

SHM / ISA-INQUIRY / 06 / 03

**HUMAN RIGHTS COMMISSION OF MALAYSIA
(SUHAKAM)**

**Report of the Public Inquiry Into the Conditions of Detention
Under the Internal Security Act 1960**



29TH FLOOR, MENARA TUN RAZAK, JALAN RAJA LAUT

50350 KUALA LUMPUR, MALAYSIA

603-2612 5600 (T)

603-2612 5620 (F)

humanrights@suhakam.org.my (E)

TABLE OF CONTENTS

INTRODUCTION	1
PART 1: CONDITIONS OF DETENTION UNDER SECTION 73 OF THE ISA	
1. Overview of Detention Under Section 73	5
2. Objectives of the 60 Days in Detention	6
3. Procedure Upon Arrest	8
4. Conditions of Detention During the First 48 Hours	9
5. Conditions of Detention at the Police Remand Center	10
6. Findings and Recommendations	
6.1 Objective of the 60 Day Detention Period	11
6.2 Treatment During the 60 Day Detention Period	15
6.3 Living Conditions of Detention Under section 73	19
6.4 Access to Family Members	20
6.5 Access to Legal Counsel and a Magistrate within 24 Hours	23
PART 2: CONDITIONS OF DETENTION UNDER SECTION 8 OF THE ISA	
1. Overview of Detention Under Section 8	26
2. Objectives of the Two Years in Detention	27
3. Procedure Upon Admission into Kamunting	28
4. Conditions of Detention at Kamunting	29
5. Findings and Recommendations	
5.1 Objective of the Detention	30
5.2 Financial Ramifications of the Period in Detention	33
5.3 Detention During the Orientation Period	35
5.4 Living Conditions in the Detention Blocks	36
5.5 Food	38
5.6 Medical Treatment	39
5.7 Family Visits	40

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

43

APPENDICES

1. Appendix 1: Press Statement of 15 April 2002	46
2. Appendix 2: Witnesses Who Testified Before the Inquiry	48
3. Appendix 3: Press Statement of 2 August 2002	50
4. Appendix 4: Warrant of Arrest	51
5. Appendix 5: Diet of Detainees in Lock-Ups and PRCs	52
6. Appendix 6: Physical Diagram to Identify Marks and Bruises on Detainees	55
7. Appendix 7: Categorization of Detainees at Kamunting	57
8. Appendix 8: Daily Timetable of Activities for Detainees at Kamunting	58
9. Appendix 9: Diet of Detainees at Kamunting	59

Introduction

- 1.1 The Human Rights Commission of Malaysia (SUHAKAM) has received a number of complaints relating to the conditions of detention of persons past and present, detained under the Internal Security Act 1960.¹ These complaints and memorandums have alleged that persons detained under the ISA have been subjected to violations of human rights during their period in detention. Amongst issues raised in such complaints and memorandums include allegations of torture, cruel, inhuman and degrading treatment, inadequate access to food and medical treatment, denial of the right to legal representation and the right to appear before a magistrate to challenge the legitimacy of the detention.

- 1.2 On 10 April 2002, SUHAKAM was presented with a memorandum by Gerakan Mansuhkan ISA (GMI), which alerted the Commission of the fact that six of the detainees at Kamunting had embarked on a ‘Hunger Strike’ to protest their detention under the ISA. The six detainees were Tian Chua, Mohamad Ezam Mohd. Nor, Saari Sungib, Hishamuddin Rais, Dr. Badrulamin Bahron and Lokman Noor Adam.

- 1.3 The immediate concerns relating to the health and general well-being of the detainees in light of their decision to proceed with the ‘Hunger Strike’ thus provided the impetus for the Commission to decide to proceed with a Public Inquiry into the Conditions of Detention under the ISA. The ambit of the Commission’s powers concerning Inquiries are enshrined in section 12 of the Human Rights Commission of Malaysia Act 1999, which reads as follows:

12. (1) The Commission may, on its own motion or on a complaint made to it by an aggrieved person or group of persons or a person acting on behalf of an aggrieved person or a group of persons,

inquire into allegation of the infringement of the human rights of such person or group of persons.

(2) The Commission shall not inquire into any complaint relating to any allegation of the infringement of human rights which-

(a) is the subject matter of any proceedings pending in any court, including any appeals; or

(b) has been finally determined by any court.

(3) If the Commission inquires into an allegation under subsection 12(1) and during the pendency of such inquiry the allegation becomes the subject matter of any proceedings in any court, the Commission shall immediately cease to do the inquiry.

