

EXPERT TESTIMONY IN HUMAN TRAFFICKING CASES

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INTRODUCTION

- Tier 1 in the TIP report
- S.108 of TVPA
- Malaysia failed to meet the minimum standards.
- In 2021, the U.S State Department has downgraded Malaysia's ranking in TIP report from Tier 2 to Tier 3.

ISSUES AND METHODOLOGY

Issues

- Malaysia's failure to be in Tier 1
- What is the best solution to secure the conviction?

Qualitative research method

- i) expert testimony
- ii) Islamic law perspectives
- iii) recommends expert testimony in court

EXPERT OPINION

- An individual with some advanced expertise, education, skills, training, and experience beyond the knowledge of ordinary members of the general public.
- Example: pathologist (Cause of murder), chemist (DNA)
- *Yong Szee Fatt v Pengkalan Securities Sdn Bhd*

**EXPERT
OPINION IN
ISLAM** (*Ra'yu al-
Khabir*)

- The Islamic legal system
- The judiciary system in Islam
- 4 Imams (Hanafi, Maliki, Syafie, Hanbali)
- Qur'an verses
- Ijtihad

**EXPERT WITNESS
IN MALAYSIA:
LEGAL
FRAMEWORK**

Malaysia recognise expert testimony:

1) Evidence Act 1950

2) Criminal Procedure Code

3) Decided cases: *Dato Seri Anwar bin Ibrahim v Pendakwaraya & Rayuan Lain* [2015] 2 MLJ 293, etc

**EXPERT
TESTIMONY IN
HUMAN
TRAFFICKING
AT OTHER
COUNTRIES**

**United
States (U.S.)**

**South
Africa**

Philippines

FINDING & CONCLUSION
