour

We can also deduce that the people are victims of forced labour when they experience many facets of duress which emanate from abusive employment charges, unwarranted salary deductions, passport withholding, physical infliction, psychological influences or sexual violence. These victims of forced labour are usually confined and obstructed from communicating with their relatives. They also oftentimes live and work in appalling, unhealthy and poor conditions. The ILO's global estimates found that 152 million children are in child labour and 25 million adults and children are in forced labour including those in the global supply chains.

Child labour is any work that deprives children of their childhood, their potential and dignity, and that is harmful to their physical and mental development (ILO Minimum Age Convention, 1973 (No.138), the Worst Forms of Child Labour Convention 1999 (No.182), the United Nations Convention on the Rights of the Child, and the indicator of the 2017 ILO Global Estimates of Child labour). The children are children in child labour when they are aged 5-11, doing the economic activity for a minimum of 1 hour in the reference week (the 7-day period from Sunday through Saturday including the 12th of the month). They are also considered child labour victims if they are aged 12-14, doing the economic activity for a minimum of 14 hours in the reference week. Those aged 15-17, doing economic activity for a minimum of 43 hours in the reference week, and those aged 5-17, doing activity in hazardous occupations and branches of economic activities are also child labour victims.

What is the smuggling of migrants?

The UN Protocol against the Smuggling of Migrants ratified in the year 2000 is the single world legal documentation that can be widely enforced by its 151 UN members to prevent this crime. Article 3(a) of the said UN Protocol defined the "smuggling of migrants" to involve "the facilitation of a person's illegal entry into a State, for a financial or other material benefit". While is it a crime against the State, it also violates the human rights of the smuggled migrants in terms of physical abuse like withholding food and water and mental torture during the smuggling episode.

The Act defines "smuggling of migrants" under Section 2 to mean:

“(a) arranging, facilitating or organizing, directly or indirectly, a person’s unlawful entry into or through, or unlawful exit from, any country of which the person is not a citizen or permanent resident either knowing or having reason to believe that the person’s entry or exit is unlawful; and

(b) recruiting, conveying, transferring, concealing, harbouring or providing any other assistance or service for the purpose of carrying out the acts referred to in paragraph (a).”

Unfortunately, Malaysia has yet to become a party to the now 151 members of the said UN Protocol. Nonetheless, the Malaysian membership to the UN Convention against Transnational Organized Crime is a catalyst to a more robust enforcement to prevent the smuggling of migrant practices in the country. Hopefully, Malaysia will in the near future, also be a member of the UN Protocol against the Smuggling of Migrants.

As mentioned earlier, Malaysia does not separate the offence of trafficking in persons from the offence of smuggling migrants. Instead, both offences are legislated under 1 single statute which is the Act. Hence, it is pertinent to distinguish between the two offences. To the author’s mind, the differentiation by the US Homeland Security Investigations (HSI) aptly describes one from the other.

The US HSI mentioned that the “human trafficking” offence involves the “exploitation of men, women, or children for the common purposes of forced labour or commercial sexual exploitation”. On the opposite end, HSI mentioned that “human smuggling” involves the “provision of a service, normally the transportation or fraudulent documents to an individual who willingly seeks to gain entry into a foreign country”. Thus, it is normal for human smuggling to transform into human trafficking. But, the two definitions are not interchangeable terms because smuggling is transportation-based whilst trafficking is exploitation-based of people. The US HSI aims at the perpetrators’ financial difficulties while committing human trafficking and human smuggling activities where they work to destroy the traffickers’ source(s) of finance.

LITERATURE REVIEW

Development of anti-trafficking

The United Nations Office on Drugs and Crime (UNODC) published its 2022 Global Report on Trafficking in Persons Report which comprises the biggest dataset on trafficking in persons with more than 450,000 victims' information and 300,000 suspected traffickers found between 2003 and 2021. The UNODC issued a press statement on 24 January 2023 on this report to declare that the global issue of trafficking in persons now has evolved into territorial crises where trafficking patterns have now changed which has delayed victim identification. The UNODC report said that there were fewer victims of trafficking in persons identified despite the Covid-19 pandemic whilst various pressing crises had increased susceptibilities to exploitation. This UNODC 2022 Report found that the number of victims discovered dropped by 11% in 2020 from 2019, driven by fewer discoveries in low and medium-income countries. The COVID-19 pandemic, apart from reducing chances for traffickers to start, may also have incapacitated to some extent, the law enforcement capacities to discover the victims.

The UNODC report covered 141 countries which gives the global overview of patterns and flows of trafficking in persons while focussing on the regional and national levels based on trafficking cases between the years 2017 and 2021. The UNODC report analysed 800 court case summaries with detailed suggestions to the governments to help formulate effective responses. The UNODC report found fewer cases of trafficking for sexual exploitation during the pandemic as public spaces were closed and restriction of movements may have pushed this form of trafficking into more concealed but dangerous locations, making it harder to identify victims. The number of global convictions for trafficking offences fell to 27% in the year 2020 compared to the year 2019 with a sharper reduction in South Asia (56%), Central America and the Caribbean (54%) and South America (46%). The court case analysis shows that trafficking victims, when identified, escaped from traffickers on their own and are actually 'self-rescued'. There are more cases of victims escaping and reporting to authorities of their own efforts (41%) rather than being saved by law enforcement (28%), or public and civil community (11%). This statistic is alarming considering many trafficked victims may not be able to realize that they themselves are victims or they may be very afraid of their exploiters to enable attempts to escape. The UNODC report also

