

CURRENT ESSENTIAL ISSUES IN THE MALAYSIAN LAW OF EVIDENCE

Editor
Akram Shair Mohamed

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Chapter 2

ENTRAPMENT AS A DEFENCE :

A BRIEF OVERVIEW OF THE LAW IN ENGLAND, AUSTRALIA, CANADA, NEW ZEALAND, MALAYSIA, SINGAPORE AND USA

Mohd Akram Shair Mohamed & Mohammad Ismail Mohd Yunus

A particular form of illegal or improper activity on the part of the police and other authorities entrapment; that is the practice of encouraging or enticing suspects to commit offences which they might otherwise not have committed for the purpose of offending them. Undercover police operations involving entrapment tactics and conducted precisely in order to secure evidence of crime or; more controversially, to induce suspected repeat offenders to commit fresh crimes procuring evidence by these nefarious mean of entrapment, may either involve inducing a person to commit a crime (pre-offence entrapment) or inducing a person to confers to, or reveal a crime that has already been committed (post-offence entrapment). Pre-offence entrapment usually involves the use of an agent provocateur, who entices another person to commit