



# MALAYSIA

## AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 17<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, OCTOBER/NOVEMBER 2013

### FOLLOW UP TO THE PREVIOUS REVIEW

Amnesty International notes that many of the human rights concerns expressed during its 2009 review are still relevant.

Malaysia has failed to accede to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, and the Convention on the Elimination of All Forms of Racial Discrimination, despite accepting recommendation to do so.<sup>1</sup> Malaysia rejected the recommendation to ratify the UN Convention Related to the Status of Refugees.<sup>2</sup>

Malaysia rejected recommendations to abolish the death penalty<sup>3</sup> and to impose a moratorium on executions,<sup>4</sup> as well as recommendations regarding freedoms of expression and assembly.<sup>5</sup> Malaysia also rejected a recommendation to abrogate the Internal Security Act (ISA),<sup>6</sup> although it repealed it in 2012 and replaced it with the Security Offences (Special Measures) Act (SOSMA).<sup>7</sup>

Malaysia accepted some recommendations to improve the situation of migrant workers;<sup>8</sup> however, exploitation and human rights abuses of migrants and asylum seekers remain rife.

### THE NATIONAL HUMAN RIGHTS FRAMEWORK

Some provisions in national law that infringe on human rights were repealed in the review period, including the Restricted Residence Act<sup>9</sup> and the Emergency (Public Order and Prevention of Crime) Ordinance<sup>10</sup> in 2011, and the Internal Security Act in 2012.<sup>11</sup>

The government amended the Printing Press and Publications Act in 2012,<sup>12</sup> striking out references to the Home Minister's "absolute discretion" in granting a printing press license. The law now leaves permits valid until they are revoked, and allows for judicial review of the Home Minister's decisions to suspend or refuse to grant a license. In 2012, the government further announced that the Sedition Act,<sup>13</sup> another law which has been used to stifle freedom of expression, would be replaced by a National Harmony Act.<sup>14</sup>

In January 2012, Parliament reviewed the Police Act, including Section 27 which grants broad powers to the police to regulate assemblies.<sup>15</sup> A new law, the Peaceful Assembly Act, places additional restrictions on the right to peaceful assembly. It states that only Malaysian citizens can participate in an assembly, that organizers must be 21 years old and participants at least 15. Street protests, marches and rallies are prohibited.

### THE HUMAN RIGHTS SITUATION ON THE GROUND

#### The death penalty

Amnesty International is not aware of any executions since 2009. In October 2012, the government reported that there were more than 930 prisoners on death row.<sup>16</sup> The government also announced it would consider replacing mandatory death sentences with prison sentences for drug offences under certain circumstances, and that there would be a temporary moratorium on executions during the review.

### **Freedom of expression**

Restrictions to freedom of expression continue. National laws such as the Sedition Act, the Communication and Multimedia Act 1998 (CMA),<sup>17</sup> the Printing Press and Publications Act (PPPA), the Official Secrets Act,<sup>18</sup> and the Evidence Act are used to curtail free speech.

In March 2009, eight bloggers faced imprisonment and fines after being charged under the CMA for posting critical comments online against the Sultan of Perak. In August 2009, the government threatened to prosecute the editors and owner of *Malaysiakini*<sup>19</sup> under the CMA, if they did not remove from their website videos of a protest by Muslims against the relocation of a Hindu temple to their neighbourhood.

In June 2010, the government did not renew the license for the newspaper *Suara Keadilan*,<sup>20</sup> thereby suspending its distribution. The following month, authorities also restricted the distribution of the newspaper, *Harakah*.<sup>21</sup> In August 2010, police arrested blogger Irwan Abdul Rahman under the CMA for posting a satire about the chairman of Malaysia's largest utility company.<sup>22</sup> In September 2010, police arrested political cartoonist Zunar, citing the Sedition Act and the Printing Press and Publications Act (PPPA), for publishing books that were "detrimental to public order".<sup>23</sup>

In February 2011, *Malaysiakini* challenged the government's rejection of its application for a permit to publish a newspaper. In September 2011, the Home Ministry replied that such permission was a "privilege", not a right.<sup>24</sup>

In July 2012, the government announced plans to repeal the Sedition Act; however, the proposed National Harmony Act, which is due to replace it, also contains restrictions to freedom of expression. The government also amended section 114A of the Evidence Act, now stating that people who operate internet hosting services or websites open to public contributors, including online forums, are liable for any offending content published through them.

