

Are the police really so ignorant of the law?

1. EDICT, in a statement yesterday (3 July), called upon Selangor police chief Commissioner Datuk Noor Azam Jamaludin to explain why the police had not informed the Selangor coroner of the death in custody of V Mugilarasu, 35 years, in Sungai Buloh prison on Thursday (2 July), as mandated by law.

2. We wrote: "We remind him that the Criminal Procedure Code requires the police to report the death immediately to the Coroner (section 329(5))." (Emphasis added.)

3. We are pleased that Malaysiakini reporters immediately asked Noor Azam for a response. We are happy that he responded immediately. We are glad his officers appear to have immediately informed him of Mugilarasu's death. (Faisal Asyraf & M Fakhrull Halim, Selangor police chief denies hiding death in prison from coroner, 3 Jul 2020, 11.31 pm)

4. We are however shocked by his response. We are shocked that he appears to think the body of a deceased person must be examined by a doctor before the coroner is informed. 5

. Nothing in the law requires the police to obtain a medical opinion as to cause of death before informing the coroner. The word "immediately" is used in section 329(5) of the CPC just as we have used it in paragraphs (2) and (3) above.

6. The report of Noor Azam's response suggests that he said the police will not report a death in custody to the coroner until the physical investigation of the deceased is completed by a forensic pathologist (government medical officer).

7. That is neither the law nor the practice of other state police contingents who are mandated to investigate deaths in custody. They investigate about 16 deaths in police lockups every year, in addition to dozens of deaths in other places of detention every year.

8. In any case, a post-mortem report is rarely available before 3 months from the time of physical investigation of the body by a medical officer. This is because deaths in custody are not prioritized in Malaysia, and so medical officers must wait months for results of toxicological and microbiological tests.

9. In a statement on 01 July, we called upon the KL police chief to reveal the disclosure protocol for deaths in custody in his police district. We asked, “Other than the coroner (as required by law), to whom must the police report the death? What information must the police release to each victim’s family and to the public? By when?” (Note: We are not aware of any response by the KL police chief, Mazlan Lazim.)

10. We extend that call to the Selangor police chief. And to IGP Tan Sri Hamid Bador and Home Minister Datuk Seri Hamzah Zainuddin.

11. When will the police and the government uphold the rule of law as it applies to deaths in custody? When will they act to arrest the slide in public confidence in the police? Human lives are not inanimate objects.

EDICT

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