May 3, 2019

Hon. Tun Dr. Mahathir bin Mohamad
Prime Minister of Malaysia
Prime Minister’s Office
62000 Putrajaya
Malaysia

Re: Enforced Disappearances of Amri Che Mat and Pastor Raymond Koh

Dear Prime Minister,

I am writing to you on behalf of Human Rights Watch concerning the Human Rights Commission of Malaysia’s (Suhakam) release on April 3, 2019, of its final decisions in the public inquiries into the disappearances of Amri Che Mat and Pastor Raymond Koh.

In its final decisions, the Suhakam panel determined the two cases to be enforced disappearances and recommended that a Special Task Force, comprised of independent investigators appointed by the public prosecutor, be established to reopen and reinvestigate the cases.

Human Rights Watch is deeply concerned by your statements on April 3, as reported by the media, indicating that the government will only allow a Special Task Force to be established if concrete evidence shows that the Special Branch of the Royal Malaysia Police was involved in the disappearances.

We believe that the Suhakam panel makes a strong case for a Special Task Force and urges that your government establish it without delay. In particular, we wish to draw your attention to the following findings of the Suhakam panel:

Both Amri Che Mat and Pastor Raymond Koh were involved in social and charitable programs through their non-profit organizations, Perlis Hope and Harapan Komuniti, respectively. They both came to the attention of the Special Branch as a result of allegations that they were involved in the propagation of Shia and Christian religious teachings through their respective organizations.

The Special Branch took these allegations seriously. On October 7, 2016, the Mufti of Perlis and Deputy Commissioner of Police (DCP) Dato’ Awaludin Jadid (Chief Assistant Director, Social Extremist Threats Division, Special...
Branch) held a meeting on Shia activity in Perlis at which they discussed Amri Che Mat and Perlis Hope.

On November 6, 2016, DCP Dato' Awaludin gave a speech in which he warned of the dangers of Shia activity in Malaysia and complained about the stripping of police powers to deal with Shiaism under the Internal Security Act 1960. In the speech, he also urged the public to act to eradicate the problem posed by Shias. DCP Dato' Awaludin also spoke in November 2015 against the Christian faith, warning of the dangers of “Christianization” and urging the public and nongovernmental organizations to take action against “Christianization.”

Both Amri Che Mat and Pastor Raymond Koh were the subject of investigation and surveillance by local and national religious authorities as well as by the Special Branch. Perlis Special Branch investigated and closely monitored Amri Che Mat, while Special Branch officers at immigration checkpoints at Johore Baru and Kuala Lumpur International Airport regularly questioned Pastor Raymond Koh.

Amri Che Mat and Pastor Raymond Koh were abducted on November 24, 2016, and February 13, 2017, respectively, in a similar manner. In both cases, three black 4WD vehicles, two cars (including a gold Toyota Vios) and two motorcycles, surrounded their cars, and men dressed in black and wearing masks carried them away. An investigating officer admitted that this procedure fit the modus operandi of police operations. The gold Toyota Vios was subsequently traced to an employee at the Police Training Centre (Pulapol) in Kuala Lumpur.

The wife of Amri Che Mat told the panel that she was subsequently informed, in a two-hour meeting with a Perlis Special Branch officer, that both Amri Che Mat and Pastor Raymond Koh had been abducted by a Special Branch team from Bukit Aman, Kuala Lumpur, under the command of DCP Dato' Awaludin. Her daughter corroborated this account of the meeting. This account was also recorded in contemporaneous WhatsApp messages sent to Amri Che Mat’s wife to another Perlis Hope member immediately after the meeting with the Special Branch officer, and in a police report that the wife filed three days later.

In view of the above-mentioned accounts, and the Suhakam panel’s assessment of the consistency and credibility of the witnesses, the panel found that Special Branch abducted both Amri Che Mat and Pastor Raymond Koh because of their alleged religious activities.

In addition, the panel found serious shortcomings, including delays and a lack of seriousness, in the police investigations into the two enforced disappearances. For instance, the family of Pastor Raymond Koh were able by their own efforts to obtain two CCTV recordings of the abduction, while the investigating police officers failed to obtain any such video footage. The panel also noted that the police made “a concerted effort” to obscure all references to the owner of the gold Toyota Vios and his involvement.

Human Rights Watch urges you, as Prime Minister, to ensure that no one is above the law in Malaysia. The enforced disappearances of Amri Che Mat and Pastor Raymond Koh may be
part of a wider series of extrajudicial abductions and enforced disappearances carried out by the Special Branch on the basis of religious repression. Suhakam plans additional public inquiries into the possible enforced disappearances of Joshua and Ruth Hilmi, who vanished in November 2016.

We believe that police failures to properly investigate these enforced disappearances, and in some instances, to obfuscate evidence, demonstrate the police cannot be relied upon to investigate the actions of their own Special Branch officers. Therefore, there is an urgent need for the government to establish an independent Special Task Force to investigate these enforced disappearances and to ensure all police officers implicated in these enforced disappearances, regardless of position or rank, are held accountable for their actions.

Human Rights Watch also urges you to establish such a Special Task Force without delay, and ensure it has the required independence of action and resources to fully and comprehensively investigate these incidents. The actions of your government to pursue accountability and justice, and to ascertain the fate of Amri Che Mat and Pastor Raymond Koh, will be an important indicator of your government’s commitment to rights-respecting reforms.

Finally, Human Rights Watch calls on Malaysia to ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance, in line with your pledge made in your speech to the United Nations General Assembly on September 29, 2018, to ratify all UN human rights treaties.

Sincerely,

Phil Robertson
Deputy Asia Director

cc:
Minister of Home Affairs
Attorney General
Minister of Foreign Affairs
Chairman, Suhakam