

CIVIL SOCIETY JOINT PRESS STATEMENT – 13th September 2021

Bring Back the Spirit of IPCMC by the 2005 Royal Commission.

The Malaysian Civil Society objects to the Independent Police Conduct Commission (IPCC) introduced by the Perikatan Nasional (PN) government, which will be tabled again for the second reading in the upcoming Parliament session. We believe that the proposed IPCC has strayed from the original spirit of an oversight body proposed by the Royal Commission to Enhance the Operational and Management of the Royal Malaysian Police (Royal Commission) in 2005.

the new IPCC bill, which was tabled in August 2020 in place of the Independent Police Complaints and Misconduct Commission (IPCMC), saw a significant backstep from the earlier version of the IPCMC bill introduced in October 2019. The IPCC bill was weakened and was re-tabled as though it is a new bill. The whole machination is a waste of public resources and an attempt to subvert and bypass the consultations with the Legal Affairs Department (BHEUU) and recommendations by the Parliament Select Committee for Consideration of Bills.

The IPCC bill reintroduced fatal flaws that would undermine the functions of the proposed oversight body and render it completely irrelevant and a waste of public funds. Key areas of concern include:

- Requirements for early notice for Commission to visit detention centres
- Removal of disciplinary power or power to compel actions based on recommendations made
- 'Exemption' of acts provided for in the Inspector-General Standing Orders (IGSO) (Section 96 & 97 of the Police Act 1967)
- Power for police officers to refuse answer to the Commission if it may expose other police officers to criminal charges or penalty
- Power to refuse the disclosure of sensitive documents or information on the grounds of national security or national interest

With the inclusion of these sections in the IPCC Bill, the Commission will be weaker than the Enforcement Agency Integrity Commission (EAIC) in terms of its functions as an oversight body. The Commission's power to conduct an investigation will be limited to only acts that are not covered by IGSO and police officers can refuse to cooperate in an investigation by citing vague and arbitrary reasons. To top it all off, the Commission will have no power to ensure its recommendations are implemented

The Civil Society calls on Ismail Sabri's administration to review the recommendations put forth by the Parliament Select Committee for Consideration of Bills and include that in the proposed IPCC. Introducing a Commission that is doomed to failure when the Royal Malaysian Police (PDRM) is ridden with allegations of serious misconduct ranging from police brutality to custodial death, and enforced disappearance will only further tarnish the PDRM's reputation and deepen public mistrust in the police force.

An accountable and professional police force would not fear any scrutiny by an independent commission. Public scrutiny provides the police force with an opportunity to address public concerns in relation to police misconduct and restore public mistrust by ensuring that all misconducts are meaningfully investigated and addressed. We call for an independent police commission that carries the spirit of the initial bill proposed by the Royal Commission.

This statement is endorsed by:
Organisations

1.

All Women's Action Society (AWAM)

2.

Amnesty International Malaysia

3.

Centre for Independent Journalism (CIJ)

4.

Community Women & Worker Network (CWWN)

5.

DEWAN MUDA MALAYSIA

6.

Eliminating Deaths & Abuse In Custody Together (EDICT)

7.

ENGAGE

8.

Enlight Malaysia

9.

G25 Malaysia

10.

Gerakan Belia Se-Punjabi Malaysia (GBSM)

11.

justice for sisters

12.

Kabinet Muda Malaysia, Kementerian Dalam Negeri

13.

KLSCAH Youth

14.

Legal Dignity

15.

Malaysian Action for Justice & Unity

16.

MISI: Solidariti

17.

North South Initiative

18.

Parti MUDA

19.

Parti Sosialis Malaysia (PSM)

20.

Pemuda Bangsa

21.

Persatuan Promosi Hak Asasi Manusia (Proham)

22.

Pertubuhan Solidariti Hiaju Kuantan

23.

PLUHO, People Like Us Hang Out

24.

Project MK

25.

Pusat KOMAS

26.

Sabah Reform Initiative (SARI)

27.

Saya Anak Bangsa Malaysia (SABM)

28.

Suara Rakyat Malaysia (SUARAM)

29.

The Chambers of Yu Shin Ong

30.

Undi 18

31.

Yayasan Perintis Malaysia

Individuals

1.

Amirul Ikman Azman

2.

Andrew Khoo

3.

Anusha Arumugam

4.

Beverly Joeman

5.

Cyrus Tiu Foo Woei - Azri, Lee Swee Seng & Co

6.

Iqbal Fatkhi

7.

Karyn Kan - The Chambers of Yu Shin Ong

8.

Kenneth Cheng

9.

Mohammad Alshatri

10.

Muhammad Ariff Mohamad Nizam

11.

Noor Suhana Ishak

12.

Raenuga Indran

13.

Ryan Ong