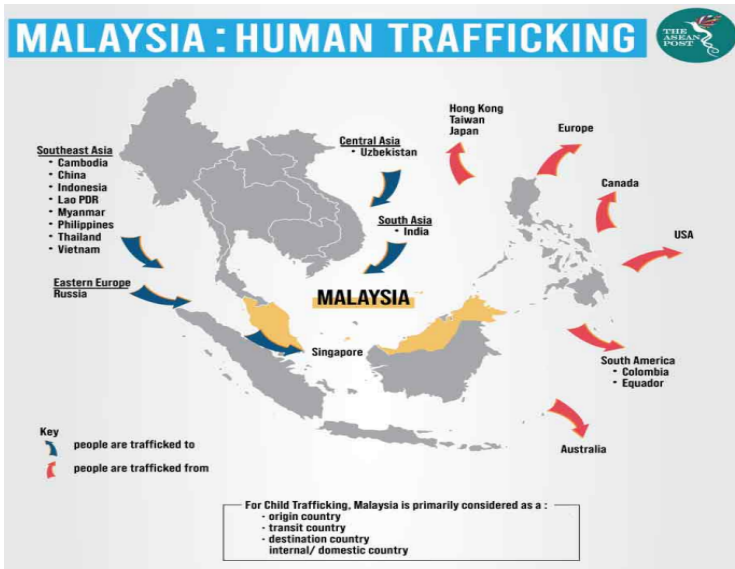
identifies how war and conflict create situations for exploitation by the traffickers onto the people inflicted by the war and conflict crises. Notably, the Ukraine war is evident with heightened trafficking chances for the displaced population to the advantage of the traffickers.

The UNODC report detailed that most victims originating from countries in conflict are trafficked to African and Middle Eastern countries. The existence of higher levels of impunity in the Sub-Saharan Africa and South Asian regions shows that they convict fewer traffickers due to lower victim detections compared with other countries. The victims from these countries are identified in a wider destination countries compared to victims from other places. The UNODC report also found that court cases show women victims are subjected to three times higher physical or extreme violence by traffickers than men, and children are subjected to almost twice the violence as often as adults. Women who are investigated for trafficking in persons have higher convictions compared to men. This may be due to a biased criminal justice system against women, and/or that the women's involvement in trafficking networks may heighten their probability of conviction.

PROBLEM STATEMENT

Malaysia's position

In the Southeast Asia region, Malaysia champions itself as one of the developing nations that at the same time has to deal with the issue of trafficking in persons.



Source: ECPAT International

Figure I: Human Trafficking in Malaysia
 Source: ECPAT International

Malaysia is considered the destination and transit country for human trafficking. SUHAKAM in 2018 reported that because Malaysia is a popular destination amongst foreign workers with its attractive economy these workers are exposed to become victims of sexual and labour trafficking.

The discovery of human trafficking camps and graves in Wang Kelian in Perlis after a long investigation made by the New Straits team dragged Malaysia down further with the issue. In January 2015 the team found the camps as transit locations for foreign people to enter the country. They also found 197 graves of various sizes believed to contain bodies of hundreds of foreign migrant workers, particularly from Myanmar and Bangladesh (Utusan Online, 26 May 2015).

It is the lure of high demands for labour that results in many foreign migrants coming to Malaysia for the purpose of securing such job opportunities (Kartini, 2015). Nevertheless, the purpose oftentimes resulted in them getting involved in the issue of trafficking in persons which unintentionally made Malaysia in the spotlight as a haven for trafficking in persons

Malaysia has been on the radar of the U. S. Government Office of Inspector General for many years in the Trafficking in Persons reports, from its former position in 2001-2008 in Tier 2, followed by Tier 2 Watch List in 2010 – 2013, slipped to Tier 3 in 2014 but gained to in Tier 2 Watch List in 2015 – 2018. From 2018 – 2022, Malaysia slipped into Tier 3 again, but the latest revision in 2023 pushed up our country into Tier 2 Watch List.

CURRENT ISSUES

We are continuously fed with human trafficking news like the smuggling of illegal immigrants into the country that was exposed in March 2023 with the arrest of 9 individuals of which 5 were enforcement officers. The smuggling syndicate that operated since 2018 would bring in between 5 to 20 illegal immigrants on each flight from Tawau in Sabah to Kuala Lumpur where these smuggled people would pay RM2, 500 each for the trip using other people's identities.

Another news in June 2023 revealed the baby trafficking syndicate involving officers of the National Registration Department (NRD) being arrested on suspicion of corrupt practices in the birth certificate and MyKid syndicate. This expose may be after the success of the busted child trafficking syndicate that obtained children from Sri Lanka to be sent abroad to European countries using Malaysian passports. The suspects have been charged in court in May 2023. The *modus operandi* engages the agent or so-called “transporter” who would bring the Sri Lankan child into Malaysia as tourist and then the agent would get a Malaysian citizen who is willing to use his child's identity documents (MyKid) to obtain the Malaysian passport. At the immigration application for a passport, the Sri Lankan child would be present instead of the actual Malaysian child where the passport would eventually be captured with the Sri Lankan child's photograph but with the identity details of the Malaysian child. Once the passport is secured, the agent is now able to bring the child anywhere in the world where the demand exists for the particular trafficked child. The Sri Lankan child trafficking syndicate is paid between RM145,906 to RM243,177 which is equivalent to €30,000 to €50,000 per child.