1.4 In view of the fact that a Public Inquiry into the Conditions of Detention of ISA Detainees would irrefutably be within the purview of the powers of the Commission, without incurring the risk of the Inquiry being deemed *sub judice*, the Commission formally announced its decision to commence with the Public Inquiry in a Press Statement which was released on 15 April 2002.² Subsequently, the following Commissioners were appointed on to the Inquiry Panel:

- a) Tan Sri Harun Mahmud Hashim (Chairperson of the Inquiry Panel)
- b) Professor Dato' Hamdan Mohd. Adnan
- c) Dato' Asiah Abu Samah

¹ Internal Security Act 1960 (Act 82), as at 25th September 2000. Hereinafter referred to as the ISA.

² Please refer to Appendix 1 for the text of the Press Statement.

- 1.5 Overall, the Inquiry took place during a time span of approximately two months, beginning on 18 June 2002.³ The first stage of the Inquiry began at the Kamunting Prison Sports Hall, where the Inquiry Panel heard the testimonies of 16 current detainees at the Kamunting Detention Center for Internal Security Act detainees. The Inquiry Panel also heard the testimony of one former detainee under section 73 of the ISA, whose detention was not continued under section 8.
- 1.6 All the detainees who spoke before the Inquiry Panel had done so on their own volition. One day before the commencement of the Inquiry, the Inquiry Panel visited all the blocks where ISA detainees were being held, and told the detainees to choose a representative amongst themselves to testify before the Inquiry Panel. As a result, alleged operatives of Kumpulan Militan Malaysia (KMM), Al-Maunah, Jemaah Islamiah, Free Aceh Movement (GAM), and Minsu chose to come forward to speak before the Inquiry. However, the Reformasi group, comprising Tian Chua, Mohamad Ezam Mohd. Nor, Saari Sungib, Hishamuddin Rais, Dr. Badrulamin Bahron and Lokman Noor Adam decided that they did not wish to testify before the Inquiry, and had requested for their lawyers to speak on their behalf instead.
- 1.7 Nevertheless, the Inquiry Panel was of the view that allowing lawyers to speak on behalf of the Reformasi detainees would deprive other non-Reformasi detainees of the time and opportunity to speak about their experiences. This is the reason why the Inquiry Panel decided instead to invite the lawyers to speak at the third phase of the Inquiry in Kuala Lumpur. However, Raja Petra Raja Kamaruddin, the Director of the Free Anuar Campaign, and a former detainee under section 73 of the Internal Security Act, spoke about the first phase of the Inquiry in Kamunting in order to provide some information about his period in detention.
- 1.8 The second phase of the Inquiry was held at the Kamunting Detention Center itself. The Inquiry Panel felt that it was important to hold this phase of the Inquiry in the detention center, to enable members of the Panel to gain a greater

³ Please refer to Appendix 2 for the dates of the first phase of the Public Inquiry, and the details of the witnesses who testified.

understanding of the relevant rules of procedure within the context of the actual place of detention. However, due to the fact that the officials at the place of detention felt that it would be difficult to assure the security of the place of detention if the public were allowed to enter, the public were excluded from this phase of the Inquiry.

- 1.9 The third phase of the Inquiry was held at the SUHAKAM office in Kuala Lumpur, on 5th August 2002. Notice of this phase of the Inquiry was given to the public in a Press Statement, dated 2nd August 2002.⁴ Representatives from the police testified before the Inquiry Panel about the rules of procedure adopted by the police in relation to the first 60 days in detention under section 73 of the ISA.
- 1.10 The findings and recommendations in this report are based on the testimonies given during the three phases of the Public Inquiry and observations resulting from investigations made at the Kamunting Detention Center.

⁴ Please refer to Appendix 3 for the text of this Press Statement.

PART 1

Conditions of Detention under Section 73 of the Internal Security Act 1960

1. Overview of Detention Under Section 73

- 1.1 Initial detentions are made under section 73 of the ISA. Under section 73, any police officer may without warrant, arrest and detain any person whom the officer has reason to believe has acted, or is about to act, or is likely to act in a manner prejudicial to the security of Malaysia, or to the maintenance of essential services therein, or to the economic life thereof. Furthermore the officer will also have the power to arrest and detain any person without a warrant if he has reason to believe that grounds exist to justify his detention under section 8 of the ISA.
- 1.2 Under section 73, the period of detention may not exceed 60 days. However, section 73(3) divides the 60 day period into three separate periods, namely:
 - a) The first 24 hours of detention - detentions beyond 24 hours will require the authorization of a police officer of or above the rank of Inspector
 - b) The first 48 hours of detention - detentions beyond 48 hours will require the authorization of the Assistant Superintendent or someone of a higher rank.
 - c) The 30th day of detention – if the police wish to detain the person beyond 30 days, the Deputy Superintendent or an officer of higher rank, will be required to report the circumstances of the detention to the Inspector-General of Police, or an officer designated by him, who shall forthwith convey the same to the relevant Minister.

