

**PUBLIC INQUIRY INTO THE ALLEGATION OF EXCESSIVE USE OF FORCE BY
LAW ENFORCEMENT PERSONNEL DURING THE INCIDENT OF 27TH MAY,
2008 AT PERSIARAN BANDAR MAHKOTA, CHERAS 1, BANDAR MAHKOTA
CHERAS HELD AT INQUIRY ROOM, SUHAKAM, JALAN RAJA LAUT, 50350
KUALA LUMPUR**

DAY 1 – 23.07.2008 : Wednesday

COMMISSIONERS :

DATUK PADUKA ZAITOON DATO' OTHMAN (Chair Lady)

DATUK DR CHIAM HENG KENG

DATO' HAJI KHALID HAJI IBRAHIM

Bar Council :

SUHAKAM'S COUNSELS FOR INQUIRY : Puan Nurul Hasanah
Puan Nur Syahirah Muhammad

INTERPRETERS : Puan Valliamah a/p Perian : BM/English/BM
Puan Lee Lai Ngo : Chinese/English

WITNESSES :

- W1 - CHANG JIUN HAUR
- W2 - CHANG JIUN MEIN
- W3 - CHAN SIEW MENG
- W4 - DR L SUTHANANTHINI (Kajang Hospital)
- W5 - DR KUMARESAN SUPRAMANIAM (Seremban Hospital)
- W6 - DR NAZIRAH HAMZAH (Kajang Hospital)
- W7 - CHEOK KEM HOO
- W8 - LAI WAI CHONG
- W9 - CHONG YUAN CHUN
- W10 - LEE WENG KEAT (Malaysiakini)
- W11 - NG KOK FOONG (Malaysiakini)
- W12 - SYED JAYMAL ZAHIID BIN SYED KAMAL (Malaysiakini)

Datuk Zaitoon : Today's inquiry is on the allegation of excessive use of force by law enforcement officers re the incident of 27th May, 2008 at Bandar Mahkota Cheras. I would like to introduce to you the Members of the Panel – on my left is Dato' Haji Khalid Haji

Ibrahim and on my right is Datuk Dr Chiam Heng Keng. I am Zaitoon Othman. The Terms of Reference of this inquiry is : -

1. *Whether or not there was any law enforcement personnel in performance of their duty to maintain law and order has used excessive force during the incident at Persiaran Bandar Mahkota Cheras 1 in Bandar Mahkota Cheras on 27th May, 2008;and*

2. *If there was excessive use of force:*

i. *whether there was any violation of human rights of any person or persons and;*

ii. *who were responsible for such violation.*

And

3. *To recommend what action to be taken against those responsible for the violation of human rights of such person or persons.*

Before we begin the Inquiry I would like to state the Rules of the Procedures here. It is prohibited to have any video or audio recording except for Suhakam's Secretariat during the Inquiry itself. And the Panel would not give any Statement on matter until the findings are made. So, the Inquiry commences today for 2 days, today and tomorrow. I would also like to read the Rules and Procedures but before I do that I would appreciate if everyone could switch off your telephone or put it on silent mode. Thank you. Reads the Rules of Procedure and Practice

1. *Conduct of Inquiry*

a. *The Panel of Inquiry is committed to a process of public hearing. However, the Panel of Inquiry, pursuant to section 14(1)(e) of the Human Rights Commission of Malaysia Act, 1999 [Act 597] (the "1999 Act"), may at its discretion admit or exclude the public from the Inquiry or any part thereof.*

b. *Pursuant to section 14(1)(a) of the 1999 Act, the Panel of Inquiry shall have the power to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Panel of Inquiry thinks necessary or desirable to procure or examine.*

c. *Persons wishing to give evidence at the Inquiry may approach the Panel of Inquiry. The Panel of Inquiry shall have the discretion to call such persons to give evidence.*

d. *Pursuant to section 14(1)(b) of the 1999 Act, the Panel of Inquiry may require that the evidence, whether written or oral, of any witness be given on oath or affirmation, such oath or affirmation being that which could be required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorised in that behalf by the Panel of Inquiry an oath or affirmation to every such witness.*

e. *Pursuant to section 14(1)(d) of the 1999 Act, the Panel of Inquiry has the power to admit notwithstanding any of the provisions of the Evidence Act 1950*

[Act 56], any evidence, whether written or oral, which may be inadmissible in civil or criminal proceedings.

- f. Pursuant to section 15(1) of the 1999 Act, a person who gives evidence before the Panel of Inquiry shall, in respect of such evidence, be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court.*
- g. Pursuant to Section 15(2) of the 1999 Act, no person shall, in respect of any evidence written or oral given by that person to or before the Panel of Inquiry be liable to any action or proceeding, civil or criminal in any court except when the person is charged with giving or fabricating false evidence.*
- h. No video or audio of the Inquiry shall be made throughout the Inquiry unless otherwise authorised by the Panel of Inquiry.*
- i. All persons present at the Inquiry must keep silent during the proceedings. Any unruly behaviour will not be tolerated and the person will be asked to leave the Inquiry.*
- j. Persons wishing to address the Panel of Inquiry or persons wishing to pose question(s) to any witness shall write down their questions, which shall be passed to the Panel of Inquiry. The Panel of Inquiry shall decide the relevancy of the question(s) and whether to pose the said question(s).*
- k. The Panel of Inquiry may at its discretion call upon observers and interested parties for their opinion. Unless otherwise called upon, question(s) by observers and interested parties shall be forwarded to the Panel of Inquiry in the manner provided in paragraph (k) above.*
- l. The Panel of Inquiry may amend or dispense with these rules as the Panel sees fit to ensure fairness and respect of human rights.*
- m. All persons present during the Inquiry shall be deemed to undertake to adhere to these rules. A breach of these rules by any persons shall be dealt with by the Panel of Inquiry, as it sees fit.*

I would like to introduce today at this Inquiry, the Counsel Puan Nurul Hasanah (Nurul) Puan Nur Syahirah Muhammad (Nur), the Steno will be Ms Amangit Kaur, the Clerk taking down the notes of proceedings and a Clerk, Cik Adlin Shamsudin, the Interpreters, Ms Lee Lai Ngo and Puan Valliamah.

I just like to give an indication of time. We will begin now and at some point or other, when it is suitable I would state when we could take a short 5-10 minutes break until lunch time and thereafter we continue after lunch until about 5.00 o'clock for today.

I would also like to know some of the observers here who I think you for coming. Can the observers introduce themselves.

Bar Council : I am Rangunath Kesavan together with Andy Yong and Siti Zabedah Kassim for the Bar Council. We would like to thank Suhakam for inviting us as observers and we would be more than willing to co-operate in this Inquiry. The Bar Council team would be present throughout the Inquiry but the composition may vary as we go on.

Mr Gan Ping Siew : Datuk Chairlady, I am representing the 4 Complainants

Suaram : I am Moon Hui from Suaram

Datuk Zaitoon : Ms Nurul, you may wish to comment

Nurul : Discusses with Datuk on a few points

Datuk Zaitoon : We have identified the Witnesses to be called but there has been a request from Mr Lim Lip Eng who wants to give evidence and request to be a Witness but in checking out his evidence he gave, which is an issue, I believe, first of all it is not relevant to the terms of the inquiry and secondly I believe the issue has been touched by the subjects in Court, this is why we do not comprehend him being heard. We are not trying to avoid, first of we have to be relevant and second the point he is making in submission is already a subject in these proceedings.

Nurul : Ladies and Gentlemen, we will be beginning the Inquiry shortly. May I request all the reporters and journalist to strictly adhere to the prohibition of taking photographs during the Inquiry. Can we have our first witness, Mr Chang Jiun Haur.

W1 – Chang Jiun Haur, affirms the oath on the witness - states in Cantonese.

Datuk Zaitoon : Before you begin, perhaps you can explain to him that he shall be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court. Can you translate that first

Ms Lee : Translates to the Witness

Datuk Zaitoon : And no person shall, in respect of any evidence written or oral given by that person to or before the Panel of Inquiry, be liable to any action or proceeding, civil or criminal in any court.

Nurul : Mr Chang can you state your occupation

W1 : I am a mechanic

Nurul : Were you at Bandar Mahkota Cheras on 27th of May, 2008

W1 : Yes

Nurul : Can you tell us why you were there

W1 : I was just passing by

Nurul : Were you alone

W1 : No

Nurul : Who were with you

W1 : My younger sister and another 2 friends were with me at that time

Nurul : How many altogether

W1 : 4 of us

Nurul : At what time were you there

W1 : At 11.30 p.m.

Nurul : You mentioned you were just passing by that area

W1 : Yes

Nurul : Were you in a car or what

W1 : At that time I was driving my car

Nurul : Can you tell us the type and Registration No. of your Car

W1 : At that time I was driving a Proton Wira, bearing Registration No: WDP 1594

Nurul : Perhaps you could help us to picture the incident by drawing on the sketch map on the board that we have prepared. To state where you were exactly before and after the incident, from where you were approaching

Datuk Zaitoon : Look at the map carefully and then recall exactly where you were and mark where you were

W1 : On that night I was coming from here – draws a line on the top of the map

Datuk Zaitoon : Before you do that can you tell me which directions were you coming and going

W1 : Showed an arrow – and then went down the arrow up to this point – 2nd arrow on his movement. There were many FRUs standing here

Dato Khalid : How far were the FRU from your position

W1 : About 10 meters

Datuk Zaitoon : 10 meters from where you stopped

W1 : 10 meters from my Car.

Datuk Zaitoon : Because your car was moving and so when you talk 10 meters from your car

W1 : When I saw the FRU standing there I negotiate to make a U turn

Nurul : Were there many cars before your car

W1 : Yes, there were many cars before me and after me as well

Dr Chiam : Can you tell me at what speed were you driving

W1 : 20 – 30 km/hr

Dato' Khalid : How far was the distance between the car behind you and the car in front of you

W1 : The car before me was actually very near to me but I don't know, I did not see the car behind me

Datuk Zaitoon : How many cars were in front of you

W1 : On my left and on my right there were cars, I do not know how many cars

Datuk Zaitoon : How many cars in front of you

W1 : There was only one car in front of me

Nur : How was the traffic at the point of time

W1 : The traffic was heavy

Dr Chiam : Between the cars from the way that were coming, were there cars on the other side, were there people there

W1 : There were cars from the way I was coming and not many people

Dato' Khalid : There were cars on your left hand side

W1 : There were cars on my left hand side, and not many people on my left hand side

Datuk Zaitoon : When you say there were not many people, that means there were people on the road or in the cars

W1 : There were not many people standing on the road side

Datuk Zaitoon : And were there cars behind you, are you aware of that

W1 : There were cars behind me

Dr Chiam : When you were saying that you were coming down the road at 20-30 km/hr, and you made a U-turn, so you made the U-turn using the 20-30 km/hr.

W1 : I am not so sure because at that time I applied brake as well

Datuk Zaitoon : At which point of time did you apply your brake

W1 : I applied brake at this point (showing on the map) and then I negotiate a U-turn.

Datuk Zaitoon : So do you think you were driving at 20-30 km/hr when you U-turned

W1 : I suppose no.

Dato' Khalid : You said you negotiate, negotiate with whom

W1 : Sorry, I negotiated a turn

Nur : Did you see any policemen controlling the traffic at that time

W1 : No

Dr Chiam : He said there were FRU (along the place where he showed – pointing the sketch map), no other place

W1 : I did not notice. I only saw them standing here but did not see them at other places

Datuk Zaitoon : Going back to your movements – can you also draw and indicate how you negotiated a U-turn.

W1 : My car was stopped here. At this juncture I was beaten up by people.

Datuk Zaitoon : In other words, you did not get into making the actual U-turn but its just at the U-turn your car was stopped

W1 : I did not make the complete U-turn, my car was stopped

Dr Chiam : Your car was stopped and the FRU were there about 10 meters away, who stopped the car, they were 10 meters away

W1 : Because in front of me there were many vehicles were stopped

Dr Chiam : In other words he was not stopped but his car stopped

W1 : Yes. I had to stop because there were vehicles in front of me.

Dato' Khalid : Meaning that you stopped on your own

W1 : Yes, I stopped on my own

Datuk Zaitoon : What happened then

W1 : The FRU rushed to me

Nur : How many FRU officers came towards you

W1 : I do am not sure how many of them but they were surrounding my car at that time

Dr Chiam : Did you see them rushing to you or what because they were 10 meters away

W1 : Yes, I saw them rushing to me.

Nur : Could you let us know how many FRUs in a rough estimation that came towards you

W1 : More than 10 FRUs rushed to me

Dato' Khalid : Before the FRU rushing to you were there somebody or anybody nearby your car

W1 : No, there were nobody near my car before FRU rushed to me

Datuk Zaitoon : Only the FRU rushed to you. No one else rushed towards your car

W1 : Yes, there were some other people who were in plain clothes, I don't know whether they were police personnel or civilians.

Dato' Khalid : When the FRU rushed to your car, were there anybody near your car

W1 : No, there were nobody near my car before FRU rushed to me

Datuk Zaitoon : Male or female

W1 : Male

Nurul : Tell us what were the FRU carrying

W1 : I saw them carrying batons and also they were carrying shields

Datuk Zaitoon: What made you think that they were FRU, is it because of the way they dress or what

W1 : Because they were wearing their uniforms at that time

Nur : Do you know why the FRU troops were there

W1 : I am not so sure why they were there

Nur : Were there any road blocks made at the point of time

W1 : There were no road blocks made

Nurul : How was the traffic flow from your directions until the U-turn

W1 : Prior to this point (shows on the map) not many cars but when you enter this road, the traffic was very heavy

Nurul : What happened when the FRU surrounded your car

W1 : They kick/hit my car and broken my wind screen and thereafter they started beating me

Nur : Did they say anything whilst they were kicking your car and beating you up

W1 : I was asked to come out of my car

Nur : Was your car engine still on or you had already stopped your engine

W1 : At that time my car engine was still on

Nur : What did you do when the FRU kicked your car, was the engine still on

W1 : I did not do anything as I did not have time to do anything, very fast, they came and break my wind screen and beat me.