And in September 2023, a human trafficking syndicate was busted with the arrest of 51 illegal immigrants in Kota Bharu, Kelantan. Those arrested included 43 Indian nationals where 39 were men and 4

women whilst the rest were 2 Pakistani men and 6 Thai nationals of 2 women and 4 boys. They were between 2 to 60 years old, and were caught at a budget hotel used as a transit house that was manned by 5 local men. The Kelantan Immigration Department believed the syndicate had been active since the middle of last year. The syndicate targeted illegal immigrants from India intending to enter Malaysia illegally. The syndicate charged between RM8,000 and RM10,000 per person. The syndicate's modus operandi is to smuggle them through a neighbouring country using illegal border routes on local transporter vehicles to transit locations before they are delivered to specific locations.

Despite the arrests and crackdowns of the syndicates, Malaysia is still weak in its prosecution to secure a conviction in the cases brought to the Courts. The processes from the arrest up to the decision-making day show the challenges the prosecution faces with each trafficking and/or smuggling case in Malaysia.

From complaints by victims to arrest of perpetrators and prosecution in court

Arrests would normally be triggered upon tips given by the victims and rarely whistle-blowers to the enforcement officers. The victims themselves would take time to complain of ill-treatment by their employers since they would be restricted in their freedom of movement and access to the outside community other than their own circle at work. It would be based on these tips that the victims would be rescued by the enforcement agencies or they would themselves escape to anyone they had first contact with upon exiting their workplace.

The victims of trafficking and victims of smuggled migrants would be placed in temporary shelter homes upon their escape and subsequent rescue by third parties such as the government itself or non-governmental organizations (NGOs) like Tenaganita. Most victims are women and children. The Government representative of the Ministry of Women, Family and Community Development aimed to create three women's shelter homes, particularly in Kelantan, Kedah and Sarawak states. The women's shelter in Kelantan was officiated in April 2019 to cater to the needs of women trafficked in the eastern states of the country. The Government also aims to join forces with established NGOs that have the expertise to provide care and management to the women trafficked victims. Victims who are placed at the government

shelter homes are currently provided with services like counselling, language interpreter services like Thai and Vietnam, and also basic medical treatment. Programmes like learning languages for communication namely English and Bahasa Malaysia, and skills training like cooking, sewing, baking and gardening are also provided to the victims at the government shelters. The services are provided to them to maintain their physical and mental health for the victims to be occupied while waiting for their reports and cases to be completed, and before their deportation to their country of origin by the immigration department of Malaysia.

In 2021, the Ministry of Women, Family and Community Development launched five stimuli to safeguard human trafficking victims like training modules for protection officers, creating intervention models in shelters and enhancing communication services for victims and their families. Other stimulus includes the permission for mothers and children victims rescued to be housed together in the same shelter. There is also a stimulus for intervention services and programmes for human trafficking victims ranging from free health and treatment services, counselling services, legal and court matters to work permits for those who fulfil the requirements. At the moment, although the Ministry of Women, Family and Community Development has initiated the 5 stimuli since 2021, the best services based on a victim-centric approach, the needs and well-being of the victims from a trauma-informed approach with consideration of the psychological and emotional condition of the victims is sadly, not evident.

The International Justice Mission (IJM) of the Malaysia office reported in 2022 that the trafficked victims were tormented in the counselling sessions as these traumatized victims were repeatedly asked by various parties about their accounts of being trafficked. They were often neglected on their mental capacity to answer, and whether they were in a state of shock after the rescue was unchecked by the officers at the shelter centres. Coping mechanisms may be scarce to the victims as they are unfamiliar with the surrounding conditions and people who are foreign to them. The IJM found that the trafficked victims are found not to be well treated at the government shelters. Many victims are treated like prisoners with prison uniformed garments and daily chores they are assigned to perform. The victims

feel captivated and isolated and apparently the shelter is no different from their escaped place.

The IJM also analysed the court process the victims had to undergo. As a general rule, upon rescue, the victim's case is reported to the appropriate enforcement authorities like the police. The enforcement authorities will have to get a court order namely the Interim Protection Order (IPO) for time to investigate one victim's case. The IPO is usually granted for 21 days and upon expiry of the IPO, it must be replaced with a proper Protection Order (PO) if investigations are still pending and cannot be completed within 21 days of the IPO. Application to court for the PO is seldom granted by the Courts. This refusal to give PO puts pressure on the enforcement authorities to complete within the given days which is actually a time constraint that tolls on all parties in the rescue and prosecuting missions. The investigations may not be wholesome and for purposes of prosecution, the investigations are done quickly and improperly. More often than not, the charge under the Act cannot be sustained in the courts of law and the accused were subsequently convicted for offences under different Acts like s. 6(1)(c) or s. 56(1)(d) of the Immigration Act, or s. 372(1)(f) or s. 373(1) of the Penal Code.

Reported cases in 2007-2022

From the author's research on the Lexis-Nexis search engine, about 70 cases concerning the charge for trafficking of persons and smuggling of migrants started off from 2008 until September 2022. At the beginning of 2008 – early 2012, most cases were offences of s.12 and s.14 of the Act while from mid-2012, offences of smuggling of migrants kicked off with s.26J of the Act alongside the trafficking of persons charges. Of the smuggling of migrant charges, the most offences were under s.26A which is the general offence of smuggling of migrants with 20 cases. The next highest is the offence under s.26J which is the offence of conveyance of the smuggling of migrants with 7 cases, followed by 4 cases under s.26(H) of concealing or harbouring of smuggled migrants and migrant smugglers. There were 3 cases for offences under s.26E which is the offence of utilising fraudulent travel or identity documents. For the other offences, there was one case of which under s.26B of the aggravated offence of smuggling of migrants, s.26D of profiting from smuggling of migrants, s.26G of providing services for smuggling of migrants, and s.26I of supporting the smuggling of migrants. Of all the cases, 10 were dismissed by the

Courts while the convicted cases found punishment of imprisonment ranging from 15 months calculated from the date of arrest to 10 years calculated from the date of sentence. Some of the convictions were upon reduced charges under the Immigration Act.