- 1.3 The police are bound by the provisions of the Lock-Up Rules 1958,⁵ for the duration of the 60 days in detention. This is by virtue of the application of Rule 94 of the Internal Security (Detained Persons) Rules 1960,⁶ which states as follows:

“ Where the place of detention of a detained person is a lock-up appointed under section 8 of the Prison Ordinance, 1952, these rules shall not apply to such detained person or to such lock-up but the Lock-Up Rules, 1953, shall apply to such detained person in such lock-up.”

2. Objectives of the 60 Days in Detention

- 2.1 During the Inquiry, Encik Anuar Bashah bin Mohd Sohore, the Assistant Director of Social Intelligence for the Special Branch of Polis Di-Raja Malaysia, informed the Inquiry Panel regarding the objectives of the 60-day period of detention, as well as the general procedure adopted in relation to arrests and detentions under section 73. Encik Anuar Bashah has been involved with ISA cases for over 30 years.
- 2.2 According to Encik Anuar Bashah, the main purpose of the 60-day period in detention is to gather further intelligence from the individual, relating to his or her alleged involvement in activities prejudicial to national security. Prior to the arrest sufficient intelligence would already have been collected to positively identify and target the individual for arrest. This information is generally obtained through surveillance and the testimonies of other individuals from the same organization, who have cooperated with the police. However the police generally require more time to gather additional information about the extent of the individual's involvement in such activities prejudicial to national security, as well as the role which the individual may play in an organization involved in activities prejudicial to national security.

⁵ L.N. 328/1958. As at 15th July 2000.

⁶ L.N. 189/1960. As at 30th June 1997.

- 2.3 The primary method of gathering further information during this period in detention is through interrogations. According to Encik Anuar Bashah, interrogations are carried out without the use of physical force. Detainees are questioned regarding their alleged involvement in activities prejudicial to national security, and ‘reason’ is used as the primary tool in elucidating information from them. Encik Anuar Bashah contended that such an approach to interrogations did not amount to brain-washing or “turning – over,” as has been publicly alleged by several former detainees.
- 2.4 During the first few days of detention, detainees are said to generally be uncooperative, and this is the main reason why the police often require the maximum number of days available to them under section 73. Encik Anuar Bashah informed the Inquiry Panel that as in the days of the communist insurgency, many of the latter day ISA cases involving alleged ideological fundamentalist organisations such as the Kumpulan Militan Malaysia (KMM) and Jemaah Islamiah (JI), were particularly difficult cases for the police to handle. This is because such organizations are said to destroy documentary evidence of their plans upon hearing of the arrest of a member of their group. Sometimes, such organizations even make a rule of destroying notes taken during training sessions, as their operatives are expected to carry the information in their memory. Furthermore, alleged operatives of such organizations are said to have undertaken an oath of silence known as the “bayat,” with the result that they are generally preconditioned to protect the sanctity of their organization at all cost. When faced with such detainees, the police attempt to reason with the detainees that it is “un-Islamic to take such oaths, and that such oaths are not binding on them.”
- 2.5 However Encik Anuar Bashah stressed that not every person detained under section 73 would continue to be detained for the entire duration of the 60 days, as the duration of detention depended on how much information the police could obtain, and also to the extent of the individual’s involvement in the organization. Furthermore, not all persons detained under section 73 would be subjected to

further detention under section 8. The police provided the Inquiry Panel with statistics relating to 387 persons who were released prior to the end of the 60 day period, from 1990 to 2002. These statistics are contained in the following table:

Number of Days in Detention	Number of Persons Released
1 – 10 days in detention	46
11 – 20 days in detention	18
21 – 30 days in detention	90
31 – 40 days in detention	35
41 – 50 days in detention	24
51 – 60 days in detention	174
Total:	387

3. Procedure Upon Arrest

- 3.1 Encik Anuar Bashah explained to the Inquiry Panel the procedure adopted by the police upon arrest of persons under section 73. As soon as may be after arrest, the police are required to inform detainees of the grounds for detention. This information is provided in the warrant of arrest, which briefly describes the grounds of detention.⁷
- 3.2 During this period, searches are also carried out to recover items of interest relating to the individual's activities. Police reports must be made of the arrest and of any items recovered during the searches conducted.

⁷ Please refer to Appendix 4 for a copy of the warrant of arrest.

4. Conditions of Detention During the First 48 Hours

- 4.1 Generally, during the first 48 hours of detention under section 73, detainees are held in the lock-up of a police station, together with all other suspects held under the Criminal Procedure Code for alleged criminal offences. In practice, the number of persons held in each cell depends on the size of the lock-up, and other factors, including temporary overcrowding resulting from an unexpected influx of certain categories of detainees at that particular lock-up.
- 4.2 The Inquiry Panel were informed about the general routine during the first 48 hours by 2 police officers namely, Encik Mohammad Ali bin Kasim, the Chief Inspector of Sentul Police Station, and Encik M. Veerasuntharam, the Lock-Up Monitoring Officer of Sentul Police Station. According to Encik Mohammad Ali, ISA detainees are regarded as 'Transitional Detainees,' by virtue of their limited time in detention at the lock-ups. Both Encik Muhammad Ali and Encik Veerasuntharam stated that any questioning done during this period would be carried out by Special Branch officers, and not officers from the police station.
- 4.3 During their detention at the lock-ups, ISA detainees are accorded the same treatment as other criminal suspects. Food and drink are provided by the police from the police station, in accordance with the Lock-Up Rules 1958,⁸ which follows the food rations provided in prisons.
- 4.4 The items of clothing worn by the detainee at the time of arrest will be removed, and substituted with the standard attire worn by detainees at all lock-ups, namely shorts and a collarless T-Shirt. Encik Veerasuntharam asserted that all original