Datuk Zaitoon : How did they break your wind screen

W1 : I don't know how they break my wind screen

Dato' Khalid : Did they tell you why they broke the wind screen

W1 : No

Dato' Khalid : They did not tell anything to you

W1 : No

Dr Chiam : When he was asked by the FRU to get out of the car – did he respond immediately, did he struggled

W1 : I do not have time – they keep on kicking my car and I couldn't open the door of my car.

Datuk Zaitoon : When they hit your car, where were you. Were you in the car or outside of the car

W1 : At that time I was still in my car.

Datuk Zaitoon : Did they broke the wind screen at your side or which other side

W1 : They broke the wind screen at my side

Datuk Zaitoon : So you couldn't see how they broke your wind screen, obviously you were very near to the wind screen

W1 : I did not notice it because my younger sister was sitting next to me and I had to protect her at that time.

Datuk Zaitoon: To protect her from what

W1 : To protect her safety.

Dr Chiam : Can I just, for clarifications. They ask you to get up, you said you couldn't get up because you did not open the door.

W1 : Because they were kicking my door, therefore I could not open the door

Dr Chiam: You couldn't open the door, what happened after that

W1 : They hit the wind screen of my car and then they dragged me out of my car

Dr Chiam : In the meantime, your engine was still running, right. Was you leg still on the paddle, was the engine still on when they pulled you

W1 : Yes, at that time my leg was still rested on the paddle

Dato Khalid : Your gear was on which gear, on free gear or driving gear or what

W1 : On N – free gear

Datuk Zaitoon : You were driving an automatic car

W1 : No, it was a manual car

Datuk Zaitoon : So, why do you say, it was on N

W1 : Yes, there was free gear

Dr Chiam : So, it was on 1st gear, 2nd gear, was it still running

W1 : Yes, it was on free gear

Datuk Zaitoon : I just want to check, although you are talking of the wind screen, are you talking about the front of your car or the window of your door

W1 : When I say the wind screen , that means the window at the side of my car

Datuk Zaitoon : At which side

W1 : At the driver's side of my car

Nurul : You mentioned that the FRU dragged you, how did they drag you, through the window or they opened the door

W1 : They hit the window at my side and then they open the car door and thereafter dragged me out

Datuk Zaitoon : They opened the car door from the outside of the handle, was your door locked or unlocked

W1 : Yes, at that time my car was locked

Datuk Zaitoon : So, in order to open, they can't open from the outside then

W1 : They had broken my window at my side and thereafter they unlatched the door

Dato' Khalid : Did they order you to come out from the car

W1 : No

Dato' Khalid : So, how you managed to go out

W1 : I was dragged out from my car

Dr Chiam : You said they, how many

W1 : At least 5 of them drag me out of my car

Dr Chiam : What was your state when they dragged you out of your car. Were you struggling or you just let them drag you out

W1 : I was dragged out by them, I did not struggle

Nurul : Was your car engine still on when you were dragged out

W1 : No, the car key was already taken by the FRU

Nurul : By them, you mean

W1 : By the FRU

Datuk Zaitoon : So, the ones that dragged you, how many were they

W1 : There were at least 5 people

Datuk Zaitoon : Where they FRU members or were there other people that you said dragged you out. Were they all FRU people or what

W1 : All of them were FRU

Datuk Zaitoon : Everyone of them

W1 : Everyone of them were FRU

Datuk Zaitoon : What did you do then

W1 : I couldn't do anything

Dato' Khalid : At that time did you bring anything with you.

W1 : No, at that time I did not bring anything

Dato' Khalid : At that time did you bring anything in your car other than the 3 passengers

W1 : No

Nur : Earlier on you mentioned that there was a car in front of your car and also there was another car at the back of you, still waiting, right.

W1 : Correct

Nur : So, why did the FRU approached your car, why do you think they approached your car

W1 : I really do not know why

Dr Chiam : Now, when they dragged you out of your car, how did they drag you, did they pull you by the hand, by the shoulder, can you remember

W1 : They pulled my shirt

Dr Chiam : That means they were coming in the front and they just pulled you

W1 : Yes. They came from the front and than they pulled me out by my shirt

Dr Chiam : Then, there is only one person who can pull right. But you have 4-5 people. We are trying to imagine what actually happened

W1 : No, it was not right because at that time there were few of them pulling me out

Datuk Zaitoon : So, who pulled you out, by shirt or what else did they pull

W1 : I cannot remember. What I can remember was they pulled my shirt

Datuk Zaitoon : I see, that was one person doing that

W1 : 4-5 persons

Datuk Zaitoon : All pulling at your shirt

W1 : Yes

Datuk Zaitoon : Did your shirt tear

W1 : Yes, my shirt was torn

Datuk Zaitoon : Are you aware whether there were any other cars being stopped and attacked next to your car

W1 : I do not know whether they have done the same thing to the other vehicles

Nurul : Before we proceed, may I invite you back to your seat
Before that, were you wearing a shirt or a T-shirt

W1 : At that time I was wearing a T-shirt

Datuk Zaitoon : What collar T-shirt

W1 : A round collar T-shirt

Datuk Zaitoon : You are talking about a collarless T-shirt

W1 : Yes

Dato' Khalid : Not like your T-shirt (pointed at the one worn by the Witness)

W1 : Yes, it is not like the T-shirt I am wearing today (a collared T-shirt)

Dr Chiam : After they pulled you out what happened next

W1 : I was beaten by them and thereafter I lost consciousness

Nur : Can you tell us which part of your body was beaten up

W1 : They had beaten up my head and also my arm

Nur : How many time were you hit on your head and your face

W1 : I am not so sure

Dr Chiam : When you said hit on the head, were you standing up or lying down or what

W1 : They dragged me out of the car and then I was made to lie down on the floor.

Dr Chiam : Lie down or sit down

W1 : I was made to lie down on the road beside the car

Nurul : When exactly did the beating started

W1 : After I was pulled out of my car and then I was beaten up

Dato' Khalid : Whilst you lie down by the road side, were they still beating you

W1 : Yes

Nurul : When the FRU broke your wind screen of your window, did they beat you at that point of time

W1 : Yes

Nurul : It started then

W1 : Yes

Nur : With what

W1 : After they had broken the window of my car, they opened the car door, then they hit me

Datuk Zaitoon : Opened the car door, when you were standing or still sitting in your car

W1 : Yes, when I was still sitting in my car

Nur : You said earlier that your car engine was still on, right

W1 : Yes

Nur : Where was your car key placed

W1 : My car key was at the ignition point of my car

Nur : So when you were being dragged you, your car key was in the car. Please try to remember

W1 : I suppose so my car key was still at the ignition point

Datuk Zaitoon : Ok. At that time was the engine on

W1 : When they dragged me out immediately they off the engine of my car

Datuk Zaitoon : They turned it off, not you

W1 : No, it was not me

Nur : Please explain who are they, who do you meant by they.

W1 : They mean the FRU

Datuk Zaitoon : Could you see the face of the person who actually switched off your engine and the ones who hit you

W1 : I couldn't see

Datuk Zaitoon : How far was the space next to you

W1 : Very near

Datuk Zaitoon : Very near, you can't see. Was it dark

W1 : I can see them but they were wearing their helmet at that time

Datuk Zaitoon : Wearing the visor, is it

W1: Yes

Datuk Zaitoon : Was there any written identification or any number on the visor

W1 : No, there was nothing

Datuk Zaitoon : On their uniform, did you see any identification or any number

W1 : I really did not have time to see all this

Datuk Zaitoon : So, your position would be, like, Madam Interpreter and yourself

W1 : Yes

Datuk Zaitoon : And the lighting was good enough to see if they were not wearing any visor, you would be close enough to see their face

W1 : I did not have time because at that time it was visible but did not have time to see them.

Datuk Zaitoon : If, it is not whether he was able to see them, if he was able to see, would you be able to recognise them

W1 : No

Datuk Zaitoon : You said you were close

W1 : Yes

Dr Chiam : It was not dark, there was enough light, street lights

W1 : It was not dark, there were street lights

Dato' Khalid : How many of them kicked you, only one person

W1 : Many of them

Nurul : Can I request that you relate to us in detail if possible, if you could remember, starting from when the FRU started breaking your wind screen to what happened until after you were dragged out of your car. Please state if you could remember the number of FRU involved in the incident and also if you could remember whether they were any plain clothes persons or officers during the said incident.

W1 : I couldn't see their identification numbers on their uniforms because as soon as I was dragged out from my car, they beat me and I lost my consciousness thereafter

Datuk Zaitoon : You lost consciousness

W1 : Yes

Datuk Zaitoon : When did you regain consciousness

W1 : I regain consciousness in the hospital

Nurul : Is it right if I say that the FRU start beating you the moment your window is broken

W1 : Yes

Nurul : So you were still in the car when they started to hit you

W1 : Yes

Datuk Zaitoon : To get it right you were conscious after the point when you were hit, I assume somewhere in your head

W1 : Yes

Datuk Zaitoon : But you do remember you said you were pulled out to the floor.

W1 : Yes

Datuk Zaitoon : So, you lost consciousness after they hit you when you were on the floor, is that correct

W1 : I was still conscious when they pulled me out of my car and then I was made lying on the road, thereafter I was hit by them and I lost consciousness

Nur : After you were dragged out of your car and they continue to beat you up were you bleeding

W1 : Yes

Datuk Zaitoon : You were conscious still for the fact that you were bleeding

W1 : At that time ...

Datuk Zaitoon : You only knew you were bleeding after you regain consciousness in hospital

W1 : When I regained consciousness then only I knew that I was bleeding

Nur : Meaning that when you were put on the ground you were unconscious

W1 : I was dragged out of my car and thereafter they hit me and I loss consciousness

Dato' Khalid : Did you remember with what did they hit you

W1 : I could not remember what they use to hit me

Datuk Zaitoon : Was it something hard, sharp

W1 : I was beaten up by something very solid

Datuk Zaitoon : Something solid like what, was it with a fist

W1 : I really do not know, it was something solid and hard

Nurul : Which part of your body was affected

W1 : They hit my head

Datuk Zaitoon : Which part of the head, please

W1 : They also hit my arm, face and head

Datuk Zaitoon : The hard item they hit where was it – your arm, face or at the back of the head

W1 : They use something solid and hard to hit my whole head

Nur : How did you react when you were being beaten up

W1 : I couldn't do anything but just being beaten up by them

Nur : Did you cry or shout at them or plead to them not to beat you

W1 : No

Dato' Khalid : Did they say anything whilst beating you

W1 : No

Dr Chiam : When they were hitting you on the head, did you just allow them or were you defending in any way.

W1 : I am not sure, I think they must have gathered me at that time, I did not protect my head also

Datuk Zaitoon : Were you aware or conscious as to where were the passengers of your car were at the material time you were hit and banged up in the car. I know one of them was your sister

W1 : My sister was seated beside me in the passenger seat in front and there were 2 other friends sitting behind

Datuk Zaitoon : And what were they doing

W1 : I cannot remember, I was beaten up by them until I lost consciousness

Dato' Khalid : At that time when you were pulled out of the car, your men at the back or your sister was still there

W1 : They were more or less dragged out at that time as well

Datuk Zaitoon : So all of you were dragged out of the car

W1 : Yes

Dr Chiam : You are quite sure

W1 : Yes, I am sure

Dato' Khalid : When they were dragged out where did they put your friends and sister – how far were your friends

W1 : I don't know

Datuk Zaitoon : Do you know when they were pulled out, were they pulled from the same door of the same side of the driver seat.

W1 : Yes

Datuk Zaitoon : So, both the passengers were dragged out from the same side of the driver then

W1 : I don't know

Datuk Zaitoon : Tell us

W1 : All the 4 doors of the car were opened by them

Datuk Zaitoon : So each one was dragged out from their different doors

W1 : Yes

Datuk Zaitoon : 2 back doors and the 2 in front

W1 : Yes

Nurul : You mentioned you lost consciousness whilst you were beaten when you were on the road. When did you regain consciousness again

W1 : When I was at the hospital, I don't know what time

Nurul : Ok. What happened when you were lying down on the road and when you arrived at the hospital, would you have any knowledge of that during this period of time

W1 : Yes, I do not know what happened

Nurul : You mean, you lost total consciousness

W1 : No, it is not so

Dato' Khalid : Before you lost consciousness did you see your friends at the back especially on the right and your sister in the car whether they were still inside the car

W1 : My friends who were seated behind me on the right side was already being dragged out at the same time I was dragged by the FRU.

Even though I was beaten up and lost consciousness, I was able to walk

Datuk Zaitoon : You know what is the meaning of unconsciousness.

You were dizzy or were you unconscious, they are 2 different things

W1 : When I saw the video recording I saw that in fact I was walking towards the police car.

Datuk Zaitoon : With help or by yourself. Please remember, were you unconscious, do you know the meaning of unconscious. Unconscious means you are not at all speaking you know, but if you are dizzy then you have to be conscious.

Mr Gan : I think there is a translation problem about what is unconsciousness - Mr Gan clarified the translation with the interpreter in Chinese (Mandarin)

W1 : At that time, I really unconscious

Nur : The moment you were beaten up on the head did you feel dizzy

W1 : No

Nur : Once you were hit on the head you straight away knock out – you just fell down

W1 : They continue to beat me and I lost consciousness.

Datuk Zaitoon : So, at that point you say you could not see anything

Nur : When they hit you on the head was it a big blow or just knocking on the head

W1 : Big blow

Nurul : Tell us what happened when you were brought to the hospital

W1 : I was stitched

Datuk Zaitoon : How many stitches

W1 : I do not know how many stitches

Datuk Zaitoon : You did not ask the Doctor

W1 : No, I did not ask

Dr Chiam : When did you regain consciousness in the hospital

W1 : I don't know when

Dr Chiam : After the doctor has attended to tie up his wound

W1 : In the midst of the doctor attending to me, I regained consciousness

Dato' Khalid : Did they bring you direct to the hospital or to the police station

W1 : I don't know

Datuk Zaitoon : Do you have any idea, who brought you to the hospital

W1 : No, I do not know

Datuk Zaitoon : Do you know which doctor, now you know, attended to you at that time

W1 : No, I do not know

Nur : Before you were taken to the hospital, when you were being beaten up, were there any crowds gathering there at that point of time when you were being beaten up

W1 : No, not many people, there were many cars

Nur : So, you only saw FRU officers, when your car was surrounded with you

W1 : Yes

Nurul : What were your injuries, when the doctor attended to you what did the doctor say about the seriousness of your injuries, were you hospitalized.