Despite bail being refused by the Courts in all the cases, compensation to the victims of trafficked persons or smuggled migrants was also denied except for one case due to lack of evidence to prove such losses.

RECOMMENDATIONS AND CONCLUSION

In the religion of Islam, each human being created by God is dignified. The Quranic verse from Surah Al-Isra': 70 says:

“And indeed, We have honoured the children of Adam; And We have provided them with transport on land and sea; And We have provided them with good and pure things for livelihood; And given them special favours, over and above a great part of Our Creation.”

With such dignity of all humans, no one should be treated differently. The act of trafficking persons is unacceptable in Islam because not only this act violates human rights but also degrades the human being's status who is created by Allah with such dignity (Hamzah, 2019).

Che Mat, 2004 argued that trafficking in persons is seen to be in contradiction with *Maqasid Al-Syariah*, besides potentially affecting the accorded life harmony within the welfare system. It also can lead to dissatisfaction which in turn can destabilize a country.

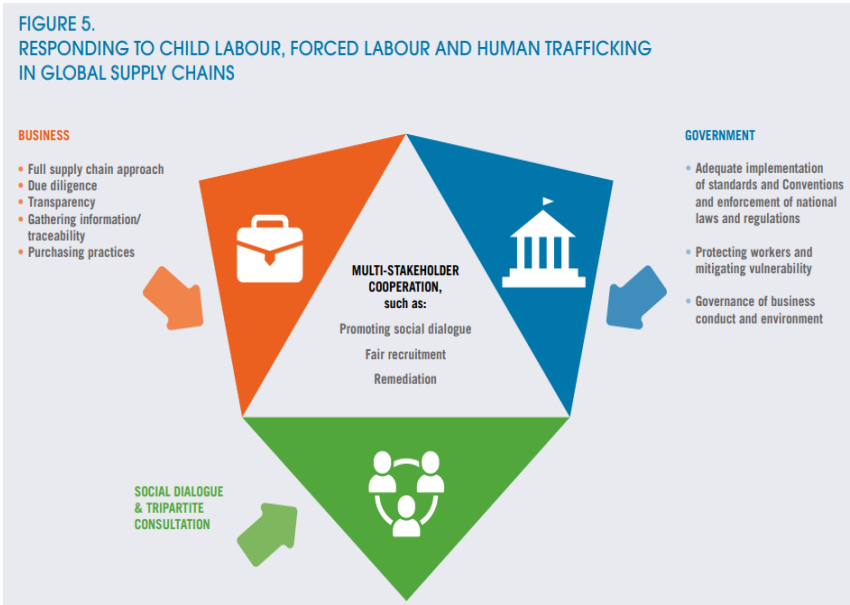


Figure II: Human Trafficking in Malaysia
 Source: ECPAT International

It is thus believed that a broader approach is in dire need since the limited focus in eliminating these violations only targets the violations within the production settings that form part of global supply chains without remedying the common set of socio-economic pressures at the root cause. The risks only displace the violations into sectors of the local economy that are disconnected from global supply chains, which in turn result in the ultimate goal to end all forms of child labour, forced labour and human trafficking, regardless of location, would be no closure. The issue of child labour, forced labour and human trafficking in global supply chains thus cannot be dissected from that of child labour, forced labour and human trafficking generally, or from the common set of socio-economic pressures that lead people to become vulnerable to these basic labour violations.

The Sustainable Development Goals (SDGs) of the international community commit to ending child labour by 2025 and forced labour

and human trafficking by 2030. To achieve the SDG target 8.7, governments, businesses, social partners, the financial sector and civil society must take strong action to solve the fundamental causes and determinants of these human rights violations. The Global supply chains have the potential to generate growth, employment, skill development and technological transfer. But decent work shortages like the non-existent sufficient employment opportunities, inadequate social protection, denial of rights at work and shortcomings in social dialogue (definition based on the ILO *"Reducing the Decent Work Deficit: A Global Challenge"*, 2001) and human rights violations, including child labour, forced labour and human trafficking, have been linked to global supply chains. All operators in this chain commit to protect the workers' human rights and ensure that the protection is appropriately done.

The US Government in classifying Malaysia in (Tier-3) has recommended Malaysia to improve on the following actions:

1. Train relevant officers like the police, labour, and immigration officers on the necessary SOPs for victim identification and identification for trafficking indicators.
2. Enhance efforts to investigate, prosecute, and convict more traffickers by separating the trafficking cases from migrant smuggling cases but include cases that involve tyrant officers and forced labour crimes.
3. Broaden appropriate labour protections for domestic workers and investigate fully allegations of domestic worker abuse.
4. Minimise prosecution delays by providing improvised guidance to prosecutors to initiate trafficking charges and increase judicial familiarity with the full range of trafficking crimes, particularly forced labour offences.
5. Strengthen efforts to identify trafficking victims among Chinese national workers on the government-linked infrastructure projects.
6. Enhance law enforcement capacity to investigate and prosecute trafficking cases including the improvisation of co-ordination between agencies.