⁸ Details of the food provided in lock-ups are located in Appendix 5 of this report. Under Rule 15 of the Lock-Up Rules, the food provided in lock-ups must be in accordance with the provisions of Schedule 1, Prison Rules 1953 (LN 326 of 1953). Since the Prison Rules 1953 have been revoked by the Prison Regulations 2000 (PU(A) 325/2000), the provisions in Schedule 1 of the 2000 Regulations will apply instead.

items of clothing worn by the detainee would be returned to the detainee upon transfer to the Police Remand Center.⁹

- 4.5 Detainees will have to sleep on the cement floor of the lock-up, and will not be provided with any bedding, except for a blanket. When questioned about the availability of medical treatment, Encik Veerasuntharam stated that if the detainees complained of any health problems, they would be taken to a hospital.

5. Conditions of Detention at the Police Remand Center

- 5.1 The procedure for transfer to the PRC, and the conditions of detention therein were explained by Encik Anuar Bashah. According to Encik Anuar Bashah, after the initial 48 hours detainees will be transferred to specially gazetted PRCs, which are located at undisclosed locations. Detainees are transported to the PRC blindfolded, in order to preserve the secrecy of the PRC.
- 5.2 At the PRC, detainees will be held individually in cells, which are equipped with squatting toilet facilities. The cells are not equipped with a bed, and detainees are expected to sleep on a raised cement platform. However, detainees are supposed to be provided with sheets, a mattress, pillows, soap, toothbrush, toothpaste, slippers, and a prayer mat if they require one.
- 5.3 The detainees are provided with three meals a day, which consists of foods similar to those provided in lock-ups, by virtue of the application of the Lock-Up Rules to the PRC. The detainees will not generally be able to request different foods unless there are medical or other significant reasons behind the request. However, the detainees will be able to consume food brought by the families of the detainees, during their arranged meetings outside the PRC, usually at a police station.
- 5.4 Encik Anuar Bashah informed the Inquiry Panel that a specific routine has been set out for the detainees upon their arrival at the PRC. Upon arrival, detainees will be required to undergo an initial medical examination, during which the detainee

⁹ Hereinafter generally referred to as the PRC.

will be required to strip off their clothing. The removal of clothing is said to be necessary to discover whether detainees have any bruises or any other physical marks and aberrations.¹⁰ However, detainees will only be required to strip in the presence of doctors and police officers of the same sex. Following the initial medical check-up, weekly medical examinations are conducted to monitor the health of the detainees. If the results of the medical examination reveal that the detainee is suffering from any sickness or ill-health, interrogations cannot be carried out. Interrogations are supposed to be carried out strictly between 6:30am to 6:30pm, although in practice interrogations generally start after 8am, to enable the detainees to complete their morning prayers and to have their breakfast.

- 5.5 Initially, detainees will have virtually no exposure to the outside world, as they are denied access to family visits, books and newspapers. However, after the first 2 weeks, detainees will be allowed to see their families once a week, for approximately 45 minutes. For such meetings, the detainees are taken from the PRC blind-folded to a police station.
- 5.6 Additionally, Encik Anuar Bashah stated that detainees will not be allowed to see their lawyers during the entire 60 day period. According to Encik Anuar Bashah, the detainees are restricted from access to the outside world to prevent them from leading the police on a “wild goose chase,” and to enable maximum cooperation with the police. In the past detainees have been known to rely on news obtained from external sources including newspapers, to confuse the police.

6 Findings and Recommendations

6.1 Objective of the 60 Day Detention Period

¹⁰ The Inquiry Panel was provided with a standard diagram of the human body, on which the police are required to identify the location of any marks and bruises discovered on the body of the detainee. Please refer to Appendix 6 for this diagram.

6.1.1 The Inquiry Panel heard testimonies alleging that the police had arbitrarily abused their powers by prolonging the detention period beyond what was necessary. Such allegations are found in the testimony of Raja Petra Raja Kamaruddin, director of the Free Anuar Campaign and also an ex-ISA detainee who was released on the 52nd day of his detention. According to Raja Petra:

“ The decision to detain us for 60 days is the decision that was made from the very beginning and we are detained for 60 days not because they need to spend 60 days with us, but because this is what the law allows. In my case... all their questions have been answered and everything has been documented and signed by the 30th day. So the next 30 days they kept me because they have the power to keep me for another 30 days, *not* because they needed to keep me for another 30 days to assist in the investigation. This is certainly the abuse of the powers that they have under the initial 60 days of detention.”