W1 : Yes

Nurul : How many days

W1 : 2 days

Datuk Zaitoon : Did you asked the doctor

W1 : I was hospitalized 1 day in Kajang Hospital and thereafter I was admitted 1 day in Seremban Hospital

Nur : Can you tell us why did you go to Seremban Hospital, initially you had treatment at Kajang Hospital

W1 : In Kajang Hospital I was not x-rayed and I request to go back to Seremban to do the x-ray

Nur : Did you ask the doctor at the Kajang Hospital, why no x-ray was taken

W1 : No, I did not ask the doctor

Dato' Khalid : Who took you to Seremban Hospital

W1 : My father brought me to Seremban Hospital

Nurul : Did you lodge any police report on this matter

W1 : Yes

Nurul : Where and when. You may refer to the police report

W1 : I lodged a Police Report at Balai Polis Seremban on 29.5.2008 at 16.42 p.m.

Nurul : I have to go back to the initial question – at what time were you there at Persiaran Mahkota Cheras 1, approximately

W1 : At or about 11.30 p.m.

Datuk Zaitoon : I would like him to mark the exact place of incident – used red pen by drawing a X at the divider – not on the road but at the divider

W1 : I suppose so.

Datuk Zaitoon : Because earlier on you mentioned that it was on the road.

W1 : They started beating me up in the car and then the beating up proceeded at the divider and thereafter proceeded to the roadside

Datuk Zaitoon : The divider was it raised – from the road

W1 : Raised and planted with grass

Datuk Zaitoon : How high

W1 : About 6 inches high

Dato' Khalid : Then they took you across the road

W1 : I do not know.

Nurul : I have no further questions for this witness

Mr Gan : My Chairlady, I wish to put 3 or 4 questions I would like to put to the Panel to ask the witness

Datuk Zaitoon : I put this question that has been asked by Mr Gan, your Counsel. Were you at a state of shock when the FRU started kicking him

W1 : Yes

Datuk Zaitoon : Were you driving in a way that could provoke the FRU in any way

W1 : I don't know, no

Datuk Zaitoon : You don't know

W1 : No

Datuk Zaitoon : Were you completely unconscious or merely you were dizzy perhaps when you were put to the ground

W1 : I was completely unconscious.

Mr Gan : Was there any resistance put up by him during the beating by the FRU

W1 : No

Datuk Zaitoon : So you couldn't do anything except allow them to bit you up

W1 : No

Dato Khalid : Whilst driving at the U-turn did you hit anything with the car

W1 : No

Dr Chiam : You said you were coming 20-30 km/hr, did you break suddenly – then there was a car in front

W1 : I did apply break but I did not hit anything when I made the U-turn.

Mr Moon : Suaram : How he feel when the police came knocking at that time. How he feel, very scary

W1 : I was scared.

Datuk Zaitoon : Let me ask the question as asked earlier. When you were driving earlier the door of the car was already locked after that

W1 : Yes, at that time my Car was locked whilst I was driving .

Datuk Zaitoon : So that is why when he stopped the door was locked. Was he asked to come out of the car when he was stopped

Mr Moon : How did the FRU asked him to come out, did they ask him

W1 : No.

Datuk Zaitoon : They stop the car and not that there was another car in front of you

W1 : No. Because there was a car in front of me and I had to stop

Dato' Khalid : Did the police tell any single word to you – whilst they open the door or while they hit you.

W1 : No, I don't know at that time it was very noisy

Nur : Did they shout at you or just keep quite and just open your door

W1 : Yes, they shouted at me whilst I was dragged out of the car

Nur : What language did they shout at you

W1 : They were using BM whilst shouting at me

Nur : Can you remember what was the word used

W1 : They were shouting at me and say “Keluar, Keluar”

Nur : So, were you frighten at that time – how were you emotionally

W1 : Yes, I was very frighten at that time

Dato' Khalid : Did you refuse to come out at that time

W1 : They started to hit my car and then they had broken my window and I couldn't do anything

Mr Moon : Want to verify from him – put it in Mandarin – when you were dragged out from your car and were thrown to the floor did they kick you or hit you

W1 : Both

Nur : What were the other passengers doing whilst the FRU were shouting at you

W1 : They were also dragged out.

Datuk Zaitoon : This was established earlier.

Ok. We are finished with this Witness. We will take a short break. Sorry, I wanted to do it earlier but had to proceed with the Witness so that we can finish examining him.

Resume : 11.40 a.m.

Datuk Zaitoon : Next Witness please.

Nurul : Ms Chang Jiun Mein. Panel Members can I request that the exhibit be marked as P1 – the 1st page of the sketch map

W2, Chang Jiun Mein, affirms and states in Cantonese

Datuk Zaitoon : Before that, perhaps you can explain to her that she shall be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court. And no person shall, in respect of any evidence

written or oral given by that person to or before the Panel of Inquiry, be liable to any action or proceeding, civil or criminal in any court.

W2 : Yes

Datuk Zaitoon : Name again

W2 : Chang Jiun Mein, affirms and states in Cantonese

Nurul : State your occupation

W2 : I am a Student in University Tuanku Abdul Rahman

Nurul : Were you at Bandar Mahkota Cheras on 27th May, 2008

W2 : Yes

Nurul : Why were you there

W2 : At that time I intended to follow my brother to have a meal

Nurul : What is your brother's name

W2 : Chang Jium Haur

Nurul : What time did you go to have the meal with your brother

W2 : Around 11 p.m.

Nurul : How did you go there

W2 : We were travelling in a car

Nurul : You were going to have a meal from where

W2 : From my house, Mahkota Cheras

Nurul : You are staying at Bandar Mahkota Cheras

W2 : Yes

Nurul : Together with your brother

W2 : Yes

Nurul : Who was driving the car

W2 : My brother

Nurul : Do you remember the type and plate number

W2 : Proton Wira, WDP 1594

Nurul : What happened when you were approaching Persiaran Mahkota Cheras 1

W2 : Upon approaching Persiaran Mahkota Cheras 1, I saw many cars parked at the road side

Nurul : You mentioned parked, were there any crowd

W2 : Yes, there were crowd

Nurul : Approximately how many people were there

W2 : I am not so sure but there was quite a big crowd there

Nurul : Do you know why the crowd were there

W2 : No, I do not know why

Nurul : What about the traffic condition at the area

W2 : At that time the traffic was heavy

Nurul : How was your brother driving the car – what was the speed

W2 : I am not so sure about the speed of his driving but at that time there were cars in front and behind us

Nurul : Did you feel he was speeding

W2 : No

Nurul : Tell us what happened and at what point did your brother's car stopped, and why did it stopped

W2 : When we enter into Persiaran Mahkota Cheras 1 we saw crowd, and the crowd ask us to go out.

Datuk Zaitoon : Can you ask her go to the sketch map. Can you show us when the car start moving with your brother in it from which point and proceeding to where

W2 : We wanted to go out to Cheras, from the top

Datuk Zaitoon : You said it stopped just now. Can you show the directions where it stopped and when it start moving

W2 : Shows the directions - when we were entering Persiaran Mahkota Cheras 1, we saw the crowd and the crowd ask us to go back. At that time we tried to reverse our vehicle but couldn't do so as there was a car in front of us and we also follow the speed of the said car – we were approaching slowly and at that time there was a car parked on the road side. My car was somewhere around

Datuk Zaitoon : Did your car stopped or did it move on

W2 : My car was still moving

Datuk Zaitoon : Up to what point and what happened

W2 : Until this point. And in front of us there was one car stopped and we had to stop as well.

Datuk Zaitoon : Can you draw an arrow to show movement from there up to the level where it stopped

W2 : Draws marking at the divider.
When we stop here there were FRUs – many of them

Datuk Zaitoon : Where and how many of them

W2 : Marks. They surrounded our car at this point

Datuk Zaitoon : How soon did the car stopped, they surround your car

W2 : Immediately when we stopped, they surrounded us

Datuk Zaitoon : Were some of them still standing there or the whole lot moved

W2 : I am not sure, my car was surrounded by FRU

Nurul : You mentioned that some of the crowd were there and ask you to go back, where were the crowd

W2 : They were walking on the road divider and ask us to go out

Nurul : And you mentioned that your brother decided to reverse the car.

W2 : Yes

Nurul : Did the crowd tell you anything or why they ask you reverse or go out of the road

W2 : They only ask us to go out

Nurul : When you say you cannot make the U-turn and go on until you approach the U-turn was your brother aggressive in the manner of his driving

W2 : No

Nurul : How many of you were in the car

W2 : 4 of us

Datuk Zaitoon : If 4 of you were in the car and they ask you to go out of the car, did you all got out of the car.

W2 : No, I did not go out.

Datuk Zaitoon : At some point of time you did go out of the car

W2 : Yes

Datuk Zaitoon : How soon did you go out after your brother or the others got out of the car

W2 : I don't know when I was asked to come out of the car, I went out of the car. My brother was still inside the car. A female FRU brought me to a place which was quite a distance from the car.

Dr Chiam: Can she show where she was brought to

W2 : I was brought to the roadside here. Shows by marking X

Datuk Zaitoon : Ok, just now, you keep standing there, can you mark in red where you stopped, can you make it bigger – where the car is (at the divider). There is some space between the curve and the car, is it.

W2 : Yes

Dr Chiam : You were just saying that, when they ask you all to go out you did not get out

W2 : Yes, because I was frightened then

Dr Chiam : When did the female FRU opened the door and ask you to get out, you did not get out

W2 : Yes, I was frighten then

Dr Chiam : Then, when did you get out

W2 : A male FRU opened my door and ask me to get out from my car and then I came out of my car and thereafter a female FRU brought me to the side of the road

Datuk Zaitoon : How did she bring you, hold your hand, grab you or did you voluntarily walk, did she physically brought you to the side of the road

W2 : I came out from the car on my own and thereafter a female FRU brought me by the holding my waist to the right side of the road

Dr Chiam : When you got out of the car, your brother was still in the car

W2 : Yes

Dr Chiam : The other 2 men at the back, were they still in the car and were they out

W2 : I am not sure about that

Dr Chiam : Ok, Whilst you were taken, did you see what was happening to your brother, did you see anything

W2 : When I was seated at this X, I saw my brother was pulled by the FRUs at this point and at that time he was pulled there and he was beaten up until he was lying down.

Dr Chiam : How did they beat him

W2: I saw them kick him

Datuk Zaitoon : How many of them

W2 : About 7-10 of them

Nur : Did you see any police officers besides the FRUs

W2 : I did not see

Dr Chiam : Was the brother just being kicked by the FRU or was there other things used

W2 : I saw them kick my brother

Datuk Zaitoon : You also said hit

W2 : I saw them hit my brother at this point when he was on the ground they kicked him and when he was in the car I saw FRU hit my brother with a baton. At that time I had not come out of the car

Datuk Zaitoon : So, whilst you were in the car, you saw FRU hit your brother with a baton. How many of them hit him

W2 : I don't know how many of them hit my brother, from my brother's side but a FRU opened my door, the moment he saw I was a female, he started to hit my brother.

Datuk Zaitoon : From her side

W2 : Yes, from my side

Nurul : Whilst you were still in the car

W2 : Yes

Datuk Zaitoon : Could you take the pen again and mark strongly where she was in blue and then where the brother is put it in red.

Nurul : Can I go back to when your brother stopped the car, can you tell us why did your brother stopped the car

W2 : When he was making a U-turn and at this point there was a car in front of us, my brother had to stopped

Dato' Khalid : Did somebody ask your brother to stop the car or he himself stop the car

W2 : My brother himself stopped the car.

Datuk Zaitoon : Was there any other car that was immediately in front of your car

W2 : I am not sure

Dato' Khalid : Other than the FRU that came to your car, before that who do you think somebody other than the FRU came to your car

W2 : I could not see

Dato' Khalid : Meaning only the FRU

W2 : Yes

Datuk Zaitoon : The FRU was the one that dragged your brother was on your brother's side of the car. How many FRU personnel were there

W2 : I did not see how many of them dragged my brother out of the car as I was brought to the roadside that marked X in blue by a female FRU

Datuk Zaitoon : So you were dragged out first before your brother, is that correct

W2 : Yes

Datuk Zaitoon : But that is to the point of the roadside. Did they drag your brother outside the car, near the car, anything like that

W2 : I didn't see

Datuk Zaitoon : What happened to the other 2 passengers, were they taken out of the car or did they voluntarily got out of the car or what

W2 : I don't know

Dr Chiam : You said the FRU on your side beat your brother. Which part of the body was he hit

W2 : I suppose must be on his arm

Dr Chiam : Which arm, left or right

W2 : Left Arm

Datuk Zaitoon : So they had to go across over you in order to hit your brother because he was on the other side

W2 : Yes

Datuk Zaitoon : Was the FRU in front of you or where were they when they hit your brother

W2 : In front of me

Dato' Khalid : But at that time there was also someone else hitting your brother on the other side

W2 : Yes

Dato' Khalid : Meaning they hit both sides at the same time

W2 : Yes

Dr Chiam : Whilst you were in the car was the window broken by the FRU

W2 : Yes

Dr Chiam : On your brother's side

W2 : Yes

Nurul : How soon after the car stopped did the FRU approached your car

W2 : Immediately, after we stopped the car, they already surrounded our car

Nurul : Did they say anything

W2 : No

Nurul : What did they do then.

W2 : They kick on the door of our car and also use their baton to beat our car

Nurul : Which side of your car, you mentioned door, all 4 doors or

W2 : The whole car.