7. Make public the results of investigations involving corrupt officials to increase transparency and as deterrence and also to make officials criminally accountable upon violations of the law by hastening prosecution in court.
8. Effectively enforce laws that prohibit employers from keeping passports without employees' consent, including by increasing resources for labour inspectors and by stating clear terms in the bilateral memorandum of understanding (MOU) and contracts with labour-sourced countries.
9. Improve case management and communication with trafficking victims including by continuous use of interpreters and value-added service programmes. Broaden also efforts to inform and educate migrant workers of their rights and the country's labour laws including rights to have access to their passports at any time and the opportunities for legal remedies in cases of exploitation.
10. Create an access system for timely and accurate interpretation in victims' mother tongue languages that are available to the law enforcement authorities, the court system and victim shelters. Broaden also cooperation with NGOs, including financial or in-kind support to provide victim rehabilitation services.
11. Abolish recruitment or placement fees charged to workers by recruiters and replace with recruitment fees to be paid by employers. Increase the number of trafficking victims who obtain permits for freedom of movement from shelters, widen the freedom of movement to include unaccompanied movement, and increase victims' access to communication with people beyond shelter facilities.

ILO on the other hand, recommended the following tasks to end forced labour:

- Broaden social protection to all workers and their families, to mitigate their socio-economic vulnerability whilst providing workers with basic income security, and also to broaden social protection in the shadow economy.
- Promote fair and ethical recruitment, to shield workers from abusive and fraudulent practices including the over-charging of fees and related costs by unethical employment agents and labour middle persons.

- Strengthen the outreach and capacity of public labour inspectors to detect and act on labour violations in all sectors including the shadow economy before the violations transform into forced labour, to increase awareness of forced labour risks and increase the employers' compliance obligations, and to quickly detect and refer actual cases to the authorities.
- Make available protection for liberated forced labour people like instant help, rehabilitation and long-term sustainable solutions to prevent re-victimization. Children, migrants and victims trafficked for forced labour are of crucial focus.
- Ensure access to remedy for people liberated from forced labour, to help recompense them for the losses suffered from forced labour and to help them claim compensation for special damages arising like medical costs for injuries sustained, unpaid wages, legal fees, and loss of earnings and/or loss of earning capacity or for other general damages like pain and suffering.
- Ensure sufficient enforcement teams to arrest perpetrators to be charged in court and deter future offenders from contemplating the crime of forced labour.
- Tackle migrants' exposure to forced labour and forced labour trafficking. Despite most migration being consensual, the migrants are inadequately protected by law or are unable to exercise their rights. They are at higher risk of forced labour and human trafficking. National policy and legal frameworks to promote respect and preservation of the migrants' rights at all times ought to be implemented.
- Address properly children trapped in forced labour including those in commercial sexual exploitation and linked to armed conflict.
- Reduce the increased risk of forced labour and forced labour trafficking during crises like natural disasters, wars and disease outbreaks. Countries must align protective and preventative actions across all stages of crisis responses including pre-crisis preparedness to humanitarian action at the crisis outbreak stage to post-crisis reconstruction and recovery stages. Actions to sustain livelihoods during crises are vital to avoid the victimization of workers for forced labour and trafficking.

- Tackle forced labour and forced labour trafficking in business operations and supply chains. Focus attention on knowing, emphasize and act on “hotspots” where the risk of forced labour and other human rights abuses is highest in severity and scale. The informal enterprises and operations in the black economy at the lower links of supply chains are indeed high-risk sectors.
- Stop government-imposed forced labour which is the direct product of selected laws and practices by the existing government but aim for continuing political commitment and progressive reforms.
- Embark on partnership and international ventures since the challenge of forced labour is gigantic with a myriad of root causes being too complex for national governments or other interested parties to tackle single-handedly.

Table 1 shows examples of impacted actions that governments take to stop forced labour based on the ILO’s 2014 Protocol and Recommendation:

Prevention	<ul style="list-style-type: none"> ▪ Organize awareness-raising campaigns for a vulnerable group or the general public ▪ Train labour inspectors and law enforcement officers to detect forced labour situations ▪ Ensure that relevant laws cover all workers and do not exclude anyone (e.g. undocumented migrants) or any sectors (e.g. domestic workers) ▪ Ensure that workers do not have to pay any recruitment fees to get a job ▪ Identify the risks of forced labour in the supply chains of public and private companies and take corrective action as necessary ▪ Raise awareness of public authorities on due diligence with regard to their suppliers’ practices ▪ Address the root causes of forced labour (discrimination, poverty, illiteracy, lack of social protection, etc.)
Protection	<ul style="list-style-type: none"> ▪ Formalise a list of indicators to help detect cases of forced labour ▪ Provide safe housing to victims after they are freed ▪ Offer support and training to victims to help them access decent work opportunities ▪ Protect victims against prosecution for acts they were compelled to commit as a result of being in forced labour (e.g. offenses related to immigration status, prostitution or drugs)
Access to justice	<ul style="list-style-type: none"> ▪ Criminalise all forms of forced labour ▪ Allow civil society organizations to press charges on behalf of victims ▪ Ensure that victims have access to justice, in particular access to appropriate and effective remedies and compensation, irrespective of their presence in the county or of their legal status (documented or undocumented) ▪ Provide housing, healthcare, and material, social, financial and legal assistance to victims ▪ Do not make protection measures or access to justice conditional upon victims’ collaboration to investigations
Coordination	<ul style="list-style-type: none"> ▪ Adopt a national action plan on forced labour, human trafficking and debt bondage ▪ Involve employers’ and workers’ organizations and other interested groups in the development of this plan ▪ Adopt a strategy that encompasses specific vulnerabilities, namely those of children and migrant workers, as well as gender issues ▪ Reinforce international cooperation between migrant workers’ countries of origin and of destination

Table II: Human Trafficking in Malaysia

Source: ECPAT International

It must be a real concern for all of us that where Malaysia posits and will be in the world audience in the human trafficking and migrant smuggling ordeal in the future would greatly depend on the government's aggressive actions to prevent this epic ordeal. The aggressive course of action to combat this inhumane misconduct is almost mandatory for us to break apart the lucrative webbing business of trafficking in people that transacts across global jurisdictions. Joint forces and mutual collaborations with international counterparts inclusive of the relevant bodies must be ignited now.