6.1.2 Furthermore, the Inquiry Panel is also aware of further allegations made by Raja Petra, regarding the seemingly unrelated nature of the questions posed by the police during interrogations. According to Raja Petra, much of the questions asked revolved around his political inclinations and the activities of members of opposition political parties, instead of any activities relating to threats to national security as alleged in the warrant of arrest.

6.1.3 It should be noted that several other detainees also did not appear to agree with the justification put forward by the authorities to legitimize their detention. Not only did they dispute the allegations made against them, they also suggested that the evidence cited by the police as reasons justifying their detention was circumstantial at the very most. For instance, Encik Othman bin Mohamad Ali mentioned the fact that a climbing expedition to Gunung Ledang with some friends had been construed by the police as evidence of his involvement in military training.

- 6.1.4 Other detainees mentioned about how their actual participation in the ‘jihad’ against the Soviet Union in Afghanistan during the 1980s, appears to have facilitated their current labeling as threats to national security. These detainees contended that although they had participated in military activities, they stressed that their activities were strictly confined to activities outside Malaysia. Furthermore, some of the testifying detainees who were initially detained as alleged operatives of Kumpulan Militan Malaysia (KMM), told the Inquiry Panel about how the allegations against them were changed at a later date to implicate them with Jemaah Islamiah instead of KMM.
- 6.1.5 At this juncture, the Inquiry Panel seeks to reiterate the fact that the Public Inquiry has been confined as a specific exposition into the conditions of detention under the ISA. Other aspects of detention under the ISA are currently being examined in detail by the Law Reform Working Group in SUHAKAM. In order to avoid replication of the work done by the Law Reform Working Group, the Inquiry Panel will not analyze in detail the implications of the above-mentioned allegations made by the detainees in relation to the reasons for detention. Nevertheless, by virtue of the fact that the allegations made above are connected to the issue of the objective of detention, which has been included into the purview of this Public Inquiry, the Inquiry Panel will be at liberty to make certain observations and recommendations in line with established principles of human rights.
- 6.1.6 In particular, the Inquiry Panel takes this opportunity to stress that the right to liberty is a fundamental human right guaranteed by Article 5 of the Federal Constitution. Article 5 states that “No one shall be deprived of his life or personal liberty save in accordance with the law.” Furthermore, Article 9 of the Universal Declaration of Human Rights 1948, also unequivocally proclaims that “No one shall be subjected to arbitrary arrest, detention or exile.” This Declaration exerts the force of international customary law, by virtue of its universal recognition by the international community as a basic enumeration of fundamental human rights

and liberties. As such cognizance should be made of the rights and principles enunciated therein.

6.1.7 A denial of the right to liberty may only be permissible in the most exigent of situations, where a denial of the rights of the individual becomes necessary to preserve the rights of others. This requires a delicate balancing exercise to be wrought. The Reid Commission,¹¹ recognized the need for such a balance when it stated the following in its report:

“Neither the existence of the fundamental rights nor the division of powers between the Federation and the States ought to be permitted to imperil the safety of the State or the preservation of a democratic way of life. The Federation must have adequate power in the last resort to protect these national interests. But in our opinion, infringement of fundamental rights or State rights is only justified to such an extent as may be necessary to meet any particular danger which threatens the nation.”¹²

6.1.8 In view of the need of preserving the balance between the rights of the individual with the rights of others, the Inquiry Panel makes the following **recommendations**:

- a) The police should at all times exercise their utmost care in ensuring that the right to liberty, as enshrined in the Federal Constitution, and the Universal Declaration of Human Rights, is not violated without reasonable justifications.
- b) Individuals should not be detained under the ISA unless genuine reasons exist for believing that the individual is involved in activities prejudicial to national security. Where such reasons exist to justify the

¹¹ The Reid Commission or the Federation of Malaya Constitutional Commission, was appointed in 1956 by the Rulers of the Malay States, and the Queen, to provide recommendations about the form of constitution to be upheld by Malaya upon independence.

¹² The Reid Commission Report, 1956-1957, paragraph 172.

detention, individuals should not be detained for longer than absolutely necessary.

