

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

ASIA DIVISION

Brad Adams, *Executive Director*
Elaine Pearson, *Deputy Director*
Sophie Richardson, *China Director*
John Sifton, *Advocacy Director*
Phil Robertson, *Deputy Director*
Kanae Doi, *Japan Director*
Meenakshi Ganguly, *South Asia Director*
Ali Dayan Hasan, *Pakistan Director*
Nicholas Bequelin, *Senior Researcher*
David Mathieson, *Senior Researcher*
Sunai Phasuk, *Senior Researcher*
Mickey Spiegel, *Senior Researcher*
Phelim Kine, *Senior Researcher*
Heather Barr, *Researcher*
Tejshree Thapa, *Researcher*
Kriti Sharma, *Coordinator*
Riyo Yoshioka, *Senior Associate*
Diana Parker, *Associate*
Jake Scobey-Thal, *Associate*
Shaivalini Parmar, *Associate*

ADVISORY COMMITTEE

David Lakhdir, *Chair*
Orville Schell, *Vice Chair*

Maureen Aung-Thwin
Edward J. Baker
Harry Barnes
Robbie Barnett
Robert L. Bernstein
Jagdish Bhagwati
Jerome Cohen
Gerald Curtis
John Despres
Jose Manuel Diokno
Mallika Dutt
Merle Goldman
Jonathan Hecht
Paul Hoffman
Sharon Hom
Rounaq Jahan
Joanne Leedom-Ackerman
Perry Link
Kimberly Marteau-Emerson
Krishen Mehta
Andrew J. Nathan
Yuri Orlov
Xiao Qiang
Bruce Rabb
Balakrishnan Rajagopal
Victoria Riskin
Barnett Rubin
James Scott
Steve Shapiro
Frances Seymour
Mark Sidel
Eric Stover
Ko-Yung Tung
Francesc Vendrell
Tuong Vu

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*

HUMAN
RIGHTS
WATCH

www.hrw.org

Appendix A: Letters to Agencies of the Government of Malaysia Requesting Data

May 31, 2012

Mr. Lim Leong Hock
Office of the Inspector General Police
Ketua Polis Negara
Ibu Pejabat Polis Bukit Aman
50560 Kuala Lumpur, Malaysia
Via email

Dear Mr. Lim:

Thank you for arranging the meeting with the Deputy IGP Tan Sri Khalid Abu Bakar, Datuk Sri Mohd Bakri Zinin, Dato Hashim, and with ACP Anil Shah on May 29, 2012. I appreciate the time that officials spent with Human Rights Watch. Dato Hashim provided with me disciplinary statistics, which were very useful.

Human Rights Watch would like the following additional information to complete our research:

Training

1. Training topics for rank and file and length of time spent on each topic.
2. Training topics for officers and length of time spent on each topic.
3. Has the new Criminal Investigation Department (CID) Training Center been created yet? If so, on what date? If not, what is the expected date that it will be in operation?
4. Topics covered in the new CID training center.

Statistics from CID

1. Yearly statistics (2002-2012) on the number and types of complaints by the public about police misconduct or abuse received and processed by CID.
2. Conclusion or results of the investigations done by CID on public complaints of police misconduct (2002-2012).
3. Since 2002-2012, how many cases and types of cases that have been referred to the Attorney General's office? (The Deputy IGP mentioned the Aminulrashid case and noted that other cases that have been referred).

- a. What is the outcome of cases referred to the Attorney General's office (2002-2012)?
4. Since 2002, has any police officer or rank and file police been successfully sued in a civil suit by a member of the public?
 - a. If yes, the date of judgment, case name, type of case, and damages awarded to complainant against the police?
 - b. In the event of damages, has the IGP's office paid for damages or does the individual police have to pay out of pocket?
5. What is the CID process for investigating and responding to a complaint by the public of police misconduct or abuse?
 - a. If a complainant files a complaint with the local police station in a village or a major city is it automatically transmitted to CID in Bukit Aman from all over the country?

Thank you for your cooperation. I look forward to receiving the requested information.

Sincerely yours,



Sahr Muhammedally
Human Rights Watch
First Floor Audrey House
16-20 Place
London, England EC1N 6SN
TEL: +442077131995
muhamms@hrw.org

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

ASIA DIVISION

Brad Adams, *Executive Director*
Elaine Pearson, *Deputy Director*
Sophie Richardson, *China Director*
John Sifton, *Advocacy Director*
Phil Robertson, *Deputy Director*
Kanae Doi, *Japan Director*
Meenakshi Ganguly, *South Asia Director*
Ali Dayan Hasan, *Pakistan Director*
Nicholas Bequelin, *Senior Researcher*
David Mathieson, *Senior Researcher*
Sunai Phasuk, *Senior Researcher*
Mickey Spiegel, *Senior Researcher*
Phelim Kine, *Senior Researcher*
Heather Barr, *Researcher*
Tejshree Thapa, *Researcher*
Kriti Sharma, *Coordinator*
Riyo Yoshioka, *Senior Associate*
Diana Parker, *Associate*
Jake Scobey-Thal, *Associate*
Shaivalini Parmar, *Associate*