Dato' Khalid : Whilst you are sitting at the front seat with your brother, and the FRU came on your side, is it enough space for the FRU to hit your brother

W2 : The FRU just use/stretched his hand and go inside the car and hit my brother

Datuk Zaitoon : Did they touch you at all whilst they were hitting your brother

W2 : No

Dato' Khalid : You were not hurt at all

W2 : No

Dr Chiam : Whilst she was sitting there and the FRU was beating your brother across, were there any words spoken by the FRU

W2 : I could not hear but I only see them hit my brother

Datuk Zaitoon : Just to finish on the map, can you mark the red X as W1 and the bottom one in blue X as W2.

Dato' Khalid : Did you hear from anybody, why they hit your brother

W2 : No

Dato' Khalid : They did not tell you anything

W2 : No

Dr Chiam : Was there any protest from you all, did you all say anything or were you all just quite

W2 : I did not protest

Dr Chiam : Your brother

W2 : They wanted to open his door but he refused to let them do so

Dr Chiam : Your brother refused, how

W2 : My brother only locked the door

Nurul : Are you saying that your door was not locked.

W2 : No, my door was not locked at that time, therefore the FRU was able to open my door

Nur : After that was there a struggle

W2 : I did not struggle at all

Nurul : What about your brother

W2 : After they opened my car door, I don't know. I did not see what happened

Nurul : What did they use to open your brother's door

W2 : They broke the window at my brother's side and they unlatched the car door

Datuk Zaitoon : Did you see it yourself

W2 : Yes

Datuk Zaitoon : What did they use to break it

W2 : Use their baton

Nur : Could you tell us where was your position at that time, where were you seated

W2 : I was seating next to my brother.

Nurul : What about the doors of the other 2 passengers, the doors behind the car, were they locked too or were they unlocked

W2 : I am not sure because the FRU only opened my door

Datuk Zaitoon : Apart from breaking the windows of your brother, hitting your brother, did they hit any other part of the car

W2 : No

Datuk Zaitoon : They didn't, you are sure

W2 : Yes

Dr Chiam : At that time you, whilst you were still in the car, your brother was hit by the FRU, was there any physical hurt, any sign of him being hurt

W2 : I saw there was blood on my brother's face

Datuk Zaitoon : Which side of the face

W2 : The nose area

Datuk Zaitoon : Which part, the nostril below or what

W2 : The whole face was filled of blood

Dato' Khalid : At that time when you brother was taken to the roadside, what was the distance between you and your brother when you were taken away from the car

W2 : About 10 meters

Dato' Khalid : Any lightings there

W2 : The lamp post, street lights

Datuk Zaitoon : How far

W2 : I am not sure

Datuk Zaitoon : What is your estimate of 10 meters – just look in this hall and say

W2 : From my place to the corner of the hall - the witness stand to the corner of the room (where the chairs were staged up)

Dato' Khalid : What did you do when you saw your brother was beaten by the FRU

W2 : As there was a female FRU guarding me, I could not do anything and I keep on explaining to them

Dato' Khalid : What did you explain

W2 : I asked them not to beat them anymore

Dato' Khalid : What did they say

W2 : I pleaded them not to do anything

Datuk Zaitoon : Them

W2 : One FRU and one plain clothes police personnel

Dr Chiam : This means that you were guided by 2 people, one female FRU and another plain clothes police personnel

W2 : Yes

Datuk Zaitoon : I think you did not understand my question when I asked you them.

W2 : Beat them. Beat them means beat my brother and his 2 friends

Dato' Khalid : What did the FRU said, the female FRU

W2 : I couldn't remember but as I can remember the female FRU asked me not to think anything else.

Datuk Zaitoon : Did she appreciate what she told her

W2 : The female FRU used Bahasa Malaysia and told me that now it was useless for you to say anything.

Datuk Zaitoon : How in Bahasa Malaysia

W2 : I couldn't remember all.

Datuk Zaitoon : But you now understood to be what was being said

W2 : Yes, it is through my understanding

Nurul : Do you know whether your brother hit on anything whilst he was taking the U-turn

W2 : No, I am sure that my brother did not hit anything

Dato' Khalid : Before that

W2 : Before that also his car did not hit anything

Nur : Do you know why the FRU approached your brother's car

W2 : No, I did not know why

Dr Chiam : Can I go through – she was on this side and her brother was on the other side, where was the lamp post

W2 : I only see the light from the streets but I did not see the location

Dr Chiam : So, from your place you could only see them with your brother

W2 : Yes

Dr Chiam : How many were there, your brother with his 2 friends or only one friend

W2 : I only see my brother there

Datuk Zaitoon : The lights were very bright

W2 : Not really bright

Datuk Zaitoon : You knew it was your brother because you saw him there, right

W2 : Yes, I did not see they brought him there but the moment I was seated, I saw that he was here already.

Dato' Khalid : You saw your brother being dragged, was he dragged from both sides, one on the left and one from the right

W2 : I am not sure about the incident, I could not see

Dato' Khalid : You did not know what was happening to them at that time

W2 : No

Dr Chiam : When your brother was beaten, was he crying or shouting or was he weeping

W2 : No, he did not shout. He was on the floor at the side of the road

Datuk Zaitoon : Was his face down

W2 : Yes

Nur : How was your brother's condition when he was being dragged, was he stable, can you describe

W2 : I did not see when they dragged my brother out of the car

Nurul : But when he was at W1 at the position XI, can you see whether he is fully conscious or what is his condition physically

W2 : I saw my brother's eyes were open but when he tried to get up from the floor he fell down again

Nurul : And the other 2 passengers were there with him

W2 : I saw one of them was there to assist my brother to help him get up.

Nurul : Which one

W2 : Chan Siew Meng was there

Nurul : Was the FRU officers there

W2 : Yes

Nurul : Anyone else with the FRU officers

W2 : I did not see any other persons

Nurul : Any plain clothes persons

W2 : I did not see

Nurul : Did you see any crowd there

W2 : No

Nurul : Were the FRU still beating your brother and his friend when they were brought there

W2 : I only saw them hit my brother but I did not see them beat my brother's friends

Dr Chiam : When your brother was at WI was his clothes on or off

W2 : At that time his clothes were off, he did not even wear shoes

Datuk Zaitoon : He was without shirt and shoes and he was wearing his long pants or shorts

W2 : At that time he was wearing his short pants

Nur : You mentioned earlier your brother fell on the ground and then he tried to get up again, right, then he fell to the ground again for the 2nd time, am I right.

W2 : Yes

Nur : When he fell the 2nd time what was the FRU's reaction at that time

W2 : The FRU did nothing, only Chan Siew Meng tried to assist to bring him up

Datuk Zaitoon : Hold him up, is it

W2 : Support him up

Dr Chiam : From point W1, did at any time your brother become unconscious

W2 : When he was in the police station, he was unconscious, I see he doesn't know what happened

Datuk Zaitoon : You are proceeding now from that point to the police station.

W2 : From here he was brought to under the bridge. There is one bridge there.

Datuk Zaitoon : How did he get there

W2 : Walked there

Datuk Zaitoon : Can you show us – can you walk across

W2 : Yes, there was a barricade here and we climbed over this to here

Datuk Zaitoon : How high

W2 : There were 2 blocks of divider/barricade and they stag together

Datuk Zaitoon : What's the height

W2 : About 4 feet high

Datuk Zaitoon : From where I was, at W2 you were taken to across the bridge – can you mark on the sketch please and by going across the barricade. Can you put dotted lines where the blue mark was – use red – exactly where your position is and across the barricade I assume. You had to climbed across the barricade.

Dr Chiam : You said that your brother was also taken

W2 : Yes

Dr Chiam : Was he before you or after you

W2 : My brother was in front of me and when he tried to climb the barricade he fell off

Dato' Khalid : Did anybody try to assist your brother to climb over

W2 : Yes, his friend, Chan Siew Meng assisted him

Nur : Was your brother feeling dizzy when he was climbing the barricade

W2 : Yes

Nurul : Was there any police personnel or FRU with your brother and Chan Siew Meng

W2 : A plain clothes police personnel were with them

Nurul : Only one

W2 : A few plain clothes police personnel were with them

Nurul : The FRU were no longer there.

W2 : No

Datuk Zaitoon : When did they leave

W2 : When I brought and walking towards the barricade I saw the plain clothes police personnel brought them.

Nurul : Brought them

W2 : Brought them means my brother and Chan Siew Meng

Datuk Zaitoon : You have not answered my question when did the FRU left the premises

W2 : At W2 the FRU already stopped involving, we were handed over to the plain clothes police personnel and walking towards the barricade. But for me, I was accompanied by a female FRU until I come to underneath the bridge

Datuk Zaitoon : Why did they take you to underneath the bridge

W2 : They brought us there to go out in the black maria

Datuk Zaitoon : So, they brought you there in order to put you in, what you call, the black maria

W2 : Yes, a black maria

Datuk Zaitoon : What was the condition of the road – was it a highway

W2 : When I cross the road there were no vehicle at all. I only saw some cars in front here but when I cross this road, I did not see any cars

Mr Gan : If I may assist – it was actually a fly over bridge. They were under the fly over bridge

Datuk Zaitoon : But no cars can go underneath at all

Dato' Khalid : How far the distance from W1 until the main of the bridge, approximately

W2 : Quite far

Nur : When your brother and brother's friends were handed over the police were their hands handcuffed

W2 : Yes

Nur : How they were handcuffed, your brother's hands and his friends' hands together or what

W2 : My brother was handcuffed alone, both his hands were handcuffed

Datuk Zaitoon : The others were not handcuffed

W2 : Yes, they too were handcuffed

Datuk Zaitoon : And you

W2 : No.

Dr Chiam : Can we go back at W1 – At that place did you see your brother being handed over to the plain clothes police personnel

W2 : I saw the plain clothes police personnel approached my brother. At W1 they already handcuffed my brother

Dato' Khalid : Did your brother have problems walking underneath the bridge

W2 : He was not stable and fell off 2 times at the barricade

Dr Chiam : You said that there were 2 friends in the car but you just keep on mentioning Chan Siew Meng – what about the other person

W2 : When I was at W2 I did not see the other friend and when my brother was handcuffed together with Chan Siew Meng and walking towards the bridge, then only I realised the other friend was in front of me.

Datuk Zaitoon : Was he handcuffed as well.

W2 : Yes

Datuk Zaitoon : What is the name of this 4th person you are talking about

W2 : Cheok Kem Hoo

Dr Chiam : And all of them were handcuffed in front

W2 : Yes. I saw my brother handcuffed in front, Cheok Kem Hoo was handcuffed behind Chan Siew Meng I saw as if he was handcuffed in front as well

Nur : How do you know that the plain clothes men were policemen

W2 : I identified them as the police personnel because they brought out their cuffs and handcuffed my brother

Datuk Zaitoon : How many of them

W2 : About 3-4 attended to my brother and Chan Siew Meng and one beside me

Datuk Zaitoon : One besides you was the FRU or plain clothes police personnel

W2 : One FRU and one plain clothes police personnel guarded me

Nurul : The plain clothes police personnel that guarded you was that personnel a female or male

W2 : Male

Nurul : You mentioned that your brother fell off the barricade, how did he manage to climb over. Did he again try to climb over

W2 : Yes, he tried to climb over the barricade and then he fell off and then Chan Siew Meng assist and hold him to pass the barricade.

Nurul : Ok. The barricade you have to climb over is double this table is it.

W2 : Yes

Datuk Zaitoon : How did he managed to climb so high when he is in that condition – he had to be carried or how, he was hurt

W2 : Chan Siew Meng carried him and assist him to pass the barricade

Datuk Zaitoon : Alone

W2 : Yes, he did it by himself alone.

Nur : So, you are saying the police were not assisting him to climb over the barricade

W2 : No

Dato' Khalid : Are you sure the barricade was still in tack at that time

W2 : Yes, I am sure

Datuk Khalid : There was no sign of any demolishing

W2 : Yes, there was sign of demolishing but they did not remove it yet

Dato' Khalid : So, did you brother say anything whilst walking from W1 up to the barricade and during the time he was being taken by the police

W2 : I am not sure and I do not know as he was walking in front of me

Dato' Khalid : How long does it take from that W1 until under the bridge

W2 : 1-2 minutes

Datuk Zaitoon : How far the distance, you say until the back of this room from your place, double the distance from where you are standing to the end of the room

W2 : Double the distance, even further

Nur : After you climb the barricade did you see any FRU vehicle – truck or anything

W2 : I only see one black maria here and I saw another car which brought me to the police station. My brother, Chan Siew Meng and Cheok Kem Hoo were brought to the police station by the black maria

Nurul : How do you know that they were brought to the police station

W2 : The car that I travelled on was in fact following the black maria

Nurul : How was your brother's condition when he reached the police station

W2 : He was bleeding and he asked what happened

Nur : Did anyone try to help your brother to stop the bleeding whilst he was taken to the police station

W2 : Nobody assist him to stop the bleeding and at that time he was holding a piece of cloth and it was full of blood. When I saw I approached a police personnel and ask if the police personnel had tissue paper and the police personnel gave me the tissue paper

Nurul : How soon was your brother after being brought to the police station was he taken to the hospital

W2 : About 15 minutes

Nurul : He was in the police station for 15 minutes before action was taken to give him any medical attention to him

W2 : Yes

Nurul : What was the reaction of the police officers there when they saw your brother bleeding.

W2 : They saw my brother and then they asked what happened

Nur : Who asked what happened to your brother

W2 : I suppose they were police because at the time they were not wearing the uniforms

Nur : Were you taken to the police station as well together with your brother

W2 : Yes, I was also brought to the police station in a separate vehicle.

Nurul : Ok, When you reached the police station and you said your brother had to wait before he was taken to the hospital, did you ask or did your friends ask the police to take him to the hospital or was it at the own initiative of the police people to take him to the hospital

W2 : The police was the one who took the initiative to take my brother to the hospital

Datuk Zaitoon : How did they take him

W2 : I don't know as I did not accompany him to the hospital

Datuk Zaitoon : How many people were taken

W2 : 2, Chan Siew Meng as well.