6.2 Treatment During the 60 Day Detention Period

- 6.2.1 The Inquiry Panel has been made aware of allegations by former and present ISA detainees of ill-treatment during the first 60 days of detention. Out of the 16 current detainees who testified during the Inquiry, one detainee alleged that he was slapped by the police. Encik Ramdi bin Abdullah, detained in connection with the Al-Maana group, stated that he was slapped up to five times while in police custody. Encik Ramdi felt that he was slapped because the Interrogating Officers did not believe his answers during the interrogations.
- 6.2.2 The Inquiry Panel also heard the testimony of Mrs Ng Chooi Chun, who is being detained in alleged connection with a document falsification syndicate. 56 year old Mrs Ng alleged that she was forced on two occasions to strip off her clothes by junior male police officers at the lock-up. However, in connection with this case, the Inquiry Panel also notes that the police have stated that they have undertaken an investigation into Mrs. Ng's allegations, and have found no evidence to substantiate her allegations.
- 6.2.3 The Inquiry Panel also notes the testimony of Encik Nassir bin Anwarul, an alleged operative of Jemaah Islamiah, who claimed to have been stripped and insulted by Special Branch officers during interrogations at the PRC. Encik Nassir stated that he was initially treated cordially by the Special Branch officers, but after a while their treatment changed when they no longer appeared to be satisfied with his answers.
- 6.2.4 In addition, the Inquiry Panel is also cognizant of the testimonies of other detainees who claimed to have been subjected to psychological intimidation during interrogations. Encik Abdullah Minyak bin Silam, detained in connection with the Jemaah Islamiah group, stated that the police threatened to send his wife

and his children to welfare homes if he did not cooperate. The above-mentioned Mrs Ng also claims that she was told by the police that her children would be arrested if she did not cooperate.

6.2.5 The Inquiry Panel also noted the testimony of Encik Tan Hock Lee who stated that he could not differentiate between day and night during his detention under section 73.

6.2.6 Finally, the Inquiry Panel is also aware of allegations that interrogations have taken place at night, contrary to the assurances given to the Inquiry Panel by the police. Encik Abdullah bin Daud, a University lecturer who was detained due to his alleged involvement with Jemaah Islamiah, stated that he was repeatedly woken up during the middle of the night for interrogations, particularly during the first three weeks of detention. He also mentioned that his interrogators were constantly trying to find fault with his religious convictions. Encik Muhamad Zulkifli bin Mohamad Zakaria, an alleged member of the KMM, stated that night interrogations did take place, approximately twice a week some time after the Isyak prayer. However, the Inquiry Panel also notes the explanation given by the police that occasionally detainees are spoken to by officers after 6:30pm, but that such meetings are not official interrogations, and that some times such meetings are done at the request of the detainees themselves.

6.2.7 In determining the acceptability of such treatment from the perspective of human rights, the Inquiry Panel is guided by the provisions of Article 5 of the Universal Declaration of Human Rights 1948, which states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

6.2.8 In determining whether the acts alleged by the detainees would come within the ambit of the definition of torture, the Inquiry Panel is further guided by the definition of torture as established pursuant to the UN Convention Against Torture. Article 1 of the Convention defines the term ‘torture’ in the following terms:

For the purposes of this Convention, the term "torture" means any act by which *severe* pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

6.2.9 In addition, the Inquiry Panel is further guided by the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which was adopted by the United Nations General Assembly on 9 December 1988. Principle 1 of the Body of Principles establishes that "All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person." In relation to the interpretation of the phrase "cruel, inhuman, degrading treatment or punishment, Principle 7 of the Body of Principles states as follows:

The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

6.2.10 *In the light of the testimonies received during the Inquiry, and the human rights principles and provisions referred to above, the Inquiry Panel finds that there appears to be insufficient evidence to justify a finding of torture of the*

detainees who testified before the Inquiry Panel. Such a finding is possible by virtue of the fact that the instances alluded to by the detainees have failed to satisfy the threshold of *severity* needed to justify a finding of torture. However, this finding does not preclude the possibility of other ISA detainees, past and present, having been tortured during their detention under section 73. The Inquiry Panel is aware of previous allegations of torture made by former detainees, involving multifarious painful means of extracting confessions from detainees, such as compelling detainees to sit on blocks of ice while unclothed.

6.2.11 *Notwithstanding, there appears to be sufficient evidence to justify a finding of cruel, inhuman or degrading treatment of some of the detainees who testified before the Inquiry Panel.* Slapping of detainees, forcible stripping of detainees for non-medical purposes, intimidation, night interrogations, and deprivation of awareness of place and the passage of time, would certainly fall within the ambit of cruel, inhuman and degrading treatment, by virtue of the need to interpret this term so as to extend the widest possible protection to persons in detention. Nevertheless, since not all of the detainees complained of such treatment, the Inquiry Panel therefore concludes that such treatment does not appear to be part of a systematic and endemic routine in relation to all persons detained under section 73 of the ISA.

6.2.12 In view of such findings, the Inquiry Panel takes this opportunity to make the following **recommendations**:

- a) Where the police have not done so, effective investigations should be carried out in relation to the allegations of ‘cruel, inhuman or degrading treatment or punishment,’ mentioned above, and into all other allegations of such and similar acts which have been brought before the attention of the police.
- b) Where such allegations are substantiated upon investigation, steps should be taken to implement suitable disciplinary action against the officers involved.