### **Freedom of association and assembly**

Peaceful protesters have encountered abuse by the police and mass arrests during demonstrations.

In February 2011, the government prevented the organization *Hindraf*<sup>25</sup> from holding an anti-racism march. During a *Bersih*<sup>26</sup> rally in July 2011, police beat protesters and fired tear-gas canisters into the crowds, injuring protesters. Police also arbitrarily arrested and temporarily detained 1,667 protesters.<sup>27</sup>

In April 2012, police fired teargas and water cannons at tens of thousands of peaceful protesters calling for electoral reforms. Some protesters were reportedly beaten by police. In May 2012, three opposition party leaders, including Anwar Ibrahim, were charged with breaching the Peaceful Assembly Act for their involvement in the protest.

Throughout 2012, authorities pursued intimidation actions against human rights group *Suara Rakyat Malaysia (Suaram)* and their lawyers for alleging that some Malaysian officials had accepted bribes by a foreign defence company.

### **Arbitrary arrest and detention**

Parliament repealed the Restricted Residence Act in October 2011 and "released" the 125 individuals who had remained confined.<sup>28</sup>

Dozens of people were arrested and detained indefinitely and without charge under the Internal Security Act (ISA) although Parliament repealed it in 2012. As of February 2013, 23 people remain detained under the law.

In June 2012, the Security Offences (Special Measures) Act (SOSMA) replaced the ISA. This allows for incommunicado detention for up to 48 hours -- putting the detainee at risk of torture -- and detention without charge or judicial review for up to 28 days. The police made their first arrests under the SOSMA in February 2013, detaining Mohd Hilmi Hasim,

Halimah Hussein and Yazid Sufaat. While Yazid and Halimah were brought to court the day after their arrest, Hasim was detained without access to lawyers for days. He was brought to court 18 days after his arrest, when his lawyers filed a *habeas corpus*.

### **Unlawful killings by state security forces**

There have been cases of unlawful killings by the police during the review period. Those suspected for these crimes remain at large.

In April 2010, a police officer fired 21 shots at two boys, aged 15 and 14, killing the latter, after a police chase. He allegedly mistook them for criminals. In September 2011, the police officer who admitted to shooting at the teenagers was found guilty of homicide and sentenced to five years imprisonment, with the judge ruling that the use of lethal force was excessive. However, this ruling was overturned by a High Court in December 2012, leaving no one accountable for the death of the 14 year old.<sup>29</sup>

In November 2010, two men and a 15 year old boy were fatally shot by police. Lawyers claim that they were “executed” in a kneeling position, with post-mortem evidence showing that they were shot at close range in the head and chest.<sup>30</sup> The Parliament enquired to the Home Ministry about this case and in October 2011 the Home Ministry replied that the officers involved acted in accordance with the law.<sup>31</sup>

In January 2013, police officers appear to have used unnecessary and excessive use of force leading to the death of Pua Bee Chun, 22. According to media reports, Pua was killed after police fired 25 shots at the car in which she was travelling. The man driving the car has since been sentenced to two years imprisonment and fined for driving a stolen car. An investigation into Pua’s death is ongoing. According to international human rights standards firearms should only be used when strictly unavoidable in order to protect life. In February 2013, Pua’s husband, journalists who reported on her case, and a Member of Parliament were questioned by the police for criminal defamation.<sup>32</sup>

### **Deaths in custody, torture and other ill-treatment by state security forces**

Civil society organizations have renewed their calls for the establishment of an independent police complaint and misconduct commission after reports of an alleged gang rape by three police officers and a series of deaths in custody.