ADVISORY COMMITTEE

David Lakhdir, *Chair*
Orville Schell, *Vice Chair*

Maureen Aung-Thwin
Edward J. Baker
Harry Barnes
Robbie Barnett
Robert L. Bernstein
Jagdish Bhagwati
Jerome Cohen
Gerald Curtis
John Despres
Jose Manuel Diokno
Mallika Dutt
Merle Goldman
Jonathan Hecht
Paul Hoffman
Sharon Hom
Rounaq Jahan
Joanne Leedom-Ackerman
Perry Link
Kimberly Marteau-Emerson
Krishen Mehta
Andrew J. Nathan
Yuri Orlov
Xiao Qiang
Bruce Rabb
Balakrishnan Rajagopal
Victoria Riskin
Barnett Rubin
James Scott
Steve Shapiro
Frances Seymour
Mark Sidel
Eric Stover
Ko-Yung Tung
Francisc Vendrell
Tuong Vu

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olugboji, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal & Policy Director*

June 27, 2012

Datuk Idrus Harun
Solicitor General
Attorney General's Chambers
No. 45, Persiaran Perdana,
Precint 4, 62100, Putrajaya, Malaysia
Via email sg@agc.gov.my

Dear Datuk Idrus Harun:

Human Rights Watch is researching police reform issues in Malaysia. I met with the Deputy IGP Tan Sri Khalid Abu Bakar and Datuk Sri Mohd Bakri Zinin on May 29, 2012 in Kuala Lumpur.

Human Rights Watch requested and has been provided data from Bukit Aman on police disciplinary actions as well as complaints by the public investigated and referred for prosecution by the RMP.

Human Rights Watch would like some additional information from the Attorney General's office to complete the research.

1. Yearly statistics (2002-2012) on the number and types of cases referred by the Royal Malaysia Police (RMP) to the Attorney General's office.
2. Since 2002-2012, how many cases, including types of cases, were prosecuted by the AG's office? What was the outcome of those cases?
3. Since 2002-2012, after investigation by the deputy public prosecutor, how many cases were classified as NFA (no further action) and reasons for NFA?
4. Since 2002, has any police officer or rank and file police been successfully sued in a civil suit by a member of the public?
 - a. If yes, the date of judgment, case name, type of case, and damages awarded to complainant against the police?

Thank you for your cooperation. I look forward to receiving the requested information.

Sincerely yours,



Sahr Muhammedally
Human Rights Watch

HUMAN
RIGHTS
WATCH

www.hrw.org

First Floor Audrey House, 16-20 Place
London, England EC1N 6SN
TEL: +442077131995
muhamms@hrw.org

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

ASIA DIVISION

Brad Adams, *Executive Director*
Phelim Kine, *Deputy Director*
Sophie Richardson, *China Director*
John Sifton, *Advocacy Director*
Phil Robertson, *Deputy Director*
Kanae Doi, *Japan Director*
Meenakshi Ganguly, *South Asia Director*
Ali Dayan Hasan, *Pakistan Director*
Mickey Spiegel, *Special Advisor*
Nicholas Bequelin, *Senior Researcher*
David Mathieson, *Senior Researcher*
Sunai Phasuk, *Senior Researcher*
Jayshree Bajoria, *Researcher*
Heather Barr, *Researcher*
Carlos H. Conde, *Researcher*
Andreas Harsono, *Researcher*
Tejshree Thapa, *Researcher*
Kriti Sharma, *Coordinator*
Jake Scobey-Thal, *Senior Associate*
Riyo Yoshioka, *Senior Associate*
Shaivalini Parmar, *Associate*
Storm Tiv, *Associate*

ADVISORY COMMITTEE

David Lakhdir, *Chair*
Orville Schell, *Vice Chair*
Maureen Aung-Thwin
Edward J. Baker
Robbie Barnett
Robert L. Bernstein
Jagdish Bhagwati
Jerome Cohen
Gerald Curtis
John Despres
Jose Manuel Diokno
Mallika Dutt
Merle Goldman
Jonathan Hecht
Paul Hoffman
Sharon Hom
Rounaq Jahan
Joanne Leedom-Ackerman
Perry Link
Kimberly Marteau-Emerson
Krishen Mehta
Andrew J. Nathan
Yuri Orlov
Xiao Qiang
Bruce Rabb
Balakrishnan Rajagopal
Victoria Riskin
Barnett Rubin
James Scott
Steve Shapiro
Frances Seymour
Mark Sidel
Eric Stover
Ko-Yung Tung
Francesc Vendrell
Tuong Vu

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Oluwoji, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*
James F. Hoge, Jr., *Chair*

September 27, 2012

Tan Sri Khalid Abu Bakar
Deputy Inspector General Police
Ketua Polis Negara
Ibu Pejabat Polis Bukit Aman
50560 Kuala Lumpur, Malaysia
Fax: 0320707500

Dear Tan Sri Abu Bakar:

Thank you for meeting with Human Rights Watch in May 2012. We are finalizing our research on police reform and would appreciate more information from your office. We would like the following information:

1. Copy of the Inspector General Standing Order on Use of Force.
2. Copy of relevant procedures to investigate shooting incidents.
3. Copy of the Inspector General Standing Order or relevant policy memoranda on procedures to investigate deaths in police custody.
4. Copy of the Inspector General Standing Order on Disciplinary Proceedings number A110.
5. Copy of CID guidelines/procedures for investigating a public complaint against the police.
6. Human Rights Watch was provided data by CID and the Attorney General's office on civil suits filed against the police. When a civil suit is filed what steps does CID or the Disciplinary Authority take to investigate the allegations from a disciplinary perspective?