REFERENCES

- Amirah, Nooraini and Aishah (2018). *Pemerdagangan manusia di Malaysia: Isu dan pandangan Islam*. *Jurnal Penyelidikan Islam dan Kontemporari (JOIRC)*, 2(2), 13-25
- Alsamawi A., Bule T., Cappa C., Cook H., Galez-Davis C., Saiovici G. (2019). *Technical Paper. Measuring child labour, forced labour and human trafficking in global supply chains: a global input-output approach*. International Labour Organization, Organization for economic co-operation and development, international organization for migration, and United Nation's children fund.
- International Labour Organization, Organization for Economic co-operation and Development, International Organization for Migration, and United Nation's children fund. *Executive Summary. Ending child labour, forced labour and human trafficking in global supply chains*.
- International Labour Organization, Walk Free, and International Organization for Migration (2022). *Executive Summary. Global estimates of modern slavery. Forced labour and forced marriage*. Retrieved from https://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang--en/index.htm
- International Labour Office, (2022). *Definition of 'forced labour' excludes workers trafficked in informal sector*. Retrieved from <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>
- International Labour Office Special Action Programme to combat forced labour. *ILO Indicators of forced labour*. Retrieved from https://www.ilo.org/global/topics/forced-labour/WCMS_210827/lang--en/index.htm
- International Labour Organization (2015). *Introduction to legal studies: ILO Indicators of forced labour*. Retrieved from

- https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf
- International Labour Organization and human resource without borders (2021). Through their eyes visions of forced labour. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_826742.pdf
- United Nations (2000). Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-against-smuggling-migrants-land-sea-and-air>
- United Nations Office of the High Commissioner (2022). OHCHR and trafficking in persons. Retrieved from <https://www.ohchr.org/en/trafficking-in-persons>
- Unicef Practical Guide for Frontline Responders. Identification of victims/ persons 'at risk' of trafficking in human beings. Retrieved from <https://www.unicef.org/eca/media/24371/file/Identification%20of%20Persons%20At-Risk%20of%20Trafficking%20in%20Human%20Beings.pdf>
- United Nations Office on Drugs and Crime (2022). Global report on trafficking in persons 2022. Retrieved from <https://www.unodc.org/unodc/data-and-analysis/glotip.html>
- United States Government (2022). 2022 Trafficking in persons report. Retrieved from <https://www.state.gov/reports/2022-trafficking-in-persons-report/>
- Anis M. N., (2022). Hamzah: Ranking in US report not reflective of Malaysia's fight against human trafficking. Retrieved from <https://www.thestar.com.my/news/nation/2022/07/21/hamzah-ranking-in-us-report-not-reflective-of-malaysia039s-fight-against-human-trafficking#:~:text=In%20the%20July%202022%20report%20released%20by%20the,10%20other%20countries%2C%20which%20include%20China%20and%20Myanmar.>
- Alipala J. S. (2023). In Tawi-tawi, 21 rescued from being trafficked to Malaysia. Retrieved from <https://www.pressreader.com/philippines/philippine-daily-inquirer-1109/20230215/281745568557852>
- Bernama (2022). Thai police arrest woman with links to Wang Kelian human trafficking. Retrieved from <https://www.thestar.com.my/news/nation/2022/11/01/thai-cops-arrest-woman-over-wang-kelian-human-trafficking>
- Bernama (2023). Nine held under Sosma over alleged smuggling of Filipino migrants. Retrieved from

- <https://www.thestar.com.my/news/nation/2023/03/30/nine-held-under-sosma-over-alleged-smuggling-of-filipino-migrants>
- Cheung R. (2022). Trafficking victims are finally being freed from Cambodia but the scam industry is far from over. Retrieved from <https://www.vice.com/en/article/5d34bx/trafficking-victims-freed-cambodia>
- Khidhir S. (2019). Slavery in Malaysia. Retrieved from <https://theasianpost.com/article/slavery-malaysia>
- Kuan S., (2022). Malaysian human trafficking victims recall horror, forced to eat mice. Retrieved from <https://www.nst.com.my/news/crime-courts/2023/01/871186/malaysian-human-trafficking-victims-recall-horror-forced-eat-mice>
- Michael S. D., (2022). Malaysia and its efforts to curb human trafficking. Retrieved from <https://thediplomat.com/2022/09/malaysia-and-its-efforts-to-curb-human-trafficking/>
- Reuters (2022). Labour shortages set up Malaysia for third year of palm oil losses. Retrieved from <https://www.reuters.com/markets/commodities/labour-shortages-set-up-malaysia-third-year-palm-oil-losses-2022-09-07/>
- Sharma P., (2022). Definition of ‘forced labour’ excludes workers trafficked in informal sector. Retrieved from <https://www.nst.com.my/opinion/columnists/2022/09/828424/definition-forced-labour-excludes-workers-trafficked-informal>
- Solhi F., (2022). Teenager charged under Atipsom for smuggling 25 illegal immigrants. Retrieved from <https://www.nst.com.my/news/crime-courts/2022/08/823080/teenager-charged-under-atipsom-smuggling-25-illegal-immigrants>
- The Malaysian Palm Oil Association (2022). Did TIP report ignore changes? Retrieved from <https://api.nst.com.my/opinion/letters/2022/08/818576/did-tip-report-ignore-changes>
- <https://www.thestar.com.my/news/nation/2023/04/20/child-trafficking-ring-exposed>
- <https://www.thestar.com.my/news/nation/2023/03/25/five-enforcement-officers-among-nine-arrested-for-alleged-migrant-smuggling-in-sabah>
- <https://www.thestar.com.my/news/nation/2021/05/11/women-ministry-formulates-five-initiatives-to-protect-human-trafficking-victims>
- <https://www.thestar.com.my/news/nation/2023/04/20/wisma-putra-two-nabbed-by-macc-were-immigration-officers>
- <https://www.nst.com.my/news/crime-courts/2023/04/901294/immigration-dept-busts-syndicate-trafficking-kids-europe>
- <https://www.thestar.com.my/news/nation/2023/06/08/nrd-confirms-graft-busters-arrested-its-two-officers>