Three police officers reportedly raped<sup>33</sup> a 25-year-old Indonesian migrant worker in a police station in November 2012. According to media reports,<sup>34</sup> the police arrested her for not being in possession of her passport. The officers were charged with rape in November. The trial is ongoing.

In 2009, a post-mortem investigation revealed extensive signs of torture on the body of Kugan Ananthan, who had been found dead in police custody in January 2009.<sup>35</sup> In October 2009, a police officer was charged with grievous bodily harm.

In July 2009, Teoh Beng Hock, political secretary to an opposition politician, died in police custody at the Anti-Corruption Commission headquarters a day after he had been taken in for questioning as a witness in an investigation into the abuse of state funds. A Royal Commission of Inquiry tasked with the investigation into his death concluded in June 2011 that Teoh was not murdered, but had committed suicide due to the police’s aggressive interrogation.<sup>36</sup>

In March 2012, members of the *Ikatan Relawan Rakyat* (RELA)<sup>37</sup> reportedly beat a Nigerian student to death.<sup>38</sup> The following month, Parliament passed the Malaysia Volunteers Corps Bill 2012, which stripped the estimated three million RELA members of the power to arrest and carry firearms. Amnesty International had long expressed concerns about abuses by RELA members.<sup>39</sup>

In August 2012, 36 year old Cheah Chin Lee was found dead in a police lock-up in Petaling Jaya five hours after being arrested.<sup>40</sup> A preliminary post mortem report stated that his death was caused by “asphyxia due to hanging”. A preliminary hearing for an inquest was held in March 2013.

In January 2013, Chang Chin Te, 30, died in police custody, five days after his arrest. Police claimed they had found him in the lock-up face down with his mouth foaming. His wife said there were injury marks on his face and chest when she saw

his body in the hospital. Police later forced her to delete the photos she had taken of the injuries on her husband's body. An investigation is ongoing.

The Criminal Procedure Code requires that all custodial deaths be investigated through an inquest; however, the Malaysian Bar Association said in January 2013 that in many instances this is not followed.<sup>41</sup>

Malaysia routinely inflicts torture, imposing judicial caning as a punishment for over 60 offences, including immigration offences. In prisons, specially trained caning officers tear into the prisoners' body with a metre-long cane swung with both hands at high speed (up to 160 kilometers per hour). The pain is so severe that victims often lose consciousness.

In 2010, Amnesty International documented that as many as 10,000 people are subjected to judicial caning each year.<sup>42</sup> In February 2010, three women were caned for the first time in Malaysia's history. The women were convicted of extramarital sex, an offence which should not be subject to state punishment under international human rights law, and caned under Shari'a law.

In June 2011, the government revealed that 29,759 migrant workers were caned for immigration offences between 2005 and 2010.

### **Exploitation of migrants**

Amnesty International documented widespread abuses against migrant workers in 2010.<sup>43</sup> Over 20 percent of Malaysia's workforce is composed of migrants,<sup>44</sup> with many forced to work in hazardous situations and for 12 hours or more everyday, often against their will. Many had been subjected to verbal, physical and sexual abuse and some were in situations close to bonded labour. Most employers hold their workers' passports, which places them at risk of arrest if they leave their workplace, since police routinely check migrants' passports. This practice forces the workers to stay in abusive workplaces. Many migrants are hired as domestic workers, who are not covered by most labour laws.<sup>45</sup>

Conditions are poor in immigration detention centres, in which undocumented migrants, asylum seekers and refugees are held. A police investigation into a riot at the Lenggeng Detention Centre near Kuala Lumpur in April 2011 found that the underlying causes of the incident included the poor conditions and indefinite detention.<sup>46</sup>

In May 2011, Indonesia ended a two-year ban on sending migrant domestic workers to Malaysia. The new Memorandum of Understanding between Malaysia and Indonesia includes provisions for the protection of domestic workers, such as the right to keep their passports, one rest day per week and a minimum monthly wage. However, in November 2012, Indonesia's Minister of Manpower announced that the suspension on sending migrant workers to Malaysia would continue until the two countries agree on protection mechanisms for Indonesian migrant workers and until justice is served in four highly publicized cases of rape and killings of Indonesian migrant workers in Malaysia in 2012.<sup>47</sup>