Thank you for your cooperation. I look forward to receiving the requested information.

Sincerely yours,



Sahr Muhammedally
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118
Tel: 212-216-1825
muhamms@hrw.org

HUMAN
RIGHTS
WATCH

www.hrw.org

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

ASIA DIVISION

Brad Adams, *Executive Director*
Phelim Kine, *Deputy Director*
Sophie Richardson, *China Director*
John Sifton, *Advocacy Director*
Phil Robertson, *Deputy Director*
Kanae Doi, *Japan Director*
Meenakshi Ganguly, *South Asia Director*
Ali Dayan Hasan, *Pakistan Director*
Mickey Spiegel, *Special Advisor*
Nicholas Bequelin, *Senior Researcher*
David Mathieson, *Senior Researcher*
Sunai Phasuk, *Senior Researcher*
Jayshree Bajoria, *Researcher*
Heather Barr, *Researcher*
Carlos H. Conde, *Researcher*
Andreas Harsono, *Researcher*
Tejshree Thapa, *Researcher*
Kriti Sharma, *Coordinator*
Jake Scobey-Thal, *Senior Associate*
Riyo Yoshioka, *Senior Associate*
Shaivalini Parmar, *Associate*
Storm Tiv, *Associate*

ADVISORY COMMITTEE

David Lakhdir, *Chair*
Orville Schell, *Vice Chair*
Maureen Aung-Thwin
Edward J. Baker
Robbie Barnett
Robert L. Bernstein
Jagdish Bhagwati
Jerome Cohen
Gerald Curtis
John Despres
Jose Manuel Diokno
Mallika Dutt
Merle Goldman
Jonathan Hecht
Paul Hoffman
Sharon Hom
Rounaq Jahan
Joanne Leedom-Ackerman
Perry Link
Kimberly Marteau-Emerson
Krishen Mehta
Andrew J. Nathan
Yuri Orlov
Xiao Qiang
Bruce Rabb
Balakrishnan Rajagopal
Victoria Riskin
Barnett Rubin
James Scott
Steve Shapiro
Frances Seymour
Mark Sidel
Eric Stover
Ko-Yung Tung
Francesc Vendrell
Tuong Vu

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Deputy Executive Director, Europe*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*
James F. Hoge, Jr., *Chair*

September 27, 2012

Ms. Evawani Farisyta binti Mohammad
Deputy Public Prosecutor
Attorney General's Chambers
No. 45, Persiaran Perdana,
Precint 4, 62100, Putrajaya, Malaysia

Via email evawani@agc.gov.my

Dear Ms. Mohammad:

Thank you for providing Human Rights Watch data on prosecutions of the police and civil suits filed against the police. We have some additional questions, which will be useful in analyzing the data.

1. Does the filing of a civil suit by the public against the police also trigger criminal investigation and possible charges against the alleged police officer by the Attorney General's office?
 - a. If yes, how many criminal charges were filed out of the 32 civil cases noted in Annex C and what is the status on those cases.
2. Annex A notes that cases were labeled No Further Action (NFA) due to lack of evidence. Can you give an example of what constitutes as lack of evidence if these cases have first been investigated by the police and referred for prosecution.
3. In Annex B, does the number of cases brought forward from previous years refer to cases not resolved in the year a particular case went to trial?
4. In Annex B, what are the reasons that 148 cases were rendered Discharged Not Amounting to Acquittal?

Thank you for your cooperation. I look forward to hearing from you.

Sincerely yours,



Sahr Muhammedally
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118
Tel: 212-216-1825
muhamms@hrw.org

HUMAN
RIGHTS
WATCH

www.hrw.org

Appendix B: Information Received from the Royal Malaysian Police Criminal Investigation Department

Table 1: Types of Cases Involving Police Officers Received, Investigated by Royal Malaysia Police and Referred to Attorney General Chambers from 2005 to 2012 (May)

