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Malaysia: The future of policing - protectors not violators

Malaysian police are being offered a critical opportunity to increase their effectiveness and restore public trust with the upcoming publication of an official review. A pattern of human rights abuses such as fatal shootings, torture and deaths in custody will be addressed in the review. An Amnesty International report released today contributes recommendations and underlines the need for police accountability.

The Malaysian prime minister recognised that there were serious problems, and in a significant step, set up a Royal Commission of Inquiry to address these. "The Commission's findings are eagerly awaited by the Malaysian people, NGOs, and internationally," said Tim Parritt, South East Asia researcher at Amnesty International. "We trust they will be made public, and lead to urgently needed reforms."

One victim of police abuse was 19 year-old Tharma Rajen, an ethnic-Indian Malaysian waiter. The inquest into his death in custody is still ongoing. After being arrested on suspicion of being involved in 'gang fights' while on the way to his local shops, he was held in a succession of police lockups over 66 days. He told his brother police had hit him and beaten him with a rubber hose on the soles of his feet. His family were only belatedly told of his detention, and on visiting him his mother found him cold, in pain, and constantly vomiting. Finally, he was admitted to hospital, and handcuffed to his bed. He died there on 21 June 2002.

Tharma Rajen's case illustrates a number of common issues in policing that are highlighted in the report, not least that officers are rarely held accountable for their abuses. Remand hearings, allowing detention to be continued, have been described as 'rubber stamp' exercises, with magistrates often viewing them as a formality rather than an opportunity to check the actions of the police. Police often fail to inform relatives or lawyers when remand hearings are due, or that suspects are being detained. There is a pattern of torture and ill-treatment being inflicted on suspects in custody, especially during interrogation.

"Too often human rights are seen by police to get in the way of their job," said Tim Parritt. "But when you get down to fundamentals, police exist to maintain social order in the communities they serve, protecting citizens' human rights from infringement by others. This concept needs to be restored to the heart of police culture in Malaysia."

Amnesty International submitted its report to the Royal Commission in January. It seeks to

contribute to the Commission's work by examining past patterns of violations and making recommendations for improvement by putting human rights at the core of policing.

"Professional policing and respect for human rights are interdependent," said Tim Parritt. "There needs to be a Code of Conduct specific to the police, which reflects key human rights principles. A culture of accountability and transparency is vital to ensure this Code is respected in practice. Such a culture should be nurtured through internal disciplinary procedures, and equally importantly, by an external independent police complaints body acting as a safeguard."

Police organisations are most effective when they enjoy the cooperation of the community they serve. A key way to do this is to ensure officers are sensitive to the needs of the community, including minorities. Another key way to gain community support is by ensuring police respond promptly to calls for help, no matter who makes them -- whether women, children, or people from ethnic minorities.

"This is a historic opportunity for Malaysia to become a model of policing for the region -- a model where the police are accountable to society as well as to the government, where police work effectively within their neighbourhoods because they have won the respect of local people for their equal protection of every group within that neighbourhood," said Tim Parritt. "Human rights are not an obstacle to effective policing, but on the contrary, vital to its achievement."

Background

The Royal Commission of Inquiry into the conduct and management of the Royal Malaysia Police (RMP) was established by the Malaysian government in early 2004. It is expected to release its findings in May 2005.

Last week Amnesty International presented its report to the government and to the senior leadership of the RMP, and engaged in positive discussions with them.

To see the report, *Malaysia: Towards Human Rights-Based Policing* please go to:
<http://web.amnesty.org/library/index/engasa280012005>

Public Document

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