### **Non-recognition of refugees**

In 2010, there were between 90,000 and 170,000 refugees and asylum-seekers in Malaysia. They had come to Malaysia seeking safety, having fled situations of torture, persecution and death threats. However, once they arrived, they faced abuse, exploitation, arrest and were locked up like criminals.<sup>48</sup> In June 2010, the UN Working Group on Arbitrary Detention visited Malaysia and found that refugees were subjected to "systematic immigration detention".<sup>49</sup>

In August 2011, the Australian High Court ruled as invalid a bilateral agreement to send to Malaysia 800 asylum-seekers who had reached Australia by sea in exchange for resettling 4,000 refugees from Malaysia. The ruling prohibited Australia from deporting the asylum-seekers because Malaysia, which has not ratified the UN Refugee Convention, lacked sufficient legal guarantees for refugee protection.<sup>50</sup>

In August 2011, Malaysia forcibly returned at least 11 Chinese nationals of Uighur ethnicity to China, despite China having a record of torturing Uighurs.<sup>51</sup> In February 2012, Malaysia forcibly returned blogger Hamza Kashgari to Saudi Arabia, where he faces the possibility of the death penalty for his tweets about the Prophet Mohamed.

# RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

## **Amnesty International calls on the government of Malaysia:**

### *International standards*

- To ratify the International Covenant on Civil and Political Rights, the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights.

### *Death penalty*

- To broaden the review of the death penalty with a view to eliminating mandatory death sentencing for capital offences;
- To establish an official moratorium on executions, beyond the time frame of the review of mandatory death sentencing;
- To commute all death sentences to terms of imprisonment;
- To ensure rigorous compliance in all death penalty cases with international standards for fair trials.

### *Freedom of expression, association and assembly*

- To amend the Peaceful Assembly Act to allow for peaceful street protests, and to accord the right to freedom of expression and peaceful assembly to all people in Malaysia, without discrimination;
- To amend or repeal the Official Secrets Act and the Sedition Act, and to ensure that in their amended form, the Communication and Multimedia Act, the Printing Press and Publications Act, the Evidence Act and the proposed National Harmony Act are in line with international human rights standards, and not used to restrict the right to freedom of expression and information.

### *Arbitrary arrests and detention*

- To reform the Security Offences (Special Measures) Act to eliminate provisions allowing for incommunicado detention and detention without charge and to ensure it meets international human rights standards;
- To charge the remaining ISA detainees with a recognizable crime, and to ensure that they are tried according to international fair trial standards and without recourse to the death penalty, or else release immediately.

### *Unlawful killings, custodial deaths, torture and other ill-treatment by state security forces*

- To ensure that all criminal offences involving human rights violations by state security forces, including unlawful killings, deaths in custody and torture, are promptly investigated through the criminal justice system and those responsible brought to justice;
- To establish an independent police complaint and misconduct commission outside of the Royal Malaysia Police to ensure that there is a clear, independent, and impartial system to deal with complaints of suspected human rights violations by police or security forces, including members of the *Ikatan Relawan Rakyat*;
- To eliminate judicial caning and all other forms of cruel, inhuman or degrading punishment and to immediately establish a moratorium on judicial caning.

### *Migrants and refugees*

- To end the systematic detention of undocumented migrants, trafficked persons, asylum seekers and refugees;
- To build on recommendations on migrant workers accepted in the 2009 UPR, including to improve labour and immigration policies to ensure that the rights of migrant workers, including migrant domestic workers, are fully upheld;
- To ratify the UN Convention Related to the Status of Refugees and the UN Convention on the Protection of Migrant Workers and Members of their Families.

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<sup>1</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 para. 104.1 (Algeria). Malaysia did not accept a similar recommendation to ratify core treaties such as the ICCPR, ICESCR, CAT, CERD (para 71, Republic of Korea; para 72, Finland; para 81 Canada; para 94, Lithuania; para 89, Mexico; para 67, Belgium; para 75, Ukraine). Malaysia's reply to the United Kingdom's recommendation to ratify the ICCPR and CAT (para 106.1) can be found at A/HRC/11/30/Add.1 para 1 which can be accessed at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.30.Add.1.pdf>.