Nurul : Did Chan Siew Meng show signs of bleeding as well

W2 : He did not bleed but there were bruises

Nurul : What happened to you when they were taken to the hospital

W2 : I just waited

Nurul : How long

W2 : I waited until 5 a.m. and a statement was taken

Nurul : At what time was the statement taken from you

W2 : At about 5 a.m.

Nurul : Where were you put in the lockup or at a waiting area

W2 : I was put at the waiting area

Nurul : Did the police say that you were you arrested.

W2 : No

Nurul : Did you feel that you were arrested

W2 : Yes, this was because both Chan Siew Meng and my brother and Cheok Kem Hoo were both handcuffed.

Nur : Were you given a chance or allowed to make a call to any of your family members

W2 : Yes

Nur : Who made the call

W2 : I made the phone call

Nur : During the call, was there a police personnel accompanying you

W2 : No

Nurul : Sorry, you mentioned that you were at the waiting area with Chan Siew Meng and also Cheok Kem Hoo but earlier you mentioned Chan Siew Meng was taken to the hospital together with your brother

W2 : In fact my brother and Chan Siew Meng went to the hospital and thereafter there was one assembly man came and ask our condition. Chan Siew Meng related to him which part of his body was injured. Thereafter the assembly man asked the police to take him to hospital

Dr Chiam : At the time when he went to the hospital did he go alone or with Chan Siew Meng

W2 : At first my brother went there alone.

Dr Chiam : So, Chan Siew Meng only was given treatment when the assemblyman requested. Is it.

W2 : Yes

Nurul : What time were you released from the police station

W2 : About 6.30 a.m.

Nurul : Did you lodge any police report

W2 : No.

Nurul : I have no further questions

Datuk Zaitoon : Any questions from the Observers, can you write it down and put them forward to him and if you are asking many questions please write it down

Mr Gan : Madam Chairlady, thank you. Was there any resistance put by Chang Jiun Haur, when the police was allegedly beating him up

W2 : No, my brother did not put any resistance.

Mr Gan : Was Jiun Haur in a stage of shock, was he scared when he was in the car

W2 : Yes, my brother was inside the car and he was shocked

Datuk Zaitoon : Is that your observation or what

W2 : I looked at him as if he was in a stage of shock

Dato' Khalid : Did he tell you anything at that time

W2 : No

Dato' Khalid : How long that do you think the incident took place until you were brought up to the underneath of the bridge

W2 : Not so sure.

Mr Moon : Can you recognise the man FRU who opened your door

W2 : No

Mr Moon : Is it the same person who opened your door and beat your brother

W2 : Yes, the same person who opened my door and that was the one who beat my brother

Mr Moon : How many times was your brother hit by the same FRU who opened your door

W2 : I cannot remember how many times FRU beat my brother but I know he had stretched his hand in for the 2nd time to beat my brother

Datuk Zaitoon : Ok, from the time the FRU beat your brother in the car, how long do you think was the time factor

W2 : I am not sure

Norhayati of Bar Council : Was your brother wearing his shirt and his shoes at the police station

W2 : No

Norhayati : So, he was taken to the hospital without the shirt and his shoes

W2 : Yes

Norhayati : What time were you given the opportunity to make the call to your family

W2 : At 1 a.m.

Norhayati : What time did you get to the police station

W2 : About 12 something

Mr Moon : When your brother fell down for the first time at W1 was FRU still kicking your brother

W2 : No

Mr Gan : Madam Chairlady, there seems to be some confusion of the person who opened the door – her door or her brother's door

W2 : Her door

Datuk Zaitoon : Adjourned for lunch and resume at 2.30 p.m.

Nurul : Madam, can we mark this as Exhibit 2 – Map shown to W2

Break : 1.00 p.m.

Resume : 2.30 p.m.

New Observers :

Cik Shamsuriati Isah Human Rights Committee, Bar Council
Saha Arunasalam, Human Rights Committee, Bar Council

Datuk Zaitoon : We are calling W3 – Chan Siew Meng

W3, Chan Siew Meng, oath is administered, states in Cantonese

Datuk Zaitoon: Before that, perhaps you can translate to him that he shall be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court. And no person shall, in respect of any evidence written or oral given by that person to or before the Panel of Inquiry, be liable to any action or proceeding, civil or criminal in any court.

W3 : Yes

Nurul : Can you state your occupation

W3 : I am a mechanic

Nurul : How old is he

W3 : I am 31

Nurul : Were you at Bandar Mahkota Cheras 1 on 27th of May, 2008

W3 : Yes

Nurul : Why were you there

W3 : Because I stay there

Nurul : Where were you staying, the address

W3 : I stay at No. 13 Jalan Dayang Mahkota 8/54, Taman Bandar Mahkota Cheras

Nurul : What was your reason to go to Persiaran Mahkota Cheras 1

W3 : I was looking for friends and after that we intended to go for a meal

Nurul : You said you were looking for a friend

W3 : I together with my friends we were going to get a meal

Nurul : How were you all going to get your meals

W3 : We travel in a car

Nurul : How many of you were in the car

W3 : 4 of us

Nurul : Can you state the names of the passengers of the car and who was driving the car

W3 : The Driver of the car was Chang Jiun Haur, i.e. W1 together with W2 and Cheok Kem Hoo

Nurul : Where were you seated in the car

W3 : I was seated directly behind the driver seat

Nurul : Do you remember the plate number and type of the car

W3 ; Proton Wira 1594, forgotten the alphabet

Nurul : When approaching Persiaran Mahkota Cheras 1, what did you observe

W3 : Upon entering Persiaran Mahkota Cheras 1, I saw many people

Nurul : Can I request that you use the map on the board to describe your position and that of the car.

W3 : Coming from up here towards Persiaran Mahkota Cheras 1. I intended to go here

Datuk Zaitoon : You all intended or you alone

W3 : All of us. I saw many people and don't know what was happening

Datuk Zaitoon : So, you were in the car and you were moving down. At what point you intend to move

W3 : Our car proceeded until here (points to the divider). After the FRU beat me

Datuk Zaitoon : Before that the FRU beat you, what happened. Did you all stop the car or did FRU stop the car

W3 : We stop our car

Datuk Zaitoon : Ok. At that point when the car stopped what happened

W3 : The FRU from here rushed to our car and then hit us.

Datuk Zaitoon : So, before they came to you, you saw the FRU standing on the other side. How many of them were there

W3 : Yes, about 10 – 20 FRUs

Datuk Zaitoon : How many of them moved forward to your car

W3 : At least 10 FRUs rushed to our car and surrounded our car

Datuk Zaitoon : And then, proceed

W3 : They used their baton to hit on our car, they keep on hitting all over our car and they asked us to come out

Datuk Zaitoon : Now you can draw. Your movement when you were moving and you're your car stopped. Can you draw the car position and were there any other cars behind the car at that point

W3 : In front of me there was one car

Datuk Zaitoon : Going straight or doing a U-turn

W3 : The car was also making a U-turn. Does some markings on the sketch map

Nurul : As you were approaching the U-turn can you tell me how was the traffic flow

W3 : The traffic was heavy

Nurul : How fast was the car going

W3 : About 20-30 km/hr

Nurul : Do you know whether the driver was speeding at any point of time

W3 : No.

Dr Chiam : He said there were a lot of cars – where were the other cars

W3 : There were a lot of cars in front of me and behind me, all are ready to make U-turns

Dr Chiam : Are there people along the road side

W3 : Yes, but not many

Dato' Khalid : Where was the position when you were in the car

W3 : Immediately behind the driver

Nur : Besides the FRU, did you see any policemen around

W3 : Yes

Nur : How many of them

W3 : I am not sure how many were there

Dato' Khalid: How do you know they were policemen

W3 : They were wearing a reflected vest where they have a police logo behind

Dr Chiam : When you said that the FRU rushed to the car, right, when they stopped the car, they rushed and they were using baton to hit the car

W3 : They use their baton and also used their hands and legs to hit the car

Dr Chiam : Only the car outside but they didn't hit the passenger inside

W3 : I was not out from the car yet

Datuk Zaitoon : When he said hit the car, hit the car all round or on one side

W3 : Every where

Datuk Zaitoon : They also hit the glass pane – which part – the windows of the car or the windscreen, which was it

W3 : As I know they hit all the window and also the windscreen but I am very sure that the window at the driver side was broken

Nurul : You know or you saw it for a fact

W3 : I did not see it with my eye but I am very sure that the window was broken

Dr Chiam : How does he know the window is broken when he had not seen it

W3 : I was very near, I was seated behind the driver

Dr Chiam : At what point did he come out from the car

W3 : I was the first to come out when the window was hit

Dato' Khalid : Did you come out on your own or what

W3 : I opened the door myself and get out of the car

Dr Chiam : At that time when he got out of the car, was he hit or he wasn't hit, he just come out on his own and at what point they hit him

W3 : As they kept on hitting and kicking the glass and I was worried that the glass would be shattered, I open the door and I got out of the car

Datuk Zaitoon : Where was your friend who was driving at that point of time

W3 : He was still inside the car

Datuk Zaitoon : Did he attempt to come out

W3 : He couldn't come out from the car

Datuk Zaitoon : Why

W3 : Because they surrounded the car and kept on hitting the car and the window

Datuk Zaitoon : Was the door locked

W3 : Yes, my driver's door was locked

Datuk Zaitoon : Did he lock it himself

W3 : It was a break lock - Alarm lock

Dr Chiam : The car door would be locked automatically, this is an auto door

W3 : Yes

Datuk Zaitoon : So you had to unlock your door then to get out

W3 : Yes

Dr Chiam : I just want to, because I know Chinese, he said something that you left out, the part where the driver was afraid

W3 : Yes, sorry, the driver was afraid then

Nurul : When you said you opened the door and came out, what was the driver and the 2 passengers doing

W3 : All of were very frightened.

Datuk Zaitoon : What was your reaction

W3 : We were so scared

Datuk Zaitoon : You kept quite and hide or did you

W3 : The only way is to get out of the car and let them hit us

Dato' Khalid : Did they say anything when they hit you

W3 : I heard they ask me to "Turun"

Datuk Zaitoon : You are talking about being beaten but surely were the doors still close when they beat you but the rest did they get out of the car

W3 : When I came down from the car 3 of them are still in the car.

Nurul : So you came out of the car what happened to you

W3 : They pulled me and then hit me

Datuk Zaitoon : With what

W3 : I am not sure

Datuk Zaitoon : You can see what hit you, was it something soft or what

W3 : I suppose they used their fist, most of the time

Datuk Zaitoon : Anything else

W3 : They also kicked me

Dr Chiam : Which part of your body were they hitting you

W3 : My face, my chest and also my leg

Dato' Khalid : How did you hit you

W3 : They use their fist to punch my face

Nur : How many of them were hitting you

W3 : I don't know

Nurul : Were you standing, lying down on the road or what position were you in when you were being hit

W3 : They hit me until I fell on the road

Datuk Zaitoon : Did you see anyone who hit you, can you identify anyone.

W3 : No.

Datuk Zaitoon : Not even one

W3 : No, too many of them.

Datuk Zaitoon : How close (nearer) were you to anyone of them

W3 : They pushed my head down and I was not allowed to see them

Datuk Zaitoon : Your head was pushed down

Nurul : Did you see any persons apart from the FRU personnel within the crowd that attacked you

W3 : Beside the FRU I was also beaten up by those in plain clothes.

Datuk Zaitoon : Who in plain clothes

W3 : I don't know who they are

Datuk Zaitoon : What did they dress like

W3 : Just like Civilians, but not civilians

Dato' Zaitoon : There must be some identification on them, you just cannot assume.

W3 : I am of the opinion that those who were with FRU were not civilians. Some of them were in police uniform and some of them were in plain clothes.

Dato Khalid : How many of them other than the FRU were there

W3 : At least 4-5 persons

Nurul : What happened to you after that

W3 : Thereafter I was handcuffed and they brought me to the police station

Dr Chiam : Can he indicate on the map where he was hit

W3 : Shows the diagram – I was beaten up here, thereafter here

Datuk Zaitoon : How long were you beaten up at the 1st point when you were then moved to point 2

W3 : At least 2-3 minutes I was beaten here and then brought by the FRU to the side– marks X in red and then draws dotted line to another position at X where he was taken and beaten again

Dr Chiam : Where were you handcuffed

W3 : I was handcuffed at the 2nd X

Datuk Zaitoon : Who handcuffed you

W3 : I suppose he must be a CID

Dr Chiam : Was he in a uniform

W3 : No.

Nurul : Was he also one of the persons who beat you

W3 : I suppose he would have been the one who had grabbed my hand.

Dr Chiam : Can we get some clarification – was he the same person who pushed you and handcuffed you, is he the same person who pushed you down.

W3 : No, it was not the same person.

Datuk Zaitoon : Can you tell us at the map where was your friend, Chang Jiun Haur. I know he was still in the car when you got out

W3 : I am not sure. He must be in the car. I was not allowed to see because my head was pushed down.

Datuk Zaitoon : Ok, did you see at any point of time did you see

W3 : I did not see

Datuk Zaitoon : What about the other passengers

W3 : I could not see

Datuk Zaitoon : Once you are on the grass, from there the FRU or the police took you straight to the police station, from which point or did they take you anywhere else

W3 : I was brought here (makes dash-dash lines in red) – this was the location of the police car – it is a black maria.

Datuk Zaitoon : Then from there where did you go

W3 : We went to the Kajang police station

Nurul : Madam Chairlady, can we mark the Sketch Map as E3
Can you tell us when did you at any point of time see the condition of Chang Jiun Haur

W3 : When they

Dato Khalid : How far were you from Chan Jiun Haur
What he can tell us regarding Chang Jiun Haur

W3 : He was beaten up by many people

Nurul : By whom

W3 : I saw the FRU people and those in plain clothes beating him.

Nurul : How were they beating him

W3 : They use hands and leg

Datuk Zaitoon : After that what was his condition

W3 : He was - Shows expressions

Datuk Khalid : At that time what was his condition

W3 : At that time he was also pushed down but I could not see anything then as I could not raise my head, the moment I raise my head, the push it down

Datuk Zaitoon : You manage to see Chang Jiun Haur tottering.

