

**AMNESTY INTERNATIONAL
PRESS RELEASE**

AI Index: PRE 01/031/2009
22 January 2009

Malaysia: Government must investigate police torture claims

The Malaysian authorities must initiate an independent, impartial, prompt and effective investigation into the death of 22-year-old Kugan Ananthan, Amnesty International said today, amid reports that he may have been tortured in police custody.

The young man died on 20 January after being held for five days in the Taipan Police station in Subang Jaya in west Malaysia on suspicion of stealing cars. State Police Chief Datuk Khalid Abu Bakar has said that Kugan was being questioned by an investigating officer when he asked for a glass of water and suddenly collapsed. Police initially claimed that Kugan had died of "breathing difficulties", and a post-mortem report said he had died due to fluid in his lungs.

His family strongly contest the police claim of how he died. On the night of the incident, an estimated group of 50 people, including members of Kugan's family, stormed the Serdang Hospital mortuary where Kugan's body was taken for a post-mortem. Some of them took photographs of his body, showing signs of injury, which were later published on the blog of a Member of Parliament.

"Only through a prompt and impartial investigation will people really know what happened to Kugan," said Hazel Galang, Amnesty International's Malaysia Researcher. "The government needs to show it is taking a strong stand against torture, especially with the country's human rights record set to be scrutinised by the United Nations Human Rights Council in February."

Several people, including Kugan's family and political party representatives, have lodged reports with the police, urging a thorough investigation.

This death in custody follows the case of B Prabakar, a 27 year old car park attendant, who alleges that he was tortured by at least ten police officers at the Brickfields police district headquarters in Selangor State in December 2008. Seven police officers have pleaded not guilty, after being charged at Kuala Lumpur Sessions Court on 15 January with committing an act of "criminal intimidation" and "voluntarily causing hurt to extort confession".

Mr Prabakar says the police beat him with a rubber hose, splashed boiling water on his body, and asked him to stand on a chair, with a cloth around his neck, and threatened to hang him. He was arrested on 23 December in connection with a robbery, and released five days later.

Following his release, police took him to a private clinic for medical treatment during which, he says, the doctor spoke only to officers and not to him. He stated further that he was offered the equivalent of US\$140 in return for not lodging a complaint against the police. Prabakar's 18 year old cousin, C Soloman Raj, who was arrested at the same time as Prabakar, also claims that he was tortured.

Amnesty International has previously reported on cases of torture in Malaysia, including Sanjeev Kumar, who was detained under the Internal Security Act for a year and released in 2008; and M. Ulaganathan, who died in police custody in 2003. Sources close to Sanjeev gave an account of his torture and ill-treatment during his first eight weeks of detention at the Federal Police Headquarters in July 2007 in Kuala Lumpur. In July 2008, in a rare case, the High Court awarded damages to the mother of Ulaganathan who died while in police custody in 2003.

"These cases are violations of international human rights standards governing law enforcement officers," said Hazel Galang. "Police are failing to respect the rights of detainees in custody. The government must act on this, and prosecute police officers who have violated the human rights of these detainees."

Background

Malaysia is scheduled to be reviewed by the Human Rights Council of the United Nations on 11 February 2009. Under this procedure the human rights situations in all UN member states are reviewed on a periodic basis.

In a 2005 report, the government-created Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police made recommendations regarding the conduct for the police when investigating cases. The Commission proposed an independent external police oversight body to oversee complaints on police misconduct and a code of practice relating to the arrest and detention of persons, which would provide for an independent custody officer responsible for the welfare and custody of every detainee. The Commission also proposed procedures for the conduct of police interviews, including the use of tape recordings, video surveillance and access to lawyers for all suspects during interrogation.

None of these recommendations for police reform have been implemented. The non-implementation of such recommendations from the government-constituted body demonstrates a lack of commitment on the part of the Malaysian government to bring about reform and to establish compliance with human rights standards as a norm in policing work in Malaysia.

Amnesty International calls on the Malaysian government to implement these recommendations.