<sup>2</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 para. 106.2 (United Kingdom). Malaysia's reply can be found at A/HRC/11/30/Add.1 para 2.

<sup>3</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 paras. 21 (Israel), 83 (Djibouti).

<sup>4</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 paras. 76 (Chile), 93 (Italy). Malaysia also did not accept France's recommendation to reduce the number of crimes for which the death penalty might be handed down, and provided a reply at A/HRC/11/30/Add.1 para 10.

<sup>5</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30/Add.1, para 15

<sup>6</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 para. 21 (Israel)

<sup>7</sup> See section on arbitrary arrest and detention.

<sup>8</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review*. A/HRC/11/30 para 104.50 (Bangladesh, Nepal). Malaysia did not support other recommendations in relation to migrant workers (para 106.2, United Kingdom; para 106.6, South Africa; para 106.17 Ukraine, para 106.18, Netherlands; para 106.19, Chile). Malaysia's reply to these recommendations can be found at A/HRC/11/30/Add.1 paras 2, 6, 17, 18, 19.

<sup>9</sup> The Restricted Residence Act allowed the home minister to compel individuals to live in residences other than their homes and to remain within the area indefinitely.

<sup>10</sup> The Emergency Ordinance (Public Order and Prevention of Crime 1969 (EO) was used to arrest and detain suspected criminals without trial in court.

<sup>11</sup> In the past, the government used the Internal Security Act 1960 against perceived critics of the government, individuals who distribute alleged "false news" through short messaging service (SMS), persons described as suspected foreign agents and persons allegedly involved in "terrorist-linked" activities. The ISA allowed the police to arrest individuals they believed to have acted, or were "about to" or "likely to" act in a way that would threaten Malaysian security, "essential services" or "economic life" (Article 73 (1)(b)). It allowed for detention without trial for up to two years, renewable indefinitely, without the detainee being charged with a crime or tried in a court of law. It limited the political space for important debates on issues of economic policy, corruption and other social challenges. For further information, please see Amnesty International's 1999 Malaysia report, Human rights undermined: restrictive laws in a parliamentary democracy (AI Index ASA 28/006/1999), pp. 13, 32 at <http://www.amnesty.org/en/library/asset/ASA28/006/1999/en/7fb7a29f-e066-11dd-9086-4d51a30f9335/asa280061999en.pdf>

<sup>12</sup> The Printing Press and Publications Act required all publications to have a license which was granted by the Home Minister who has "absolute discretion" over them, without the recourse of a judicial review. Please also see Amnesty International's 1999 Malaysia report, Human rights undermined: restrictive laws in a parliamentary democracy (AI Index ASA 28/006/1999), p.39 at <http://www.amnesty.org/en/library/asset/ASA28/006/1999/en/7fb7a29f-e066-11dd-9086-4d51a30f9335/asa280061999en.pdf>

<sup>13</sup> Sedition Act of 1948 (revised 1969), section 3(1)(A), defines "seditious tendency" as "... excit[ing] disaffection against any Ruler or against any government", "promot[ing] feelings of ill-will and hostility between different races or classes of the population of Malaysia" or "question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by" the Federal Constitution. Vaguely worded provisions in the Sedition Act can be and are used to suppress freedom of expression, including by arresting persons solely for criticizing the government and its policies. Please also see Amnesty International's 1999 Malaysia report, Human rights undermined: restrictive laws in a parliamentary democracy (AI Index ASA 28/006/1999), p35 at <http://www.amnesty.org/en/library/asset/ASA28/006/1999/en/7fb7a29f-e066-11dd-9086-4d51a30f9335/asa280061999en.pdf>

<sup>14</sup> Shagal, Loshana and Ahmad Razak (2012, 11 July). *PM: National Harmony Act to Replace Sedition Act*. The Star Online. Retrieved at <http://thestar.com.my/news/story.asp?file=/2012/7/11/nation/20120711211635&sec=nation>