- c) All law enforcement officials should be aware of the fact that as agents of the State, they are required to conduct themselves in a manner which evinces understanding and absolute respect of the prohibition against torture, cruel, inhuman and degrading treatment or punishment. Appropriate training should be provided to all law enforcement personnel in order to create greater awareness of their obligation to absolutely refrain from torture, cruel, inhuman or degrading treatment or punishment.

6.3 Living Conditions of Detention Under Section 73

- 6.3.1 During the course of the Inquiry, the Inquiry Panel noted the statements of some of the testifying detainees who alluded to an unsatisfactory lack of amenities during the first 60 days of detention, particularly in the lock-ups. Encik Abdullah bin Daud complained that he was made to sleep on dirty and itchy sheets, without a mattress or pillow. Encik Tan Hock Lee's inability to differentiate between day and night is also of relevance to this issue. Nevertheless, the Inquiry Panel notes the explanation provided by Encik Anuar Bashah, Encik Muhamad Ali and Encik Veerasuntharam of the general conditions of detention under section 73 of the ISA in relation to the living conditions for ISA detainees during the first 60 days.
- 6.3.2 In relation to the issue of the living conditions during the first 60 days in detention, the Inquiry Panel is guided by the provisions of the Lock-Up Rules 1958, which are the primary laws regulating the conditions of detention under section 73 of the ISA. According to Lock-Up Rule No. 13, detainees must be provided with bedding which must be changed and washed as often as necessary, but no less than once a month.
- 6.3.3 In addition to the Lock-Up Rules, the Inquiry Panel is also guided by the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, applicable to persons arrested or detained without charge. Of particular relevance are Rules 10 and 11, which state as follows:

- a) Rule 10 – “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”
- b) Rule 11 - “In all places where prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation.”

6.3.4 *In light of the above-mentioned principles, the Inquiry Panel finds that the deprivation of clean bedding and inadequate access to sunlight to enable the differentiation between day and night are incompatible with the provisions mentioned above.* The **recommendations** of the Inquiry Panel are as follows:

- a) Adequate steps should be taken to ensure that the detainees are provided with sufficient and clean bedding.
- b) All detention cells should be adequately ventilated to ensure the health and well-being of detainees. Windows should always be provided to enable detainees to have adequate awareness of their surroundings.
- c) Adequate funds should be provided to the Police to increase the number of cells in larger lock-ups of police stations which are frequently overcrowded.

6.4 Access to Family Members

- 6.4.1 It has been brought to the attention of the Inquiry Panel that a number of detainees have made complaints of not being able to have access to their families within the first two weeks of detention. Furthermore, the Inquiry Panel has been informed of the fact that a police officer will be stationed in the visiting room, to enable him to be within “sight and hearing” of the detainees and their families.
- 6.4.2 The Inquiry Panel notes the explanation given by the police of their reasons for preventing access to family members during the first two weeks of detention. The police have stated that access to the outside world, including family members, is withheld to prevent the detainees from passing or receiving any information to members of their organizations through their families. The Inquiry Panel also notes that this is the reason put forward by the police as justification for stationing an officer within “sight and hearing” during visits, and the fact that this requirement is the result of the application of Rule 22(8) of the Lock-Up Rules 1953.
- 6.4.3 In considering this issue, the Inquiry Panel is guided by Article 12 of the Universal Declaration of Human Rights, which establishes that:
- “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.”
- 6.4.4 However, the Inquiry Panel is also guided by the provisions of Article 29(2), which states as follows:
- “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting to the just requirements of morality, public order and the general welfare in a democratic society.

6.4.5 In addition, the Inquiry Panel also has regard to the provisions of Rule 92 of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Rule 92 states as follows:

An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the administration of justice and of the security and good order of the institution.

6.4.5 *In light of the above, the Inquiry Panel finds that the explanation put forward by the police as justification for preventing access to family members within the first two weeks fails to satisfy the requirement of necessity as prescribed by Rule 92.* In making this finding, consideration is made of the fact that visitors are searched before and after the visit, with the effect that the likelihood of detainees passing or receiving information from their families remains minimal at the most. As such, the two week waiting period does not appear to fall within the ambit of restrictions and supervision “necessary in the administration of justice and of the security and good order of the institution,” as prescribed by Rule 92 of the UN Minimum Standard Rules.

