



Malaysians for Beng Hock movement condemns the decision of the High Court in upholding the Coroner's open verdict on the custodial death of R. Gunasegaran. The decision failed to take into consideration the evidence provided by another suspect in the custody case who claimed that he had seen a policemen assault Gunasegaran until the latter was unconscious. Moreover, the second autopsy report had clearly revealed a scar of size 28cm x 8cm x 5cm on Gunasegaran's chest.

Gunasegaran died in the custody of the Sentul District Police Headquarters while being finger printed on 16 July 2009, the same day Teoh Beng Hock was found dead at the headquarters of MACC Selangor. The Inquest into Gunasegaran's death started on 11 Nov 2009. The coroner

## **Set up Coroner's court instead of "Police investigate police"**

Written by straits-mongrel

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Siti Shakirah Mohtarudin gave an open verdict on 25 Oct 2010 stating that the cause of the death could not be proven conclusively.

The government must take full responsibility for the safety and human rights of citizens while they are in custody of its agencies. It is totally unacceptable that a youthful life was ended in the custody of an enforcement agency without the cause being known, and without knowing who is responsible for the unnatural death or negligence. The government must address this issue seriously because even one custodial death is one too many! The head of the enforcement agency must be held responsible. All enforcement agencies must practice a culture of accountability and must uphold the cardinal principle of respecting human rights, at all times.

We beg to differ with the suggestion of the learned High Court Judge Kamardin Hashim that custodial deaths should be investigated by police officers from another police station. The Enforcement Agency Integrity Commission (SIAP) has revealed in June 2012 that the Police top the list of the most number of public complaints. Police misconduct accounted for 120 of 171 complaints filed by the public in a year. Many incidents have proven that the Police lack professionalism and have a tendency to be very violent. The handling of the Bersih rally, the shooting of Aminulrasyid and the complete failure in investigating the cause of death of Teoh Beng Hock and Ahmad Sarbaini; are cases in point.

Malaysians for Beng Hock movement agrees that the police force needs urgent and thorough reform such as the implementation of the IPCMC. However, we are of the view that the current criminal justice system is outdated and has failed miserably in ensuring justice for the people, especially the marginalized communities and vulnerable individuals. The government needs strong political will to reform the criminal justice system by enhancing the professionalism of the court system.

An independent coroner court system akin to Australia's and United Kingdom's that assigns coroners specifically for coronial affairs and inquests is a fair and just system that we need to adopt to resolve the issue of custodial deaths. A coronial council that provides advice on the coronial system must be established immediately. The membership of the council should comprise of the Coroner, the Forensic Department, the Police, and Representatives of Non-governmental organizations.

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In short, we urge the government to take the giant step to revamp our criminal justice system and the police force. Failing to do so will only result in the people losing confidence in the elected government that is supposed to protect the citizen's right to live in freedom of fear.

*Chong Kok Siong*

*Coordinator*

*Malaysians for Beng Hock movement*