

# REMEMBER 1805 DEATHS IN CUSTODY

Saya Anak Bangsa Malaysia calls for

**A MEMORIAL BY THE RIVER**

**JULY 16, 2010 (FRI) 7PM**

**BAR COUNCIL KL CARPARK (BEHIND ANNEXE GALLERY)**

The Fray sings ['You Found Me'](#) and I'm transported back to 25<sup>th</sup> January 2009 and to the morgue at

University Hospital. That is where I was on that day until close to midnight. And that song, particularly the chorus, was constantly playing in my mind,

assaulting me with questions that I could not answer, forcing me to cower inside myself with shame.

That was the day of A. Kugan's second autopsy.

## A moment of silence

Written by Nanda

Thursday, 15 July 2010 04:59 - Last Updated Tuesday, 27 November 2012 23:50

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His mother was there, a broken shell of a woman. Her face was riddled with questions. Her whole body, however, betrayed the fact that she had resigned herself to accepting the reality that the answers she was seeking would never be found. Two days earlier she had been summoned by the police to Bukit Aman, not for the purpose of investigating the cause of her son's death but in an attempt to find out how the details of the events that had unfolded in the mortuary of Serdang Hospital had become public. That was the night that she and her family had been alerted about Kugan's death after a week of desperate searching, and inquiring even of the police about his whereabouts had returned no answers.

A few months later, Teoh Beng Hock was found dead outside the MACC building.

The authorities claim he had committed suicide but the facts speak for themselves. At that time he was about to become a father in a few months. Today, his son will never get to see his father's face in real life. The stories that would confront the son from the moment he is able to comprehend matters would be those of his father's death, and of how the very authorities who were supposed to safeguard his father had tried to dismiss it as a case of suicide. The image that would greet him would be that of his father's body, mainly skull and bones at that stage, being exhumed for a second autopsy by a foreign expert because his father's generation could not trust the reliability and credibility of their own country's expert. The voices that he would hear would speak about how even after a year, the inquest was still going on. They would tell how the foreign expert at one stage had refused to testify for fear of her own safety and life, needing to be protected not from other malicious forces but from the government of his father's country.

Yasmin Ahmad had this to say on the day Beng Hock was found dead:

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'Someone please wake me from this nightmare and tell me that this did not happen in my country and that Teoh Beng Hock is safe at home with his family.'

She too left us nine days after that.

Hours after Teoh Beng Hock's death, another death in custody was reported. The contrast between the two deceased could not have been any sharper. Gunasegaran worked in a toddy shop in Sentul. He did not have a family to go home to, having left his sister's place sometime back.

He was picked up at his workplace when the police raided that area looking for drug addicts. Eye-witnesses claimed that he was singled out and assaulted by the police, the final blow being a kick to his chest in the police station, after which he collapsed and never regained consciousness.

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Only a handful of us were present at Gunasegaran's funeral in Sentul. His body was bereft of eyes. Only empty sockets greeted us when the casket was opened. The skin on his face had been stripped off, a result of the autopsy that had been carried out.

These three cases – Kugan, Teoh Beng Hock and Gunasegaran - are part of a larger picture. Today, we know from a ministerial reply in Parliament and subsequent cases that, between 2003 and 16<sup>th</sup> July 2009, there were 1805 deaths in custody. This translates into an average of 3 deaths every 4 days. And if the trend continues, even as you are reading this, another body is probably being sent to the morgue and with formalities dispensed with, it becomes yet another body packed up, wrapped up and buried, never to be seen or mentioned again.

Some of us may still remember the case of Francis Udayappan. He died on 25<sup>th</sup> April 2005 – death number 498. His case received some civil society interest and it was highlighted. After his death, we did not hear much. Life went on as usual and the public settled back into its routine. And then Kugan came into the picture.

His case caught our attention and this time even more so. Kugan's case is death number 1790. In between Francis Udayappan's and Kugan's deaths were another 1292 deaths, almost every single one of them unknown to us.

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Beng Hock and Gunasegaran were deaths 1804 and 1805 respectively. In between Kugan's death and Teoh Beng Hock's death, a period of mere 5 months, there were 14 other lives lost in police custody.

The media initiated a lot of speculation. Character judgments were made against almost all the deceased. But something got buried along the way and that something is the truth.

Conveniently misrepresented was, and still is, the fact that these people have not been brought to trial. They died while investigations were ongoing. Their crimes, if any at all, have never been proven. Yet upon their deaths they were conveniently judged and their deaths seemingly justified based on these judgments made in their absence, when they are no longer able to tell their story.

A lot of us didn't see that beyond the facts and each astounding number put forth, there used to be a person, of flesh and blood, immersed in the intricacies of life just like you and me. Some of them were just about to make out on their own, about to find their direction, about to navigate the treacherous waters that may have been the ocean of their lives. Some of them may have been in love. Some were about to become parents. But not one of them was allowed the opportunity to tell us their side of the story. All were conveniently dismissed as criminals worthy of the fate that met them.

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What many of us fail to realise is that it could just as easily have been any of our sons, daughters, brothers, sisters, relatives or friends in their place.

I do not propose to elevate the deceased to the level of sainthood. The point that should be clear to all of us is that we do not know the truth and that is what we should be seeking – the truth behind every one of these deaths. Every single death in custody should trigger the proper due processes. The files for these more than 1805 deaths should be opened. If the investigations clearly show there was no foul-play, then we have closure. And if the investigations reveal improper conduct, those involved must be brought before the law.

I'm not a lawyer. Neither am I a cop nor a politician. So what can I do?

I can choose to remember and not to forget. I can remind myself that the authorities justify their actions by claiming that they are acting for the people and so long as I'm part of the collective whole, every single one of those deaths were justified under my name as well. I can acknowledge that my previous silence was interpreted as a sign of approval for each and every one of those 1805 deaths. I can step out in solidarity with everyone who sees what I see and who wishes to do something.

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When we go out and do our little bit in remembering, it goes a long way. It sends out the signal that we have not forgotten and we will not rest until we get to the truth. It keeps the pressure up and reminds the authorities that we, the people, are not blind and deaf and we are no longer prepared to allow atrocities to be carried out under our collective names. Most importantly, after knowing all these, stepping out allows us to be able to live with our own selves, to be able to sleep at night knowing that we are doing something.

This Friday, I will be joining those who will be laying flowers by the river next to the Bar Council building in memory of those lives lost whilst in the custody of the very authorities who are supposed to protect us all. Nothing much, just a few minutes of silence there by the river.