<sup>15</sup> Section 27 of the Police Act, among others, required police permits for assemblies, meetings and processions in public places, gave police the power to stop assemblies in public and private places, allowed police to arrest individuals without warrant in relation to such assemblies if the permit was rejected or revoked, and penalized participants in unlawful assemblies with steep fines and up to one year imprisonment. The full text of Police Act is available at <http://www.agc.gov.my/Akta/Vol.%207/Act%20344.pdf>. Please see Amnesty

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International's 2005 Malaysia report, *Towards Human Rights-Based Policing*, p25 at <http://www.amnesty.org/en/library/asset/ASA28/001/2005/en/44f7e943-d53a-11dd-8a23-d58a49cod652/asa280012005en.pdf>

<sup>16</sup> \_\_\_ (2012 10 October). *930 on death row as of Aug. 31 says Abu Seman*. New Straits Times. Retrieved at: <http://www.nst.com.my/streets/northern/930-on-death-row-as-of-aug-31-says-abu-seman-1.155069>

<sup>17</sup> The CMA permits the authorities to block a wide range of websites if perceived as "indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person," with the offender at risk of fines and imprisonment. The full text of the Act is available at: <http://www.agc.gov.my/Akta/Vol.%2012/Act%20588.pdf>

<sup>18</sup> The broadly-worded Official Secrets Act (OSA) puts in place a veil of secrecy on matters related to governance and public administration, including through prohibitions which effectively curtail the communication of information from official sources. The OSA allows the government to withhold an expansive range of information from the public, and this power can not be questioned through judicial review. The OSA allows the government to restrain free speech. Please also see Amnesty International's 1999 Malaysia report, *Human rights undermined: restrictive laws in a parliamentary democracy* (AI Index ASA 28/006/1999), p.42 at <http://www.amnesty.org/en/library/asset/ASA28/006/1999/en/7fb7a29f-e066-11dd-9086-4d51a30f9335/asa280061999en.pdf>

<sup>19</sup> *Malaysiakini* is an online news portal.

<sup>20</sup> *Suara Keadilan* is a newspaper linked to an opposition party in Malaysia.

<sup>21</sup> *Harakah* is a newspaper linked to an opposition party in Malaysia.

<sup>22</sup> He was reportedly arrested for "creating and spreading lies with malicious intent" under the CMA. See Amnesty International's 2011 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2011>

<sup>23</sup> *Malaysiakini*, "Zunar ban more dangerous than cartoons", 25 July 2011. See: <http://www.malaysiakini.com/letters/171006> for details. This case was also mentioned in Amnesty International's 2011 Annual Report, which can be accessed at <http://www.amnesty.org/en/region/malaysia/report-2011>

<sup>24</sup> See Amnesty International's 2012 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2012>

<sup>25</sup> *Hindraf* is an organisation advocating for equal rights for Malaysians of Indian origin.

<sup>26</sup> Bersih is a coalition of non-governmental organizations focused on achieving free, clean and fair elections in Malaysia.

<sup>27</sup> See Amnesty International's 2012 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2012>

<sup>28</sup> *1Malaysia* (the Prime Minister's blog). PM announces release of 125 held under Restricted Residence Act. 5 October 2011. Retrieved at [http://www.1malaysia.com.my/news\\_archive/pm-announces-release-of-125-held-under-restricted-residence-act/](http://www.1malaysia.com.my/news_archive/pm-announces-release-of-125-held-under-restricted-residence-act/)

<sup>29</sup> Iskandar, Amin (2012, 5 December). *Aminulrasyid's family protest 'unfair' court decision*. The Malaysian Insider. Retrieved from <http://www.themalaysianinsider.com/malaysia/article/aminulrasyids-family-protest-unfair-court-decision>

<sup>30</sup> Boo, Su-Lyn (2010 29 November). *Lawyer claims cops killed youth in cold blood*. The Malaysian Insider. Retrieved from <http://www.themalaysianinsider.com/mobile/malaysia/article/lawyer-claims-cops-killed-youth-in-cold-blood/>

<sup>31</sup> S Pathmawathy (2011 21 October). *Home Ministry defends cops in Glenmarie shootings*. Malaysiakini. Retrieved from <http://www.malaysiakini.com/news/179270>

<sup>32</sup> Police questioned Pua's husband for alleging that hospital authorities did not allow him to see her body, but was just shown a picture to identify her. MP Charles Santiago was questioned by police for alleging that police deleted closed-circuit television footage from nearby houses. Journalists from Malay Mail who reported on the case were also questioned by the police.