W3 : Yes

Nurul : When you were at the X position (2nd X) were you standing or sitting

W3 : I was standing

Nurul : And Chang Jiun Haur, was he standing or

W3 : He was standing and then they grabbed him and then they beat him and brought him to my place

Dr Chiam : And when they brought him to your place did they stop the beating

W3 : Yes they continue beating him. They also continue beating me. They kicked me

Dr Chaim : With what

W3 : With hands

Dato Khalid : What happened to your other friend

W3 : I don't know, I could not see him

Dato Khalid : He was seated next to you

W3 : Yes, he was seated with him, I am not sure

Dr Chiam : When they were at the site were they handcuffed together

W3 : Yes, they handcuffed us and thereafter they continue to beat me

Dr Chiam : When did they move you and your friend to the other place

W3 : After they had beaten me up, than they pushed me and let the press to take the photographs. They pulled my hair to the circle.

Datuk Zaitoon : Chang Jiun Haur was tottering and handcuffed with you. Was there a barricade at that time.

W3 : Yes

Datuk Zaitoon : So how did Chang Jiun Haur manage to climb the barricade

W3 : When he tried to climb the barricade and he fell off – and I tried to help him

Datun Zaitoon : Can he show to us how high was the barricade

W3 : Shows double the height of the table.

Nurul : What was Chang Jiun Haur's physical condition

W3 : He was using his hand to close his face and he was bleeding

Nur : Does the continuous beating of your friend contribute to your friend to sustain bleeding

W3 : Yes

Nur : Which part of his body was bleeding

W3 : Nose and mouth

Nurul : When you first saw him, was he bleeding

W3 : Yes, when they handcuffed me, he was already bleeding.

Nur : That means he was bleeding from the time when he was brought to the barricade and over the barricade he was still bleeding

W3 : Yes

Datuk Zaitoon : Were you bleeding

W3 : A bit, bruises and also blood

Dr Chiam : Is it bruised or is it swelling

W3 : Swollen – head nose and my right eye

Datuk Zaitoon : He pointed his chest just now

W3 : Bruises

Datuk Zaitoon : Eye – one or 2

W3 : Right eye

Dato Khalid : At that time how were you dressed

W3 : My collar was v-collar and it was out of shape

Datuk Zaitoon : A normal t-shirt

W3 : Normal v-collar t-shirt

Dr Chiam : Were you still wearing your shoes

W3 : Yes, but Jiun Haur, I don't know

Datuk Zaitoon : What happened to his shoes

W3 : I don't know

Datuk Zaitoon : What happened then

W3 : We were brought to the police station

Datuk Zaitoon : We means who

W3 : 3 of us, me, Jiun Haur and Chok Kem Hoo

Datuk Zaitoon : Where was Chok Kem Hoo when you were handcuffed with Jiun Haur

W3 : I did not see him

Dr Chiam : When did you see, Kem Hoo

W3 : When we were walking to the black maria.

Datuk Zaitoon : What else can you describe during the incident when you were taken with Jiun Haur

W3 : I was dragged alone

Datuk Zaitoon : Did you manage to see anything

W3 : I cannot raise my head – the moment I raised my head they bit me

Dr Chiam : Just for clarification – when you was at point X2 were you alone or were you with the driver, Chang Jiun Haur

W3 : At the beginning I was beaten and pushed to X2 and thereafter Jiun Haur was brought to X2

Nurul : When you saw Kem Hoo was he injured.

W3 : Yes, also bleeding

Nurul : Which part

W3 : Face

Nurul : What happened when you were brought to the police Station

W3 : I was in the black maria and I just covered my nose

Nurul : Did the police give you any medical assistance.

W3 : From the black maria, I was brought to police station

Nurul : When did the police provide medical assistance to you, Jiun Haur and Kem Hoo

W3 : Upon reaching the police station, Jiun Haur was brought to the hospital

Dr Chiam : Was Jiun Haur brought to the hospital immediately after taking him to the police station

W3 : Later

Nur : How long

W3 : 20 minutes later

Nurul : Did the police take you to the hospital

W3 : A YB scolded the policeman and thereafter the policeman took me to the hospital

Nurul : Who was the YB

W3 : Ronnie Liu

Nur : Who accompanied or brought your friend, Jiun Haur to the hospital

W3 : The police

Nur : How many of them

W3 : I don't know

Nurul : When you were given medical examination in the hospital what did the doctor say

W3 : The doctor asked me which part of my body sustained injury, thereafter I was X-rayed

Nurul : Were you hospitalized

W3 : No.

Nurul : What time were you discharged from the hospital

W3 : About 1 to 2 a.m.

Nurul : Then where were you taken

W3 : Thereafter I was brought again to the police station

Nurul : Were you put in the lock up

W3 : No

Nurul : Were you still being handcuffed at that point of time

W3 : Yes, at that time I was handcuffed

Nur : How long were you placed at the police station

W3 : About 6 to 7 hours

Nurul : When did the police record your statement

W3 : About 6 a.m.

Nurul : Were you released later

W3 : Thereafter I was released on jamin mulut

Nurul : At what time

W3 : I was released at 6.30 a.m.

Nur : Did the police inform you why were you brought to the police station and why were you handcuffed

W3 : Yes

Nurul : What did they say

W3 : The police alleged that we hit them with car

Nurul : Did you make a police report

W3 : Yes

Nurul : Can you tell us the date and where you made the police report

W3 : Yes

Nurul : Can you tell us the date where and when did you make the police report

W3 : I lodge a police report at Batu 9, Jalan Cheras police station and thereafter I went back to Kajang police station to lodge another report

Nurul : You lodged 2 police reports

W3 : I lodged a police report at Batu 9, Jalan Cheras and then I was interrogated at the Kajang police

Nurul : When were you interrogated by the police

W3 : On 29th May

Nurul : On the same day the report was lodged

W3 : Yes

Nurul : Do you know the name of the officer who interrogated you.

W3 : I cannot remember his name but I can identify him.

Datuk Zaitoon : Any questions form the Observers – All questions are to be addressed through me

Mr Saha (Bar Council) : Madam Chairperson, I beg the indulgence of the tribunal, there are quite a number of questions there. I have written them on a paper

Datuk Zaitoon : Do you remember the question. The first question you can ask about the commotion. Do you know what the commotion in the incident area was about

W3 : At that time I was not so sure, on and of there was commotion, we really don't know what happened.

Datuk Zaitoon : Why do you think the FRU rushed to your car

W3 : At that time, I do not know why

Datuk Zaitoon : So, your next question is about the instructions by the FRU. Whether there were any instructions by the FRU officers as they approached the car

W3 : No

Datuk Zaitoon : When you opened the door of the car, were you dragged out.

Mr Saha : Just to clarify, he said when they reached the car, he was the first person to come out of the car, what happened then.

Datuk Zaitoon : He said he voluntarily came out of the car
So when did they start attacking you

W3 : When I was inside the car, he already hit me

Mr Gan : Madam, the question was when he got out of the car was he immediately assaulted or was he still in the car

W3 : When I was in the car they already hit the car and then I was scared and got out of the car and they hit me.

Mr Gan : Was he immediately assaulted when he got out of the car

W3 : Yes

Datuk Zaitoon : Did you call for help to ask them to stop

W3 : I shouted "tolong"

Datuk Zaitoon : When the plain clothes officer attacked you, where did they strike in terms of position

W3 : From the point X1 to X2

Datuk Zaitoon : From the place you were attacked where were you taken. I think he has already explained that

Mr Saha : My question was that before he explained at point X2

Datuk Zaitoon : Was W1 or Chang Jiun armed with any weapon

W3 : No

Datuk Zaitoon : Where was he injured. He already said he was bleeding from the nose
Did the police say why they detained you

W3 : No, they didn't

Datuk Zaitoon : Did they give you any reasons for beating you up

W3 : No

Datuk Zaitoon : At the police station were you allowed to contact anyone

W3 : When the YB arrived at the police station then only I was allowed to make the call

Datuk Zaitoon : Who did you call

W3 : I called my eldest brother

Datuk Zaitoon : As far as you were aware, did the car you were driving in collided with anyone or with any objects

W3 : No

Dato Khalid : How far behind was the other car from your car

W3 : I did not see

Datuk Zaitoon : I have just one question. When the 3 of you walked to the black maria, Cheok Kem Hoo was he hurt

W3 : His sustained injuries at his neck

Datuk Zaitoon : He said so or did you see it

W3 : I saw, his neck was bleeding

Datuk Zaitoon: From where to where

W3 : It was like wearing a necklace, the surrounding

Datuk Zaitoon : So did he go to the hospital after that

W3 : The police did not bring him to the hospital. When he go back to Seremban, he went to the hospital himself

Datuk Zaitoon : He told you

W3 : Yes

Mr Gan : Was the driver in the opinion of the witness driving at a speed that was unusual

W3 : No

Mr Gan : Was there any resistance by him when he was beaten by the police

W3 : No

Mr Gan : Did the police tell you why he was beaten

W3 : No

IGP Secretariat : How far was the position of your car to the position of the other cars

W3 : From his sitting place to the plant (in the inquiry room)

IGP Secretariat: Why did the FRU attack only your car

W3 : I also don't know why

Dato' Khalid : Did they tell you, the police whether you did any offence

W3 : No

IGP Secretariat : To your view, what is the attire of the FRU officers

W3 : They were wearing a cab

Datuk Zaitoon : Cab, made of what

W3 : A helmet type

Datuk Zaitoon : Made of what

W3 : I don't know made of what

Datuk Zaitoon : Was it cloth

W3 : They were using just like helmet type of material with the police logo

Datuk Zaitoon : Was it transparent

W3 : The helmet was red in colour and they were holding a shield

Datuk Zaitoon : Was the face covered

W3 : Yes, their face was covered with the helmet

Datuk Zaitoon : But transparent

W3 : Yes

Datuk Zaitoon: Can you see the features through the transparent thing. Was there any identity on the helmet or the uniform

W3 : No

IGP Secretariat: He mentioned just now that the identity of the policemen

W3 : He just mentioned just now that they were wearing their helmet with the police logo

Datuk Zaitoon : Does he knows from which group and knows of the description of which they are given

W3 : The words “Polis”

IGB Secretariat : He said just now that he can describe the identity of the policemen’s clothing but the earlier question he said he cannot identify the police. Would you agree if I say that the police were not in uniform but civilians, because he cannot identify.

Datuk Zaitoon : He cannot identify the individuals but he can identify the group of people wearing the attire. Are you sure of that

W3 : Yes, I am sure about that

Datuk Zaitoon : Do you know from which group they were and you know because of the uniform and the description it is given

W3 : Yes and a civilian don’t have handcuffs
In additional to what he said earlier they had handcuffs

Datuk Zaitoon : Earlier he said that he was attacked by a person who was a civilian

IGB Secretariat : Who actually beat you, police in uniform or civilian, that is my question

Datuk Zaitoon : Let’s get to know whether he understands the difference between police in uniform and police civilians. What do you understand from the word FRU

W3 : From the uniform

Datuk Zaitoon : What kind of uniform

W3 : The one with the helmet

Datuk Zaitoon : What do you understand of a policeman when you look at him

W3 : I know that person was a policeman because he was wearing a vest and behind the vest they had a police logo.

Dato Khalid : All of them

W3 : Not all

Dato’ Khalid : Some of them

Datuk Zaitoon : There were also men near the police who were civilians but not necessarily the police

W3 : The civilians were quite a distance from the police

Datuk Zaitoon : So, all those near the FRU and around you, all had the vest

W3 : Some of them were wearing but the FRU were in uniform

Datuk Zaitoon : The one that handcuffed you was he wearing a vest or not

W3 : No.

Datuk Zaitoon : But you think they were police as you mentioned earlier, they were using a handcuff

W3 : Yes

Dato' Khalid : What was the FRU's reaction when they saw those people without the uniform beat you

W3 : They also together join him and beat me

Cik Shamsuriati of Bar Council : About the X1 and X2, the position of the vehicle. The witness said there was a car in front of them, whether the car was stationary

W3 : The car was stop/stationery

Cik Shamsuriati : Was there anybody inside the car

W3 : There were people because thereafter the car left/they drove off

Cik Shamsuriati: At what point did they drive off, at the time the FRU approached you or before

W3 : When our car was surrounded by the FRU, they drove off

Cik Shamsuriati : I am wondering whether they were unable to move from there

Datuk Zaitoon : Is it within the Terms of Reference

Cik Shamsuriati : I was wondering perhaps the vehicle was planted
Could the Witness inform us whether the car in front of them was police vehicle

W3 : No

Mr Gan : Madam Chairlady, at this juncture, we are referring to the car of W1, could we also have those drivers who were parked around the area as well

Datuk Zaitoon : We are already doing that. No, other questions. Call the next Witness please

Next Witness : **W4 : Dr Suthananthini a/p Lankasundram**

Oath is administered by the Interpreter

Datuk Zaitoon : Reads to her the rights and privileges. Do sit down

Nurul : Doctor, can you please state designation and your place of practise

W4 : I am a Medical Officer at the General Hospital Kajang

Nurul : How long have you been in practise

W4 : 2 years

Nurul : Where are you attached, in which department

W4 : Currently I am with the Emergency Department

Nurul : Can you please tell us when did the patient named Chang Jiun Haur came to the hospital

W4 : Early morning on the 28th of May at about 12.30 a.m.

Nurul : Was the patient alone or accompanied by someone

W4 : Accompanied by police

Nurul : How many police officers accompanied him

W4 : I can't remember

Nurul : How was the patient's physical condition when you examined him

Datuk Zaitoon : I would appreciate if you could speak up please, is the mike on

W4 : When he came in he was alert and conscious and from my examination, I saw he had a deep laceration wound about 1.1cm from the bridge of the nose and was bleeding. And the second one I noted was a through and through injury over his upper lip (a cut in a centre of the lip) and lost of one upper jaw tooth.