<https://www.thestar.com.my/news/nation/2023/09/16/human-trafficking-syndicate-crippled-51-illegal-immigrants-arrested-in-kelantan>

Legal citation

Anti-trafficking in persons and anti-smuggling of migrants 2007 (Act 670)
Anti-trafficking in persons and anti-smuggling of migrants (amendment) Act 2015 (A1500)
Anti-trafficking in persons and anti-smuggling of migrants (amendment) Act 2022 (Act A1644)
Employment Act 1955 Act 265
PUBLIC PROSECUTOR v NORMAN BIN MOHD NOOR [2022] MLJU 3436
PUBLIC PROSECUTOR v KOH CHIN WAH & ANOR [2022] MLJU 1924
PUBLIC PROSECUTOR v SUPARDI & ORS [2022] MLJU 730
PUBLIC PROSECUTOR v MOHD NURHAFIDZ BIN ABU BAKAR & ORS [2022] MLJU 708
PUBLIC PROSECUTOR v BADRI BIN JALAL [2022] MLJU 1700
ADAM FARHAN BIN MOHD NOOR v PUBLIC PROSECUTOR [2022] MLJU 902
PENDAKWA RAYA v ABDULLAH BIN ABD RAHMAN [2022] MLJU 219
CHAI VUN HING v PUBLIC PROSECUTOR [2022] MLJU 1331
PUBLIC PROSECUTOR v OTHMAN BIN LATIP [2022] MLJU 31
PENDAKWA RAYA LWN NICOLAS KEE MA [2022] 11 MLJ 79
PUBLIC PROSECUTOR v DAVIS AK MERING & ANOR [2021] MLJU 3078
ZAIDAH BT ISMAIL v INSPEKTOR RABIATUL ADAWIYAH BT MOHD NOOR & ORS AND ANOTHER APPEAL [2021] MLJU 2109
PUBLIC PROSECUTOR v HASRUL BIN ABD HAMID & ANOR AND OTHER CASES [2021] MLJU 3062
PUBLIC PROSECUTOR v JASNIH OT ALI [2021] MLJU 2989
SUHAIMI BIN HASHIM v PUBLIC PROSECUTOR [2021] MLJU 1845
PUBLIC PROSECUTOR v MOHD BASYARUDDIN BIN HASSAN [2021] MLJU 1631
PUBLIC PROSECUTOR v SUHAINI BIN TONI [2021] MLJU 931
KETHEESWARAN A/L KANAGARATNAM & ANOR v PUBLIC PROSECUTOR [2021] MLJU 1131
JAMES JEFFERY & ORS v PUBLIC PROSECUTOR [2021] MLJU 1380
TENGKU JAJANG SAGITA BIN REDZUAN v PENDAKWA RAYA [2021] MLJU 371
MD NASIR UDDIN v PUBLIC PROSECUTOR [2021] MLJU 523
PUBLIC PROSECUTOR v JAMES JEFFERY & ORS [2021] MLJU 1576
LIM KIAN AIK v PUBLIC PROSECUTOR [2021] 9 MLJ 633