<sup>33</sup> Rape, when inflicted by a person of authority, such as a police officer, may constitute torture.

<sup>34</sup> \_\_\_ (2012 December 12). *Trial of cops accused of raping Indonesian woman set for end-February*. The Malaysian Insider. Retrieved at <http://www.themalaysianinsider.com/malaysia/article/trial-of-cops-accused-of-raping-indonesian-woman-set-for-end-february/>

<sup>35</sup> See Amnesty International's press release at <http://www.amnesty.org/en/for-media/press-releases/malaysia-government-must-investigate-police-torture-claims-20090122>

<sup>36</sup> Retrieved from a copy of the Royal Commission's report at [http://limkitsiang.com/docs/RCIreport\\_TBH\\_EN.pdf](http://limkitsiang.com/docs/RCIreport_TBH_EN.pdf)

<sup>37</sup> RELA is a civilian force mandated by the Home Ministry to, among others, enforce immigration controls.

<sup>38</sup> \_\_\_ (2012 1 April). *7 RELA members remanded over Nigerian man's death*. New Straits Times. Retrieved from <http://www.nst.com.my/latest/7-rela-members-remanded-over-nigerian-man-s-death-1.69299>

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<sup>39</sup> See Amnesty International press release at <http://www.amnesty.org/en/news-and-updates/malaysia-should-halt-expansion-security-force-accused-abuses-2010-08-19>

<sup>40</sup> According to news reports, the chronology of events could be summarized as follows: Cheah was arrested around midnight, brought to another police station for drug tests at 2:30am, returned to the lockup at 5am, and found dead 20 minutes later.

<sup>41</sup> [http://www.malaysianbar.org.my/press\\_statements/end\\_deaths\\_in\\_police\\_custody\\_now.html](http://www.malaysianbar.org.my/press_statements/end_deaths_in_police_custody_now.html)

<sup>42</sup> Amnesty International's report "A blow to humanity: torture by judicial caning in Malaysia", index ASA 28/013/2010, can be accessed at <http://www.amnesty.org/en/library/asset/ASA28/013/2010/en/199a43b6-c204-4414-9cf6-bec6f6ac380e/asa280132010en.pdf>

<sup>43</sup> Amnesty International's report "Trapped: the exploitation of migrant workers in Malaysia", index ASA 28/002/2010, can be accessed at <http://www.amnesty.org/en/library/info/ASA28/002/2010>

<sup>44</sup> A majority of the migrants are from Bangladesh, Indonesia and Nepal.

<sup>45</sup> Amnesty International's report "Trapped: the exploitation of migrant workers in Malaysia", index ASA 28/002/2010, can be accessed at <http://www.amnesty.org/en/library/info/ASA28/002/2010>

<sup>46</sup> See Amnesty International's 2012 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2012>

<sup>47</sup> Apart from the rape case, the killing of 11 Indonesian migrants in 2012 was widely reported-- three in March, three in June and five in September.

<sup>48</sup> Amnesty International's report, Abused and abandoned: refugees denied rights in Malaysia (AI Index ASA 28/010/2010), can be accessed at <http://www.amnesty.org/en/library/info/ASA28/010/2010/en>

<sup>49</sup> Human Rights Council. *Report of the Working Group on the Universal Periodic Review. A/HRC/16/47/Add.2*

<sup>50</sup> See Amnesty International's 2012 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2012>

<sup>51</sup> See Amnesty International's 2012 Annual Report at <http://www.amnesty.org/en/region/malaysia/report-2012>