Sections and Laws	Year							
	2005	2006	2007	2008	2009	2010	2011	2012 (May)
Sec. 14 - Insulting Behavior - Minor Offences Act 1955	1	1	1	0	2	1	0	1
Sec. 147 - Punishment for Rioting - Penal Code (Act 574)								
Sec. 148 - Punishment for Rioting with Weapons- Penal Code (Act 574)	0	0	2	4	6	5	3	2
Sec. 170 - Personating a Public Servant - Penal Code (Act 574)	2	3	4	0	2	2	2	0
Sec. 223 - Escape from Confinement Negligently Suffered by a Public Servant - Penal Code (Act 574)	6	12	18	22	18	25	10	7
Sec. 302 - Punishment for Murder - Penal Code (Act 574)	2	4	3	0	2	1	1	0
Sec. 307 - Attempt to Murder - Penal Code(Act 574)	2	1	1	0	5	10	1	1
Sec. 323 - Punishment for Voluntarily Causing Hurt - Penal Code (Act 574)	98	94	157	144	166	161	114	37
Sec. 354 - Assault or Use of Criminal Force to a Person with Intent to Outrage Modesty - Penal Code (Act 574)	9	6	16	8	12	2	10	6
Sec. 376 - Punishment for Rape - Penal Code (Act 574)	11	8	25	12	24	11	11	2
Sec. 379 - Punishment for Theft - Penal Code (Act 574)	10	10	8	24	19	14	16	6
Sec. 384 - Punishment for Extortion - Penal Code (Act 574)								
Sec. 385 - Putting a Person in Fear of Injury in Order to Commit Extortion- Penal Code (Act 574)	13	20	20	21	19	35	24	10
Sec. 392 - Punishment for Robbery - Penal Code (Act 574)								
Sec. 395 - Punishment for Gang - Robbery Penal Code (Act 574)	14	21	23	29	32	31	29	3
Sec. 397 - Robbery when Armed or with Attempt to Cause Death or Grievous Hurt - Penal Code (Act 574)								

Sections and Laws	Year							
	2005	2006	2007	2008	2009	2010	2011	2012 (May)
Sec. 457 - Lurking House-Trespass or House-Breaking in Order to Commit an Offence Punishable with Imprisonment - Penal Code (Act 574)	4	3	1	2	2	2	2	1
Sec. 500 - Punishment for Defamation - Penal Code (Act 574)	0	2	2	2	1	2	3	1
Sec. 506 - Punishment for Criminal Intimidation - Penal Code (Act 574)								
Sec. 507 - Criminal Intimidation by an Anonymous Communication - Penal Code (Act 574)	16	4	35	10	32	58	20	13
Sec. 11 Anti-Corruption Act 1997	1	1	3	4	2	0	0	0
Other Allegations against Police Personnel	70	74	108	130	156	142	90	33
Gaming / Gambling Offences 1953	3	5	8	4	6	5	9	2
Arms Act 1960	2	9	28	26	23	20	14	5
Others	76	116	146	263	194	232	283	32
Total Numbers of Investigation Papers Opened and Referred to Attorney General Chambers	340	394	609	705	723	759	642	162

Table 2: Yearly Statistics on the Number of Report Made against Police Officers, Results / Status of Investigations and Number of Cases Referred to Attorney General Chambers from 2005 to 2012 (May)

Year	Numbers of IP's* Opened Based on Reports Received	Number of Cases Pending Investigation	Number of Cases Referred to DPP**	Decision of DPP	
				Classified NFA*** by DPP	Prosecuted in Court
2005	340	177	163	128	35
2006	394	193	201	162	39
2007	609	380	229	161	68
2008	705	475	230	193	37
2009	723	542	181	133	48
2010	759	502	257	204	53

2011	642	551	91	51	40
2012 (May)	162	153	9	4	5

Notes:

* Investigation Papers

** DPP - Deputy Public Prosecutor from the Attorney General's Chambers

*** NFA - No Further Action

Table 3: Cases Involving Civil Suits against Police Officers from the Year 2002 to 2012 (March)

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
27	44	34	35	18	28	42	73	46	42	3

Types of Cases Involved in Civil Suit:

- Wrongful Arrest
- Unjustified discharge of firearms
- Negligently causing death of detainees while in custody
- Negligent in handling exhibits
- Wrongful seizure of goods
- Unlawful detention
- Ignoring rights of detainees to counsel and family visits
- Trespassing and wrongful search
- Causing injury to detainees while in custody

Notes:

Detailed statistics are unable to be provided as data is unavailable

Appendix C:

Information Received from the Attorney General's Office on Cases Involving Police Suspects

REQUEST FROM HUMAN RIGHTS WATCH

1. The Attorney General's Chambers received a letter dated 27 June 2012 from the Human Rights Watch requesting information as follows:

"Human Rights Watch would like some additional information from the Attorney General's office to complete the research.

1. *Yearly statistics (2002-2012) on the number and types of cases referred by the Royal Malaysia Police (RMP) to the Attorney General's office.*
 2. *Since 2002-2012, how many cases, including types of cases, were prosecuted by the AG's office. What was the outcome of those cases?*
 3. *Since 2002-2012, after investigation by the deputy public prosecutor, how many cases were classified as NFA (no further action) and reasons for NFA?*
 4. *Since 2002, has any police officer or rank and file police been successfully sued in a civil suit by a member of the public?*
 - a. *If yes, the date of judgment, case name, type of case, and damages awarded to complainant against the police?"*
2. Questions 1 – 3 of the request relates to inputs from the Prosecution Division whereas question 4 relates to inputs from the Civil Division.