Dr Chiam : Such an injury can it be acquired just by a fall – can you get a through to through cut by just a person falling

W4 : Can, with a condition he fell on what, the kind of impact

Datuk Zaitoon : The better question would be perhaps, how do you think he could sustain that kind of an injury – how could anyone sustain such an injury

W4 : One, if he would have had a fall, two, if he would have hit onto a sharp object or anything and thirdly he must have been punched over his face, either banged on a surface

Datuk Zaitoon : Which would be the likely thing, there must be something sharp, when you say bang, can he fall flat on his face and have a through and through cut

W4 : Depends on what object he hit

Datuk Zaitoon : Yes, if it was a flat surface

W4 : Flat surface, unlikely

Datuk Zaitoon : So, there must be a sharp surface in order to be able to cut that area

W4 : Yes, because it is a through and through cut

Nurul : What about the nose, how could he have sustained injury on the nose

W4 : Same, fall or hit

Nurul : Directly on the bridge of the nose, in your opinion how serious was the injury.

W4 : For the nose it was 1 by1 cm and we can actually stitch it back

Datuk Zaitoon : So, was it subsequently stitched.

W4 : Yes

Datuk Zaitoon : How many stitches, what about the through and through cut

W4 : I am not sure, I did not do it. Because it was involving a tooth, I got my dental officer to take over the mouth area

Datuk Zaitoon : Who was it, what's the name

W4 : Dr Siti, the Medical/Dental Officer on call on that day

Dr Chiam : In other words she was a dentist

W4 : Yes

Nurul : Was the patient conscious when you examined him

W4 : Yes

Nurul : Did he tell you why and how he sustained that injury

W4 : No. What he told me was that he and his sister were driving from Port Dickson to their home and after that he could not remember what happened

Nur : Did you ask the patient what had caused such injury to him

W4 : I did ask, but he said he can't remember

Nurul : So, in your opinion, was he stable at that point of time

W4 : Yes, he was stable

Nurul : What about his memory. Do you think he could have suffered any kind of short memory loss.

W4 : No, you don't say short term memory loss. Usually anybody who is involved in an accident, they would not remember what happened, you called it concussion and at that point

of time I am in the emergency department, so that was what I got from him. He would not be able to recollect things immediately on the spot

Nurul : So, at that moment when you examined him he could not recollect

W4 : Yes

Nurul : Could it be said because of his concussion

W4 : Yes

Nur : So, can you say that at that moment he was in a state of shock

W4 : Medically, I cannot say shock

Datuk Zaitoon : There is another expression for concussion which is a temporary blackout of memory at that period of time

Dr Chiam : When he was examined, was he covered with blood

W4 : Yes, he was bleeding from his nose and more from the upper lip

Dr Chiam : So how bad was it

W4 : He was bleeding but controllable but he definitely needed stitches

Datuk Zaitoon : So he couldn't say how he sustained the injury

W4 : No

Datuk Zaitoon : Apart from the police, was there anyone with him, can you remember Any member of his family

W4 : No, I just saw the police

Dato Khalid : Did you bring him for any X-ray treatment

W4 : Yes, we did a skull X-ray and as he was bleeding from the nose, we did an x-ray of his nose to find out whether there was any fracture, but there wasn't

Dato' Khalid : That you find out from the x-ray results

W4 : Yes

Dr Chiam : Did you examine his other parts, whether there were injury to his body, whether there were bruises.

W4 : Yes

Dr Chiam : Which part had bruises

W4 : He did not have any bruises anywhere else on his body

Dr Chiam : None whatsoever

Datuk Zaitoon : In fact can I just recap on what was just said. There were 2 injuries – one on the nose where you had the stitches and two, the through and through cut of the upper lip which was caused the loss of one front tooth. And then, was he admitted

W4 : Yes, he was admitted

Datuk Zaitoon : How many days

W4 : I am not sure. I admitted him to the ward for observation but after that I do not know

Datuk Zaitoon : So you admitted him from the time when you left to the time when the doctor discharged him. So you are not in charge subsequent to that, you just recommended the admission

W4 : Yes

Dr Chiam : When he came to you was he shirtless and without shoes

W4 : I am not sure, I remember examining his abdomen

Datuk Zaitoon : When you examined, did he have anything on or not

W4 : I don't remember

Datuk Zaitoon : Is there anything else you can say about the injuries

W4 : Nothing

Nurul : Doctor, you mentioned that you did a X-ray on the patient – what did you find from the X-ray

W4 : Normal, no fracture

Nur : How long was he placed under your observation

W4 : I saw him at 12.30 a.m. and then subsequently, I waited for the dental officer to review him and take him to the ward

Datuk Zaitoon : I just want to reconfirm your opinion on the 2 injuries, if I could recollect what you said there were one or two possible causes of his injuries. I would take the through and through cut first. It could be hit by something, something like what that could go to the extent of such an injury

W4 : Hard object

Datuk Zaitoon : A fist can hurt somebody

W4 : Can

Datuk Zaitoon : A piece of wood also can

W4 : Yes

Datuk Zaitoon : A fall also can

W4 : Yes

Datuk Zaitoon : A fall on the surface, which I asked you earlier, the surface not necessary be flat but has to be a sharp surface edge, something like a stone or something, it is possible

W4 : Yes

Dr Chiam : Has the object got to be sharp to get a through and through cut

W4 : Not necessarily

Datuk Zaitoon : The velocity of the hit (impact) can be such that it causes the cut, so even a fist as you say can have a through and through cut.

W4 : Yes

Datuk Zaitoon : Is the cut further and easily hampered by virtue of the fact that there is a tooth there which is hard and the flesh on top is soft. So, when the fist hit as well, because it hit the tooth and it can go through

W4 : Could be

Dato Khalid : Did you detect any other thing on the other part of the body.

W4 : I examined his chest and the pelvic area as well, all were stable and there were no evidence of any other internal injuries

Datuk Zaitoon : So the other injury on the nose how could that be caused/happen, to get, how many stitches, you did not do the stitching. What could have caused that, similar

W4 : Similar

Datuk Zaitoon : Including a hard fist impact

W4 : Yes

Dr Chiam : When he came in was there a deranged kind of appearance or what condition was he in

W4 : Obviously he was deranged

Datuk Zaitoon : Was he stable

W4 : Yes, he was

Datuk Zaitoon : Can he walk properly. Or when you saw him he was already lying down on the bed

W4 : He was lying on the bed

Datuk Zaitoon : Was he on a trolley or a wheel chair when he was brought in. You don't know

W4 : No

Questions from the Observers :

Mr Gan : Was the doctor the only doctor who examined Jiun Haur after he was admitted to the ward or was there further examination

Datuk Zaitoon : I think the doctor said he was sent to do dentist to have the stitches

Mr Gan : Was there any other doctor

Dato' Khalid : Who decides for him to be discharged

W4 : He was admitted to the surgical ward, so the surgical team would have been responsible

Dato' Khalid : If he asked to be discharge

W4 : It would be on the other side

Mr Saha (Bar Council) : I wish to identify his condition when he was first admitted. What was his glascomoma scale at the time he was admitted, was he orientated/disorientated?

W4 : He was orientated

Mr Saha : The other question is you mentioned in the medical report that you wasn't certain as to the cause of his injury. Would that help you if, to the extent of what happened, for example you thought it was a motor accident, would it narrow down the cause of injury if it was an assault situation, would that have assisted you to determine whether it was a result of a punch or an assault weapon.

W4 : Yes

Mr Saha : But you did not have this information with you

W4 : No

Mr Saha : Did you examine his full physical body

W4 : Yes

IGB Secretariat : Before the patient was brought to you, do you think the patient has been treated by first aid authority

W4 : No, I was the first medical person, not even a paramedic could have attended to him.

Mr Moon : Just want to verify, let's say W1 is beaten by someone, is the other person who beat him would be injured on his hand, from her opinion

Datuk Zaitoon : Let me put it this way. Suppose this injury was caused by a fist, would there be a mark of some sort because of the impact on the person's face. I don't see the relevance of that because the doctor can only give a general opinion on that and she never examine the other person

Mr Moon : Is it possible if the injury is not found at that time there may be bruises the next day

Datuk Zaitoon : The doctor only examined the patient on the same day and almost immediately passed on to the next doctor, the dentist. It is not the question that she can answer, can you

W4 : No

Nurul : Can we request that the medical report be marked as Exhibit E4.

Next Witness : **W5 : Dr Kumaresan a/l Supramaniam**

W5 : Oath is administered

Datuk Zaitoon : Before you answer the questions asked, let me advise you of your rights and privileges - reads

Nurul : Doctor can you please state your place of practice, designation and which department

W5 : I am currently practising as a Medical Officer at Hospital Tuanku Jaafar, Seremban in the surgical unit

Nurul : How long have you been practising as a medical officer

W5 : It's going to be my 2nd year

Nurul : Could you please let us know when did the patient, name Chang Jiun Haur come to the hospital

W5 : He first came to the emergency department on the 29th May, 2008. He was seen by a surgical officer on call who then referred him to me.

Nurul : What was the patient's condition when you examined him

W5 : First time I saw him was in the accident and emergency department. Patient claimed alleged assault by police personnel. He sustained head injury and swelling on his eye. According to patient he had gone to Kajang Hospital the day before. Otherwise other reviews were normal. As patient was complaining of persistent headaches and nausea I proceeded to get a CT brain scan for him.

Nurul : You mentioned he had swelling on his eye – Can you explain what caused it

W5 : A swelling caused by assault

Nurul : At which side of the eye

W5 : Both eyes

Dr Chiam : How bad was the swelling

W5 : I would say a minimal, the injury wasn't impact

Datuk Zaitoon : Could that kind of swelling appear the day before or it would appear at a later effect of something, usually, in your opinion. Because of the cut there and the stitches subsequently it swelled.

W5 : In my opinion, it can be latent

Datuk Zaitoon : So, it might not have appeared when you see the patient for the first time. It can appear later on

W5 : There might have been a possibility

Datuk Zaitoon : Is there any other area of swelling other than the eye. What about around the lips and the mouth

W5 : Toilet stitching was done on the upper lip and there was swelling

Dato' Khalid : What was the treatment you gave him at that time

W5 : After reviewing the CT brain I admitted him to the surgical ward for close observation as he was complaining of nausea and advised for rest for one day. I did go there the next day and he was there for 2 days and then discharged

Dr Chiam : Did you examine any part of his body

W5 : Yes, normally we would do a thorough examination on the body itself, apart from the injuries, the other system, the lungs, the abdomen, the fore limbs were alright

Dr Chiam : There were no bruises

W5 : There were some bruises to the left side of his chest

Dr Chiam : How big was the area of the swelling, can you give a rough indication

W5 : 4 by 5 cm

Dr Chiam : Could you say what was the caused of the bruise, as though there is a blood clot and the vein has been broken.

W5 : Bluish

Datuk Zaitoon : The bruise looked new, fresh

W5 : Fresh bruise

Nurul : You mentioned that you ordered a scan of the patient, can you explain what was the result of the scan

W5 : CT brain was reported by the Radiologist on call and there was no exterior injury. However there was posterior -

Nurul : Doctor can you explain in a simpler and slower layman's language

W5 : There was a minimal internal bleeding

Dr Chiam : Which part was it

W5 : Posterior area

Dr Chiam : Which part of posterior

W5 : In between the sub-cell of the brain

Datuk Zaitoon : Can you please show - draws it out for the panel
What do you think the impact was caused by. What do you think would have been the cause of the impact, by something that is hard, soft, possibility

W5 : Hard blow to the head, could be due to a fall

Datuk Zaitoon : A blow with a fist, can that cause that or not

W5 : Difficult to say. There is a chance that he sustained injury from the front

Dr Chiam : If it is in the posterior, that means if it is a fall, it would have been at the back blow from the front or a blow from the back right, like the nose. Which is more likely, a blow in front or blow in the back

W5 : I can't comment on that

Nur : Will the patient suffer any side effect due to this

W5 : Probably the symptom that day, he was complaining of slight headache and nausea could be due to this

Nur : So, what did you prescribe to the patient to stop the bleeding

W5 : It was a mild head injury, so we just gave him some antibiotic and some painkillers

Nur : But he would be still bleeding right

W5 : The bleeding was stopped

Nurul : So, from you experience how would you classify this kind of case, would it be serious or

W5 : Mild head injury

Dr Chiam : It is a bleeding, the impact must be there to make that

W5 : Yes, but the severity of the injury it would be mild

Dr Chiam : In Medical terms – what would you call a severe injury and what would you call a mild injury and what would you consider as serious

W5 : Serious head injury would mean, alteration on conscious level, larger bleeding, in mild injury the conscious level would be there and minimal bleeding

Dr Chiam : When you saw the patient, you indicate he was alert and he was sitting up, was there any incoherent of what he said or any discrepancies of what he said, was there any indication of that

W5 : No, he did not say

Datuk Zaitoon : Nothing unusual

W5 : No

Dato Khalid : How many days he was warded at your hospital

W5 : He came on the 29th and discharged on 30th, the following day

Datuk Zaitoon : Did he ever come back

W5 : If he get persistent nausea, he is to come back

Nurul : The medical report from the doctor be marked as Exhibit E5

Datuk Zaitoon : Any other questions, none

Next Witness : **W6 : Dr Nazirah Hamzah**

W6 : Takes the oath

Datuk Zaitoon : Advises her of her rights and privileges.

Nurul : Can you state place of your work, designation, years of practise

W6 : I am a Medical Officer at Kajang Hospital in the Emergency Department and have been working for 4 years

Nurul : State when the patient, Chan Siew Meng came to the hospital

W6 : The patient, Chan Siew Meng came to the emergency department of the Kajang Hospital of 27th of May, 2008 at 1.20 a.m.

Nurul : Can you tell us the physical condition of the patient

W6 : The patient came with police officers who brought him to the emergency department. He was semi-conscious.