- PUBLIC PROSECUTOR v BENTARA MUHAMMAD HASSAN [2020] MLJU 1572
- PUBLIC PROSECUTOR v ABU HASAN CHAN BIN ABDULLAH [2020] MLJU 2472
- PUBLIC PROSECUTOR v CARYN LIM BAK HIANG [2020] MLJU 995
- PUBLIC PROSECUTOR v NOURUL ASNYZAM BIN SES [2020] MLJU 783
- PUBLIC PROSECUTOR v CHEIN GUAN CHAI & ANOR [2020] MLJU 947
- PENDAKWA RAYA v ILAVARASAN A/L AURUMUGAM & ANOR [2020] MLJU 524
- LAI CHIN WAH & ORS v PUBLIC PROSECUTOR [2020] MLJU 70
- PUBLIC PROSECUTOR v BENEDICT CHAI JUN SIANG [2020] MLJU 261
- SAMINATHAN A/L GANESAN v PP [2020] 7 MLJ 681
- PUBLIC PROSECUTOR v AHMAD ANUAR & ANOR [2020] 1 MLJ 486
- NAZAR SUKKUR v PUBLIC PROSECUTION [2019] MLJU 2004
- KOH CHIN WAH v PUBLIC PROSECUTOR [2019] MLJU 812
- RAMAN A/L SHANMUGHAN v PP [2019] MLJU 623[2020] 2 MLJ 675
- CHIN CHIEW SEM v PUBLIC PROSECUTOR [2019] MLJU 1851
- PENDAKWA RAYA v BAHARRUDDIN BIN HAMZAH [2019] MLJU 826
- MALAYSIA RANI VISVALINGAM DAN SATU LAGI v PENDAKWA RAYA DAN RAYUAN LAIN [2019] 11 MLJ 36
- MOHAMAD ROSLAN BIN MARJO v PUBLIC PROSECUTOR AND ANOTHER APPEAL [2018] MLJU 2126
- CHANG KAR FEI v PENDAKWA RAYA [2018] MLJU 1594
- PUBLIC PROSECUTOR v ANSAR BIN SAKKA [2018] MLJU 2064
- PUBLIC PROSECUTOR v SUMON KHAN & ANOR [2019] 2 MLJ 215
- PUBLIC PROSECUTOR v GHANACHANDRAN KATHARAVEL [2018] MLJU 1284
- PUBLIC PROSECUTOR v NIK HANIFF BIN NIK HASAIN & ANOR [2018] MLJU 1104
- JIMMY SEAH THIAN HENG & ORS v PUBLIC PROSECUTOR [2019] 7 MLJ 308
- PUBLIC PROSECUTOR v RISHABADEVAN A/L DEVADURAI & ORS [2018] MLJU 1895
- PUBLIC PROSECUTOR v VIRA PRIHATIN & ORS [2018] 8 MLJ 421
- PUBLIC PROSECUTOR v SUAHAILI BIN HASSAN & ANOR [2018] 8 MLJ 291
- MOHAMAD BIN ABDULLAH v PUBLIC PROSECUTOR [2017] MLJU 2010
- SITI NOOR AISHAH BT ATAM v PENDAKWA RAYA [2018] 6 MLJ 614

AMURTHALINGAM A/L TAMAJEEREN V PUBLIC PROSECUTOR
[2018] 12 MLJ 529
PUBLIC PROSECUTOR v MOHAMMAD YAZIR BIN OPENG SUMON
KHAN [2017] MLJU 2002
PUBLIC PROSECUTOR v MOHAMMAD YAZIR BIN OPENG & ANOR
[2017] MLJU 2148
PUBLIC PROSECUTOR v AMINUDIN BIN MUSA [2017] MLJU 1527
PUBLIC PROSECUTOR v MOHD HUSSEIN MOHD KASSIM [2017]
MLJU 1378
PUBLIC PROSECUTOR & ANOR v SIVASANKAR A/L NARAYANAN
& ANOR [2017] MLJU 1246
PENDAKWA RAYA v ARIVALAGAN A/L VELU & 8 LAGI [2017] MLJU
1109
PUBLIC PROSECUTOR v SITI MADINAH BINTI ILIAS KHAN [2017]
MLJU 879
PUBLIC PROSECUTOR v BENEDICT CHAI JUN SIANG [2017] MLJU
577
PENDAKWA RAYA v HOUSSIN SAZZAD [2016] MLJU 1617
SUMIRAH v PENDAKWA RAYA [2016] MLJU 1297
PUBLIC PROSECUTOR v EKA OKTAVIANA [2016] MLJU 796
NURUL ISLAM v PENDAKWA RAYA [2016] 12 MLJ 433
PP v SYED HUSSAIN IMAN HASSAN [2016] MLJU 546
PUBLIC PROSECUTOR v LATIF BIN SABANG [2016] MLJU 546
PENDAKWA RAYA v KEE YEOH SONG [2016] MLJU 678
PENDAKWA RAYA v TIN HOCK WAN [2016] MLJU 558
PENDAKWA RAYA v HENG CHUN SIM [2015] MLJU 2345
MOHD FAUDZI BIN OTHMAN v PP [2015] MLJU 768
NIK ABD AFIF BIN NIK MAN v PENDAKWA RAYA [2015] MLJU 868
TEOH LI WAH v PUBLIC PROSECUTOR [2015] MLJU 946
PENDAKWA RAYA v LEE NGAN CHEA [2015] MLJU 2371
PUBLIC PROSECUTOR v BOON FUI YAN [2015] MLJU 999
SOO AH LAI & ORS v PUBLIC PROSECUTOR [2015] 7 MLJ 649
PUBLIC PROSECUTOR v HWONG YU HEE & ORS [2015] 11 MLJ 138
PUBLIC PROSECUTOR v CHAP JEE & ORS [2014] 7 MLJ 214
GO YU KIN v PENDAKWA RAYA [2013] 7 MLJ 293[2012] MLJU 1161
PUBLIC PROSECUTOR v HWONG YU HEE & ORS [2012] MLJU 1554
SUBRAMANIAM A/L RAMACHANDRAN v PENDAKWA RAYA [2012]
10 MLJ 795
MOHAMAD KARIM BIN BUJANG v PUBLIC PROSECUTOR [2014] 7
MLJ 207
PENDAKWA RAYA v YUSOFF BIN MAT RANI [2012] MLJU 500
NG YU WAH v PUBLIC PROSECUTOR [2012] 9 MLJ 325
CHOONG LOKE KIAN & ANOR v PENDAKWA RAYA [2013] 1 MLJ 436

SITI RASHIDAH BT RAZALI & ORS v PENDAKWA RAYA [2011] 6 MLJ
417

PUBLIC PROSECUTOR v SHAHRULNIZAM OTHMAN & ORS [2010]
MLJU 2228

PUBLIC PROSECUTOR v ZHAO JINGENG & ORS [2010] 7 MLJ 306

CHONH LOKE KIANG v PENDAKWA RAYA [2009] MLJU 1169

PENDAKWA RAYA v NAM OITHANTIP [2008] MLJU 297