Prosecution Division Inputs:

3. Yearly statistics (2002 – 2012) on the number of cases referred by the Royal Malaysian Police (RMP) to the Attorney General's Chambers (AGC) are attached as **Annexure A**.
4. Yearly statistics (2002 – 2012) on the number of prosecutions and the disposal of those cases are attached as **Annexure B**.
5. The types of cases referred to by the RMP and prosecuted by the AGC mainly involved drug related offences (possession or trafficking in dangerous drugs), causing hurt or grievous hurt, corruption, extortion and robbery/theft. There are also other offences which were referred to by the RMP and prosecuted by the AGC but the number of such cases are rather small, for example rape, cheating, forgery, committing affray, mischief etc.
6. The statistics for the number of cases classified NFA after being referred to the AGC are stipulated in **Annexure A**. Reason for NFA is due to lack of evidence.
7. The statistics as in **Annexure A** involved offences investigated by the RMP which covers CID, commercial crimes and narcotics. The statistics also include cases

investigated by the Malaysian Anti-Corruption Commission (MACC) involving police suspects. Discrepancies between the statistics provided by the RMP and the AGC are mainly because RMP statistics only refers to CID cases, excluding commercial crimes and narcotics. RMP statistics also did not include cases investigated by the MACC.

Civil Division Inputs:

8. The statistics on civil suit as per requested under question 4 is attach as **Annexure C**.

Attorney General's Chambers
Malaysia
4 September 2012

ANNEXURE A

Table 4: Statistics of Cases Involving Police Suspects

YEAR	NO. OF IPs REFERRED TO DPP	NO. OF IPs CHARGED	NO. OF IPs NFA
2002	105	36	69
2003	137	33	104
2004	144	45	99
2005	240	85	155
2006	246	77	169
2007	299	99	200
2008	387	116	271
2009	336	111	225
2010	303	118	185
2011	250	121	129
2012 (as of May 2012)	91	52	39
TOTAL	2538	893	1645

Note:

- Reasons for NFA for each case are not available as no data is kept. However, generally a case is NFA due to lack of evidence.

Reference:

IPs – Investigation Papers

DPP – Deputy Public Prosecutor

NFA – No further action

ANNEXURE B

Table 5: Statistics of Prosecution Involving Police Accused

Year	No. of Cases Prosecuted	Brought Forward from Previous Year	Cases Disposed				Total No. of Cases Disposed	Balance
			Conviction/ Plead Guilty	Acquitted & Discharged	DNAA	Withdraw		
2002	36	0	12	6	9	5	32	4
2003	33	4	9	11	4	2	26	11
2004	45	11	18	13	9	2	42	14
2005	85	14	22	22	13	11	68	31
2006	77	31	26	14	12	11	63	45
2007	99	45	34	24	17	6	81	63
2008	116	63	33	30	27	17	107	72
2009	111	72	61	25	15	8	109	74
2010	118	74	74	26	24	31	155	37
2011	121	37	40	19	13	12	84	74
2012 (as of May 2012)	52	74	20	3	5	4	32	94
TOTAL	893		349	193	148	109	799	

Note:

DNAA – Discharge not amounting to an acquittal

ANNEXURE C

Table 6: Statistics of Civil Suit against the Police by a Member of Public from Year 2002-2012

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
1.	COURT OF APPEAL, CIVIL APPEAL NO: 01- 08-563-09	1. NGAN CHONG MENG 2. NGUI PAU KEONG 3. LIM CHAI TIAM 4. CHAI CHIT MOEY -VS- ASP RAMLY YUSOF AND GOVERNMENT OF MALAYSIA	NEGLIGENT SHOOTING	4 TH JANUARY 2012	1 ST PLAINTIFF: GENERAL DAMAGES: RM50,000.00 SPECIAL DAMAGES: RM10,525.71 2 ND PLAINTIFF: GENERAL DAMAGES: RM75,000.00 SPECIAL DAMAGES: RM5,530.00 3 RD PLAINTIFF: RM5,000.00 4 TH PLAINTIFF: RM5,000.00 INTEREST 8% FOR ALL
2.	COURT OF APPEAL, CIVIL APPEAL NO: 12- 256-2010	PATRICK BAYING ANAK LANGKU -VS- IGP & GOVERNMENT OF MALAYSIA	ASSAULT IN POLICE LOCK- UP	14 TH JUN 2010	DAMAGES RM100,00.00 AND INTEREST OF 8% PER ANNUM FROM 9.02.2007 UNTIL REALIZATION
3.	SESSIONS COURT OF KUALA LUMPUR, SUMMONS NO:53- 1562-11/11	YEOW LEONG KANG -VS- 1. NORHESHAM B. MOHD NOR 2. GOVERNMENT OF MALAYSIA	NEGLIGENT SHOOTING	7 TH APRIL 2012	DAMAGES RM33, 000. 00
4.	HIGH COURT OF PENANG, CIVIL SUIT NO: 22-34- 2005 & 22-99-2005	MOHD ZABIDI BIN HASSAN AND LAGI -VS- YEOH YEW JIN (CONSOLIDATE WITH MOHD ZABIDI BIN HASSAN AND 1 OTHER -VS- ANG CHANG LI MEI)	NEGLIGENT SHOOTING	29 TH APRIL 2011	DAMAGES RM59, 036.81
5.	SESSIONS COURT OF	GOOI CHAI HUAT	NEGLIGENT	12 TH	DAMAGES RM17,600.00

