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## **Malaysia: Torture practiced systematically in widespread caning**

The Malaysian government must immediately end the practice of judicial caning, which subjects thousands of people each year to systematic torture and ill-treatment, leaving them with permanent physical and psychological scars, Amnesty International said today in a new report.

A Blow to Humanity provides an in-depth look at Malaysian caning, which leaves victims, including many foreigners seeking asylum, with little recourse, support or hope. Many have no understanding of the charges or fate that awaits them.

“Caning in Malaysia has hit epidemic proportions,” said Sam Zarifi, Amnesty International’s Asia-Pacific Director. “In every case that we examined, the punishment amounted to torture, which is absolutely prohibited under any circumstances.”

In recent years, Malaysia has increased the number of penal offenses subject to caning to more than 60. Since 2002, when Parliament made immigration violations such as illegal entry subject to caning, tens of thousands of refugees and migrant workers have been caned.

In Malaysian prisons specially trained caning officers tear into victims’ bodies with a metre-long cane swung with both hands at high speed. The cane rips into the victim’s naked skin, pulps the fatty tissue below, and leaves scars that extend to muscle fibre. The pain is so severe that victims often lose consciousness.

The Malaysian government does not punish officers for their actions. Instead, it trains officers how to conduct caning and pays them a bonus for each stroke. Many double their income through their caning work. Others take bribes to intentionally miss, sparing their victims.

State-employed doctors also play an integral role in caning. They examine victims and certify their fitness to be caned. When victims lose consciousness during caning, they revive them so the punishment can continue. After caning, some victims suffer long-term physical disabilities.

“The role that Malaysian doctors play in facilitating deliberate pain and injury through caning is absolutely contrary to international medical ethics,” said Sam Zarifi. “Instead of treating the victims, the doctors are preparing them for punishment.”

Malaysian officials and states employees who are complicit in torture are liable to prosecution worldwide under universal jurisdiction for grave human rights crimes such as these, Amnesty International said.

Judicial caning was originally imposed under British colonial rule in the 19th century. Under international law, all judicial corporal punishment constitutes torture or other ill-treatment, which is prohibited in all circumstances.

Refugees who fled torture and forced labour in Myanmar told Amnesty International how Malaysia

(which does not recognize refugees) caned them for immigration violations, sometimes repeatedly. In Indonesia, Amnesty International met migrant workers deported by boat from Malaysia; 63 of the men had been caned.

“Neighbouring countries significantly contribute to Malaysia’s economy by sending tens of thousands of migrant workers,” said Sam Zarifi. “Indonesia and other migrant-sending countries should insist that Malaysia stop caning their citizens.”

Amnesty International called on the Malaysian government to:

- Enact immediately a moratorium on caning punishment in all cases, with a view to its abolition;
- Ratify the UN Convention Against Torture and its Optional Protocol, as well as the International Covenant on Civil and Political Rights;
- Amend legislation to treat immigration violations as administrative offences rather than crimes punishable by prison or corporal punishment.

Note to editors:

Amnesty International spokespeople and case studies are available.

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The report can be found at: <http://www.amnesty.org/en/library/info/ASA28/013/2010/en>