Nurul : And what about his injuries

W6 : The injuries that he sustained, superficial wounds over the face and he had bruises on the right shoulder and the right hand

Nurul : Was the patient conscious when you see him

W6 : He was fully conscious

Nurul : Was the patient in stable condition when responding to your questions

W6 : Yes

Nurul : Did the patient tell you of the history of his injuries

W6 : He was allegedly assaulted by the police officers whilst making a U-turn

Nurul : Looking at his injuries and the history that he has given you, do you think that his injuries would have been resulted by any kind of blow or as a result of being hit by any kind of hard object

W6 : Can be

Nurul : Do you find any fracture on the patient

W6 : I did a skull x-ray on the patient and there was no fracture found

Nurul : What kind of treatment did you give to the patient

W6 : Dressing and pain killers

Nurul : How would you classify the severity of the injury

W6 : Mild injury

Nurul : Did you ordered him to be warded

W6 : No, he was discharged

Nurul : Did you instruct a follow up examination on the patient.

W6 : No

Nurul : Did the patient complain of any other illness

W6 : No

Nurul : I have no further questions

Dr Chiam : When you examined the patient, was the patient bleeding

W6 : No

Dr Chiam : You mentioned the wound. Can you give a little bit more information of the wound

W6 : It is a superficial wound over the face

Dr Chiam : Which part of the face, can you give more details

W6 : The right side of the lower eye region and also on the nasal bridge.

Dr Chiam : Was the eye swollen

W6 : A bit swollen

Dr Chiam : Was it a bluish bruise or swelling only

W6 : Swelling and superficial wound, red in colour

Datuk Zaitoon : Where was the superficial wound, which part exactly

W6 : On the face, below the right eye region

Datuk Zaitoon : Anything on the nose

W6 : There was a laceration wound also on the nose

Datuk Zaitoon : Was there a cut as well

W6 : It was swollen and that was why I insisted an X-ray

Datuk Zaitoon : Was it stitched, anything like that

W6 : Yes, on the superficial wound

Dr Chiam : So it was on nose bridge and the right side of the face, the injury that is on the face

W6 : Yes

Dr Chiam : And the injury on the rest

W6 : A bruised on the right shoulder and the lower chest region

Dr Chiam : The whole chest region

W6 : The right side

Dr Chiam : What kind of bruises. Can you give a little bit more detail on the bruises

W6 : These kind of bruises can be inflicted by a blunt object

Nurul : Could a fall cause it

W6 : Fall would cause bruises not this kind of abrasion wound

Dr Chiam : What about the legs and hands – were there any evidences of bruises on the hands and legs

W6 : According to my notes, there was a wound on the right side of the calve

Datuk Zaitoon : Any questions from the Floor

Mr Saha : Just to reconfirm the name of the patient

W6 : Chan Siew Meng

IGP Secretariat : By referring to this medical report – history, I will highlight the word “dragged out and beaten.” Was this obtained from the patient – conflicting from the statement given by the witness.

W6 : Yes

Mr Moon : Any person accompanied the patient

W6 : Came in with about 2-3 policemen accompanied him

Dr Chiam : When you said when he came in there was very little active bleeding, was there evidence of more profuse bleeding earlier, because of the blood and all that

W6 : It was a very superficial wound and it would cause very much to bleed, just a fresh wound

Mr Moon : Was the patient handcuffed

W6 : I can't remember

Dato Khalid : Did you make a thorough examination of the whole body

W6 : Yes

Datuk Zaitoon : Did the patient say anything to you

W6 : Yes, that he was allegedly assaulted.

Nurul : Can we mark the medical report as Exhibit E6

Next Witness : **Chok Kem Hoo (W7)** – takes the oath
Affirms and states in Mandarin

Datuk Zaitoon : Reads him his rights and privileges

Nurul : Can you state your occupation

W7 : I am a student in Sunway University

Datuk Zaitoon : Age

W7 : 21 years old

Nurul : Were in at Bandar Mahkota Cheras on the 27th of May, 2008

W7 : Yes

Nurul : Why were you there

W7 : We wanted to have a meal and a drink

Nurul : We means who

W7 : W1, W2 and W3 were with me

Nurul : Approximately, what time did you go out with the intention to have a meal

W7 : Around 11 p.m.

Nurul : What happened when you were approaching Persiaran Mahkota Cheras 1

W7 : Upon reaching Persiaran Mahkota Cheras 1 the residents there asked us not to go inside there and asked us to go out

Nurul : What happened after that

W7 : We tried to make a U-turn to go out.

Nurul : Were you in the car at that point of time

W7 : Yes

Nurul : Can you please state the type of car and registration number

W7 : Yes, it was a Proton Wira bearing registration number WDP 1594

Nurul : Who was driving the car

W7 : At that time, W1 Chang Jiun Haur was the driver

Nurul : You mentioned the residents asked you to go back, what did you do then

W7 : I was seated behind in the car and I did not do anything at that time

Nurul : What did the driver do

W7 : The driver tried to make a U-turn

Nurul : Where, can you use the sketch map to show

W7 : He was coming from the top and tried to make a U-turn

Datuk Zaitoon : How fast do you think the driver was driving

W7 : At that time the traffic was jammed and W1 was not driving fast

Nur : How was the movement of the other vehicles at the back of your car

W7 : Moved a bit and stop

Datuk Zaitoon : And then what happened

W7 : Shows on the diagram. When I was here and suddenly they came and hit us

Datuk Zaitoon : Who are they

W7 : The FRU

Datuk Zaitoon : Where did they come from – draw the markings

W7 : Draws and marks – they came from here.

Datuk Zaitoon : Then what happened

W7 : When the car stopped the FRU came and beat us

Nur : Who are the people who asked you to stop

W7: The people in this group

Datuk Zaitoon : How many

W7 : About 20 of them

Datuk Zaitoon : Let's go back to the FRU there – how many moved forward

W7 : Not sure

Datuk Zaitoon : More than half of them

W7 : More than half

Datuk Zaitoon : You said there was police as well

W7 : They were with the FRU

Datuk Zaitoon : When they approached what actually happened

W7 : The FRU and those in plain clothes hit the car

Dr Chiam : Hit, what does it mean

W7 : Kick, hit and break the window

Datuk Zaitoon : Kick, hit, did you see them doing it

W7 : I saw they hit the car

Datuk Zaitoon : Which side of the car was hit

W7 : Left side

Datuk Zaitoon : Where were you sitting

W7 : On the left side behind the front seat

Datuk Zaitoon : Did you see who opened the door

W7 : I don't know who opened the door but I know somebody was already hitting me

Dr Chiam : The car door was not locked, right

W7 : Yes, the car was locked and I don't know how they opened it.

Datuk Zaitoon : At what point did you notice the car was locked

W7 : Auto lock door

Nurul : Did you see whether the window on the driver side was broken

W7 : Yes

Dr Chiam : At which point

W7 : When they rushed to the car, I saw that they had broken the car window

Nurul : After which only you noticed the door lock was opened

W7 : Yes

Dato Khalid : How did you get out of the car

W7 : I got out from the car voluntarily – I was dragged to the side and beaten up

Datuk Zaitoon : Can you show – where.

W7 : Draws a X

Dato Khalid : At that time where are they

W7 : W1 and W3 were at the red circle (draws)

From the place I am standing now towards the place of the table of the Suhakam Counsels

Dato' Khalid : Not even one rushed to you

W7 : No.

Datuk Zaitoon : You said that Chan Siew Meng was beaten by them. Who are they

W7 : I don't know

Datuk Zaitoon : Were they civilians

W7 : At that time I do not know, I was made to squad down and put my hands at the back of me.

Datuk Zaitoon : Then, when you were handcuffed

W7 : Thereafter I was brought here – draws dotted lines in red on the map

Datuk Zaitoon : Thereafter what happened

W7 : We were brought to Kajang police station

Datuk Zaitoon: We means who

W7 : W1, W3 and I

Datuk Zaitoon : All 4 of you

W7 : Yes

Nurul : Can we mark the Map of W7 as Exhibit E7

Datuk Zaitoon : At the police station, what happened

W7 : We were asked to wait at the office of Kajang police station – from the time they brought me to the police station until 6 something. Brought me for urine test

Datuk Zaitoon : And what else. After 6 am, what happened;

W7 : I was released on jamin mulut

Dato Khalid : No FRU personnel touching your body

W7 : I couldn't see, so I am not sure

Dr Chiam : When did you get out of the car, you said that they pulled you back when you got out of the car, is that correct

W7 : When I was inside the car, they could not get me out and thereafter I voluntarily got out of the car

Dr Chiam : And then after they pulled you from the back of the car, you got out to where you mark the place. Is that right.

W7 : Yes

Dr Chiam : Then when were you handcuffed

W7 : At the road side

Dr Chiam/ Dato Khalid : Who handcuffed you

W7 : I don't know who the person was

Dato' Khalid : Is it the same person who hit you

W7 : I am not sure whether he was the person who beat me but he was the person who pulled me out and handcuffed me.

Dr Chiam : He was not wearing uniform

W7 : No

Dato Khalid : At that time how far the FRU from you

W7 : From here to the table of the counsel (from his stand to the table of Suhakam Counsels)

Dato' Khalid : Not even one rushed to you

W7 : No

Datuk Zaitoon : You said that Chang Jiun Haur was hurt. What about Chan Siew Meng, was he hurt as well

W7 : Yes, it was in the police station. Then only I noticed W3 was hurt

Dato' Khalid : Only at the police station
You were under the police first or was your friend first

W7 : Together

Nurul : Would you be able to recognise any of the plain clothes officer if they were brought in front of you for identification

W7 : I am unable to

Datuk Zaitoon : Any questions, want to clarify anything

Mr Gan : Who actually stopped the car – was it the FRU or was it the car in front of them stopped

W7 : At that time the FRU instructed us to stop and at the same time the car in front of us also did not move, therefore we also cannot move

Dato' Khalid : How did the FRU instructed you to stop because you are inside the car

W7 : Because when the driver was negotiating the U-turn, the FRU instructed them to stop

Dato' Khalid : Only a sign or asked them to stop

W7 : Both

Dato' Khalid : Can you hear them when you were inside the car

W7 : Yes

Dato' Khalid : At that time the car was closed altogether

W7 : Yes

Dato' Khalid : Air con car

W7 : Yes

Dr Chiam : What did they say, what did the FRU say

W7 : They shouted "Oi stop"

Dr Chiam : In English

W7 : Yes, they used the word stop

Nurul : The instructions was directed to your car or all the cars

W7 : Only direct to our car

Nurul : Do you know why the instructions was only directed to your car

W7 : No

Nurul : Did you feel whether the car hit any object or anything else

W7 : No

Mr Gan : Will you say the car stopped simultaneously when the FRU asked you to stop

W7 : Yes

Mr Gan : Other than the plain clothes, was there anyone else who beat you up

W7 : I could not see, I am not sure

Mr Gan : Did they talk to you before they beat your up

W7 : No

Mr Gan : Was there any resistance when they beat you up

W7 : No

Dr Chiam : When you made a U-turn, the FRU were all on that side, there were none on your side, so all the FRU were along there where he draw on the sketch

W7 : Yes

Dr Chiam : And there is no person standing near

W7 : No

IGP Secretariat: Firstly, when you were about to U-turn, you said the police FRU asked you to stop your car, can listen

W7 : Yes

IGP Secretariat : The FRU was pointing to your car, means you were not trying to U-turn but avoid the FRU

W7 : I disagree

Mr Gan : Madam Chairlady, I have to object – it is misleading question

IGP Secretariat : How many people were there – how many FRU and civilians around you, the crowd very near to him

W7 : Nobody near the car, there were cars after cars

IGP Secretariat : No people around you, at the material time. You said so many people -

W7 : I don't know, I am not sure.

Datuk Zaitoon : I just want to clarify now on your point of question, you are talking about the people. Earlier on he said there were people between X1 and X2. Are you talking about that point of time or much earlier than that

IGP Secretariat : At that point of time when the FRU attacked

W7 : Not sure

Mr Gan : Madam Chairlady, if I remember correctly he said when he squad down he saw many people

Datuk Zaitoon : That's why I asked for clarification, at what point of time. There were a lot of people between X1 and X2 and himself. Earlier the FRU surged forward to the car, pulled him out and beat him up and between the car and to the side of the road he was also beaten a couple of times. Is that clear

IGP Secretariat: When you were trying to U-turn, did you or the driver made any provocation to the police officers on duty at that time, by pressing the oil or engine of the car and making noise

Datuk Zaitoon : Who are you directing the noise making to. Are you asking what he heard or what he saw. Can I put it this way, the question is did you hear the car being accelerated by the driver of the car at any point of time before he stopped.

W7 : I am not sure at that time the radio was on

Datuk Zaitoon : I see, there was noise inside the car as well. Was it somebody talking on the radio or music

W7 : It was a song

Datuk Zaitoon : Was it a loud song or what

W7 : A sentimental song

IGP Secretariat : You mentioned just now, that you heard all the instructions by the FRU, how can you hear with the noise inside the car, which one is correct

W7 : The volume of the song was not high but than the FRU shouted aloud

Datuk Zaitoon : So there were 2 sounds that you heard – one was the soft music in the car and then you heard the FRU shouting from outside the car

W7 : Yes

Dato' Khalid : Did you hear any strong sound from the engine of the car, exhaust pipe

W7 : No

Dato' Khalid : What kind of exhaust pipes you heard, the small one or big one

W7 : Normal one but 2 exhaust pipes – 2 silencers

Mr Moon : Can he identify who opened his door

W7 : Nobody opened my door

Datuk Zaitoon : He said he voluntarily walked out of the car. He already said earlier he don't know how the door opened

Mr Moon : Is he the last passenger that came out/left the car

W7 : Yes

Mr Moon : Can you see what was happened before you came out of the car, did you see the person beside you

W7 : I did not see because at that time it was very noisy

Dato Khalid : The people in front of you, the driver and the girl, he did not see also

W7 : Not sure

Datuk Zaitoon : He wasn't sure because there was a commotion

W7 : At that time it was commotion and I was very frightened

Datuk Zaitoon : Any other questions.

I think we are done with this witness and we call it a day as well
Adjourned to 5.20 p.m. We will continue tomorrow at 9.30 a.m.