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
	ALOR SETAR, SUMMON NO.: 51-13-01	-VS- 1. OCPD OF ALOR SETAR 2. GOVERNMENT OF MALAYSIA	SHOOTING	SEPTEMBER 2005	
6.	SESSIONS COURT OF ALOR SETAR, SUMMONS NO: 51-40-09	AZHAM BIN FADZIL -VS- 1. MOHAMAD JIMMY BIN ABDULLAH 2. POLICE IN CHARGE OF KUAH POLICE STATION, LANGKAWI, 3. KEDAH 4. GOVERNMENT OF MALAYSIA	ASSAULT AND BATTERY	25 TH JULY 2010	DAMAGES RM 9,317.00
7.	SESSIONS COURT OF SUNGAI PETANI, KEDAH SUMMONS NO: 51-1-06	MOHD FITRI ASLAM BIN ISMAIL (NEXT OF KINS, ISMAIL BIN GHAZANFAR) -VS- 1. KAMALAKARAN A/L APPARO 2. ARUJUNAN A/L MUNIANDY 3. GOVERNMENT OF MALAYSIA	ASSAULT AND BATTERY	21 TH SEPTEMBER 2010	DAMAGES RM9,948.42
8.	SESSIONS COURT OF IPOH, SUMMONS NO: 51-41-2004	CHE AZZMI BIN CHE DIN -VS- 1. GOVERNMENT OF MALAYSIA 2. IGP 3. CPO OF PERAK 4. OCPD OF KINTA 5. CORPORAL 88708 MOHD SHUKRI BIN ISMAIL 6. CONSTABLE 11122 MOHD DESA BIN HARUN 7. CONSTABLE 143376 RAFIAN BIN KARIM	ASSAULT AND BATTERY	15 TH APRIL 2009	DAMAGES RM 36,058
9.	SESSIONS COURT OF TELUK INTAN SUMMONS NO: 52-19-	ROSLEE BIN AHMAD SAHUDIN -VS- 1. LANCE CORPORAL ROSTAR NOM	NEGLIGENT SHOOTING	14 TH MAY 2009	DAMAGES RM 5,000.00

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
	2005	CHE COB 2. GOVERNMENT OF MALAYSIA			
10.	SESSIONS COURT OF SEREMBAN CIVIL SUIT NO: 53-168-2008	GOOI KIM POH -VS- 1. SARGEANT 65522, NURSHAR BIN SARBAINI 2. SUPERINTENDANT G12694, HAJI MAZLAN BIN OTHMAN 3. OCPD PORT DICKSON 4. GOVERNMENT OF MALAYSIA	UNLAWFUL SEIZURE	24 TH JANUARY 2011	RM 35,000.00
11.	HIGH COURT OF PENANG CIVIL APPEAL NO: 12B-249-2011	YANAMUTHU A/L RAMAN -VS- 1. CONSTABLE YUHIZWAN YUSOF 2. HEAD OF CRIME INVESTIGATION DIVISION, SOUTH EAST DISTRICT, PENANG 3. OCPD OF SOUTH EAST DISTRICT, PENANG 4. CPO OF PENANG 5. GOVERNMENT OF MALAYSIA	NEGLIGENT SHOOTING	15 JUN 2012	RM130,000.00 WITH COST RM20,000.00
12.	KLANG SESSIONS COURT SUMMONS NO: 52-1536-2009	YEU CHIAU LING -VS- 1. SARGEANT UMAR BIN ABD SAMAD (S 96744) 2. OCPD KLANG 3. GOVERNMENT OF MALAYSIA	NEGLIGENCE	5 TH MAY 2011	RM 27,000.00
13.	HIGH COURT OF SHAH ALAM WRIT OF SUMMONS NO: 21-125-2006	1. SINGARI A/P MAHALINGAM 2. MADARI A/P PELAYUTHAN -VS- 1. OCPD, KAJANG 2. INSPECTOR GENERAL OF POLICE 3. ATTORNEY GENERAL	NEGLIGENCE DEATH IN CUSTODY	15 TH MARCH 2011	RM 15,000.00

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
14.	SELYANG SESSIONS COURT SUMMONS NO: 53-315-2008	ABDUL RAHMAN BIN HASHIM -VS- 1. HARDIP SINGH 2. SUBRAMANIAM A/L VEERIAH 3. MOHD FAZLEY B ABDUL RAHMAN 4. JALIL BIN TALIB 5. YAHAYA UDIN 6. MUSA BIN DATO HAJI HASSAN 7. GOVERNMENT OF MALAYSIA	NEGLIGENCE	22 ND MARCH 2011	RM 76,995.25
15.	SESSIONS COURT OF JOHOR BAHRU SUMMONS NO: 51-46-2007(2)	ISHAK BIN MOHD ELAH -VS- 1. ASP SURESH A/L SUBRAMANIAM 2. INSPECTOR GENERAL OF POLICE 3. GOVERNMENT OF MALAYSIA	UNLAWFUL ARREST AND DETENTION	17 TH MARCH 2011	RM25,000.00
16.	HIGH COURT OF JOHOR BAHRU WRIT OF SUMMONS NO: 22-480-2008	TEH ENG LOO -VS- 1. ROSLAN BIN KAMARUDDIN(LANCE CORPORAL 90791) 2. INSPECTOR GENERAL OF POLICE 3. GOVERNMENT OF MALAYSIA	NEGLIGENT SHOOTING	23 RD DECEMBER 2011	GENERAL DAMAGES: RM25,000.00 SPECIAL DAMAGES: RM60.00
17.	HIGH COURT OF Kuantan WRIT OF SUMMONS NO: 22-115-2004	1. DR. HATTA B. RAMLI 2. NAZRI B. HJ AHMAD 3. MAZLAN B. YASSIN -VS- HANAPI B. HJ DAUD	UNLAWFUL ARREST AND DETENTION	12 TH OCTOBER 2011	DAMAGES RM200,000.00
18.	HIGH COURT OF TEMERLOH WRIT OF SUMMONS NO: 22-61-2009	1. M.RAMIS A/L MAILVAGAM 2. (NO.K/P:660114-06-5421) -VS- 1. TAN SRI MUSA BIN HAJI HASSAN 2. ROYAL MALAYSIA POLICE 3. GOVERNMENT OF MALAYSIA	DEFAMATION	14 TH JUNE 2010	DAMAGES RM100,000.00

