

Bar Council: End police brutality now

Written by straits-mongrel

Friday, 29 October 2010 22:18 - Last Updated Friday, 29 October 2010 22:28



The Malaysian Bar is deeply concerned with the “open verdict” delivered by the coroner’s court on 25 Oct 2010 in the inquest to determine the cause of Gunasegaran s/o Rajasundram’s death. Coroner Siti Shakirah bt Mohtarudin found insufficient evidence to record a conclusion.

The Malaysian Bar urges coroners to be bold in highlighting discrepancies and failings during inquests so that the truth of a tragedy will see the light of day. The inability of the coroner to make a definitive finding in this case, notwithstanding the strength of the evidence pointing to the culpability of the police, casts grave doubts on the effectiveness of the inquest mechanism and renders the whole process meaningless.

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The three persons who were in police custody with R Gunasegaran consistently identified Lance Corporal Mohd Faizal as having physically assaulted R Gunasegaran. They did so despite threats to their safety by the police and despite the inducement that their cooperation would secure their immediate release. Their incontrovertible evidence stands in stark contrast to the inconsistent and conflicting testimony provided by the police witnesses.

This situation highlights, once again, firstly, the requirement for those in police custody to have immediate access to legal counsel upon arrest, and secondly, the need for an Independent Police Complaints and Misconduct Commission, to function as an independent, external oversight body to investigate complaints about police personnel and to make the police accountable for their conduct.

The Malaysian Bar is also troubled that K Selvach Santhiran, one of the three witnesses who identified Lance Corporal Mohd Faizal, was arrested on the night after the inquest verdict was delivered. The police allegedly physically attacked him in front of his family before taking him away. He is reportedly being detained under the Emergency (Public Order and Prevention of Crime) Ordinance 1969 for 60 days and held at an undisclosed location. If true, such blatant abuse is clearly intended to intimidate those who speak up against injustices or wrongdoings perpetrated by members of the police force.

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The Malaysian Bar calls on the Inspector General of Police to undertake a thorough internal inquiry and make public the findings. The conduct of the police officers in question is tantamount to acts of torture that must be penalised. Whistleblowers should be protected by the law rather than punished by law enforcement officers.

The Malaysian Bar urges that the police undergo more effective and holistic human rights education and practical training, with a view to changing the attitudes of law enforcement personnel and their methods in relation to detention, arrest and treatment of persons in custody.

The police cannot be permitted to continue to operate in an environment of impunity.

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Lim Chee Wee

Vice-President

Malaysian Bar