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
19.	HIGH COURT OF KUALA LUMPUR WRIT OF SUMMONS NO: S4-21-269-2007	JOHARI BIN KASMAN -VS- 1. NADZRI AHMAD 2. INSPECTOR GENERAL OF POLICE	NEGLIGENT SHOOTING	21 ST SEPTEMBER 2011	GENERAL DAMAGES: RM 150,000.00 SPECIAL DAMAGES: RM 900,000.00
20.	HIGH COURT OF IPOH WRIT OF SUMMONS NO: 22-223-2006	NORSIAH BINTI AHMAD -VS- CONSTABLE HASANUDDIN AND 2 OTHERS	NEGLIGENCE	11 TH SEPTEMBER 2008	RM63,360.00
21.	HIGH COURT OF SEREMBAN CIVIL SUIT NO: 23-1-2003	ANTHONY FERNANDEZ -VS- 1. ACP ABDUL KHALID BIN HASSAN (FORMER) 2. ABDUL RAZAK BIN ABDUL GHANI 3. CPO NEGERI SEMBILAN 4. IGP 5. GOVERNMENT OF MALAYSIA 6. THE NEWS STRAITS TIMES PRESS (M) BERHAD 7. R. SITTAMPARAM 8. DATUK AHMAD ABDUL TALIB 9. ASP MAZUPI BIN ABDUL RAHMAN	UNLAWFUL ARREST AND DETENTION AND DEFAMATION	2 ND APRIL 2009	COURT OF APPEAL AFFIRMED THE DECISION OF HIGH COURT. CASE FIXED FOR ASSESSMENT OF DAMAGES.
22.	COURT OF APPEAL CIVIL APPEAL NO: J-01-222-2009	YONG MOI SIN -VS- 1. GOVERNMENT OF MALAYSIA 2. INSPECTOR RAMLI MOKHTAR	UNLAWFUL ARREST AND DETENTION	15 TH NOVEMBER 2010	DAMAGES RM50,000.00
23.	FEDERAL COURT CIVIL APPEAL NO: 01(F)-7-2011(S)	1. INSPECTOR YUSOF HAJI OTHMAN 2. OCPD, SANDAKAN 3. CP, SABAH 4. IGP, MALAYSIA 5. GOVERNMENT OF MALAYSIA -VS-	UNLAWFUL ARREST AND DETENTION	25 TH JULY 2011	FEDERAL COURT DISMISSED THE APPELLANTS' APPEAL. DAMAGES TO BE ASSESSED.

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
		KWAN HUNG CHEONG			
24.	COURT OF APPEAL CIVIL APPEAL NO: W-01-74-2010	DR. SANUSI BIN OTHMAN AND 28 OTHERS -VS- DATUK ISMAIL BIN CHE ROS & 4 OTHERS	UNLAWFUL ARREST AND DETENTION	26 TH APRIL 2012	DAMAGES RM30,000.00 TO EACH PLAINTIFF.
25.	COURT OF APPEAL: CIVIL APPEAL NO: W-01-(IM)(NCVC)-509-11	PREMJEET KAUR A/P NIKA SINGH -VS- 1. CHIEF INSPEKTOR WONG PENG TECK 2. IGP 3. GOVERNMENT OF MALAYSIA	UNLAWFUL ARREST AND DETENTION	9 TH FEBRUARY 2012	CASE REVERTED TO HIGH COURT FOR TRIAL.
26.	HIGH COURT OF KUCHING CIVIL APPEAL NO: 12-34-2006-I	MS KUCHING (S) NO. 53-13-2002-I, 53-14-2002-II, 53-15-2002-III (CONSOLIDATION CASE) ELLIS AK JANTOM -VS- C/INSP 11694 HASSAN B HJ MORSHIDI & 11 ORS HAYATI BT SA-PIEE -VS- C/INSP 11694 HASSAN B HJ MORSHIDI & 11 ORS CHUNG KUI NYAN -VS- C/INSP 11694 HASSAN B HJ MORSHIDI & 11 ORS	UNLAWFUL ARREST	14 TH AUGUST 2007	DAMAGES RM 57,104.55
27.	HIGH COURT OF KUCHING CIVIL APPEAL NO: MR-12B-2-2011	JICKSONESS AK EDIN AND ANOR -VS- GOVERNMENT OF MALAYSIA AND 2 OTHERS	ASSAULT AND BATTERY	29 TH JUNE 2011	DAMAGES RM 15,000.00

NO	CASE NUMBER	PARTIES	CAUSE OF ACTION	DATE OF JUDGMENT	AMOUNT TO BE PAID BY THE GOVERNMENT
28.	HIGH COURT OF SIBU WRIT SUMMONS NO: 22-12-2007	THOMAS LEBAK AND ANOR -VS- RIMBUNAN HIJAU SDN BHD AND 7 OTHERS	UNLAWFUL ARREST AND DETENTION	5 TH NOVEMBER 2010	DAMAGES RM 10,000.00
29.	SESSIONS COURT OF KUCHING SUMMONS NO: 53- 143-09-III	LIEW YIAN HOCK -VS- OCPD AND 4 OTHERS	UNLAWFUL ARREST AND DETENTION	30 TH NOVEMBER 2010	DAMAGES RM 8,800.00
30.	COURT OF APPEAL CIVIL APPEAL NO: Q- 08-71-2010	C/INSP NORAZAM AND 2 OTHERS -VS- DEBO AK SAONG AND 2 OTHERS	UNLAWFUL ARREST AND DETENTION	30 TH JUNE 2010	DAMAGES RM340,872.87
31.	HIGH COURT OF KUCHING CIVIL APPEAL NO: 12B- 10-2010	CORPORAL HUSSAINI B SULONG AND 3 OTHERS -VS- NDUKMIT AK EGOT	NEGLIGENT SHOOTING	12 TH AUGUST 2011	RM260,763.18
32.	HIGH COURT OF LIMBANG NO: 22-07- 2010 (LG)	UMAR SELUTAN AND 2 ORS -VS- INSP KHAIRUL ANUAR B OMAR AND 2 ORS	ASSAULT, AND UNLAWFUL ARREST AND DETENTION	22 ND JUNE 2012	RM 35,000.00

Note:

*Statistics from 2002 to 2006 are unavailable because the files have been destroyed according to Service Regulations because 6 years have lapsed from the date the file was closed.



ROYAL MALAYSIA POLICE
POLICE HEADQUARTERS
50560 BUKIT AMAN
KUALA LUMPUR
MALAYSIA

Tel : 603-2266 8053
Fax : 603-2272 3750

Ref : KPN (PR) 135/1/7

Date : July 2012

Human Rights Watch,
First Floor Audrey House,
16-20 Place,
London, England EC1N 6SN.
(Via email)

Dear Mr. Sahr Muhammedally,

ADDITIONAL INFORMATION TO COMPLETE HUMAN RIGHTS WATCH RESEARCH

With regards to the above matter, we are pleased to attach our information and answers to your queries following the visit to our Deputy Inspector General Police office, by your Human Rights Watch's team on May 29, 2012.

2. This information is provided in addition to complete your research:

2.1. Training topics that relevant with human rights for rank and file.

SUBJECT	METHODOLOGY	DURATION
1. Concept and principals of human rights	<ul style="list-style-type: none">• Lecture• Group Discussion• Case study• Role Play• Demonstration	(To Be Determined)
2. Concept and Basic Principals of International Human Law		
3. Malaysia's View on Human Rights		
4. UDHR, CRC, CEDAW		
5. Basic principal to use force and firearms		
6. Law Enforcement & Code of Etiquette		

2.2. Training topics for officers that relevant with human rights.

SUBJECT	METHODOLOGY	DURATION
1. Concept and principals of human rights	<ul style="list-style-type: none"> • Lecture • Group Discussion • Case study • Role Play • Demonstration 	(To Be Determined)
2. Concept and Basic Principals of International Human Law		
3. Malaysia's View on Human Rights		
4. UDHR, CRC, CEDAW		
5. Basic principal to use force and firearms		
6. Law Enforcement & Code of Etiquette		

2.3. Furthermore, the Royal Malaysia Police (RMP) has established our Crime Investigation Department (CID) College. The college was integrated with other three Royal Malaysia Police training institution, namely the Kuala Kubu Bharu Police College, Special Branch Training School (SBTS) and Traffic Training School, which known as Kuala Lumpur Royal Malaysia Police College and was officially launched on July 10th, 2004. Among courses offered by Crime Investigation Department (CID) College are as follows:-

- | | |
|--|-------------|
| 2.3.1. Diploma In Investigation Sciences | (12 months) |
| 2.3.2. Prosecution Course | (4 weeks) |
| 2.3.3. Advance Prosecution Course | (1 week) |
| 2.3.4. Domestic Violence Handling Course | (2 weeks) |
| 2.3.5. Gambling Expert Course | (3 weeks) |

2.4 For further detail and information pertaining to the training and topic covered, we are very much appreciated if you could manage to surf our Royal Malaysia Police College website at <http://rmpckl.rmp.gov.my>.

3. We thank you on your concern and wish that this briefly information will assist you to complete your research.

Thank You.



(DATO' ABD RAHIM BIN HANAFI) DCP
Deputy Director of Management (Training)
Royal Malaysia Police
Bukit Aman, Malaysia