6.4.6 *The Inquiry Panel further finds that the requirement of stationing an officer within “sight and hearing” of visits by relatives is incompatible with the provisions of Article 12 of the Universal Declaration of Human Rights.* Although Article 29(2) of the Universal Declaration of Human Rights allows for derogations to rights contained therein in the interest of preserving the rights and freedom of others, morality, public order and the general welfare of a democratic society, the Inquiry Panel is of the opinion that this derogation should not be applicable in the present situation. This conclusion is possible by virtue of the fact that Rule 22(8) does not impose the same requirement in relation to visits between detainees and their lawyers. As such, the necessity of requiring an officer to be

within “sight and hearing” during all visits by relatives does not appear to be necessary since it may be dispensed with in relation to visits with lawyers. In light of the findings made above, the Inquiry Panel would like to make the following **recommendations**:

- a) Family members of detainees should be informed of the arrest of detainees within 24 hours of the arrest.
- b) Detainees should not be required to wait for two weeks before gaining access to their families.
- c) Rule 22(8) should be subjected to review with a view towards making amendments in line with the right to privacy. At a minimum, it is suggested for this Rule to be amended so that an officer will only need to be within sight during family visits, to guarantee a higher level of privacy between detainees and members of their families.

6.5 Access to Legal Counsel and a Magistrate Within 24 Hours

6.5.1 During the Inquiry, the Panel was informed by Encik Anuar Bashah that the police do not allow ISA detainees to consult with lawyers or to exercise their right to appear before a magistrate within 24 hours, until an order of detention has been served to authorize their detention under section 8 of the ISA.

6.5.2 However, the Inquiry Panel notes that the right to legal representation and the right to appear before a magistrate within 24 hours, are fundamental liberties explicitly protected in Article 5(3) and (4) of the Federal Constitution. Article 5(3) requires for all arrested persons to be “allowed to consult and be defended by a legal practitioner of his choice.” The right to seek legal representation is further guaranteed by Rule Number 23 of the Lock – Up Rules 1958, which allows

detainees to be visited by lawyers and any representatives elected by the lawyers of the detainee in order to enable the detainee to prepare his plea or defense.

- 6.5.3 Article 5(4) establishes that “where a person is arrested and not released he shall without unreasonable delay, and in any case within twenty four hours (excluding the time of any necessary journey) be produced before a magistrate and shall not be further detained in custody without the magistrate’s authority.” Although the detainees may not challenge the basis of the detention itself, detainees may challenge non-compliance with procedural requirements of the detention before the courts and apply for a writ of habeas corpus.
- 6.5.4 During the course of the Inquiry, the Panel discovered that some of the detainees were not aware of the fact that they had been guaranteed with Constitutional rights to legal representation and to appear before a Magistrate within 24 hours. Encik. Tan Hock Lee, who was detained in connection with a coin falsification syndicate, stated that he has yet to consult with a lawyer or appear before the Magistrate. It was observed that Encik Tan did not appear to be aware of the fact that it is his Constitutional right to be guaranteed access to lawyers and to the Magistrate. It is significant that at the time of the Inquiry, Mr Tan had spent over one year and five months in detention under the ISA, without being aware of his Constitutional rights. In addition, Encik Sahak bin Tahib, detained in alleged connection with the Al-Maaunah group, also informed the Inquiry Panel that he was not aware of his Constitutional rights to a lawyer and to a Magistrate’s Court appearance.
- 6.5.5 Another detainee, Encik Othman b. Mohd Ali, an alleged operative of the Kumpulan Militan Malaysia (KMM), testified that he was told by the police of his Constitutional rights, but was subsequently discouraged by the police from consulting with lawyers and making representations before the Court. According to Encik Othman, he was told by the police that there was no point in going to the Court, as he had no chance of winning his case.

6.5.6 However, the Inquiry Panel notes that there were detainees who had been informed of their Constitutional rights, and who had exercised their rights. The Inquiry Panel also notes that some of the other detainees stated that they had willingly chosen not to exercise their rights. Ms Ng Chooi Chun is an example of such a detainee.

6.5.7 *Upon consideration of the matters at hand, the Inquiry Panel finds that there is no legitimate justification for denying detainees their Constitutional rights to legal representation and to appear before a Magistrate.* However, in view of Article 149(1) of the Federal Constitution, the Inquiry Panel is of the view that an exception should be made in respect of ISA detainees. In view of the above, the Inquiry Panel makes the following **recommendations**:

- a) Detainees should be produced before a magistrate within 24 hours of arrest in accordance with Article 5 of the Federal Constitution.
- b) Detainees should be allowed access to Counsel during the aforesaid production before the magistrate and supplied with a copy of the grounds of arrest.

PART II

Conditions of Detention Under Section 8 of the Internal Security Act

1 Overview of Detention Under Section 8

1.1 The second phase of detention under the ISA relates to the period of detention under section 8. Under section 8(1) of the ISA, the Minister may authorize any person to be detained for a period not exceeding two years if the Minister is satisfied that the preventive detention of any person is necessary with a view to preventing him from acting in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof. During this phase of detention, detainees are held at the Kamunting Detention Center in Taiping, Perak. At the time of the Inquiry, a total of 113 persons were detained at the Kamunting Detention Center.¹³

1.2 Nevertheless, it should be noted that the period in detention is not static. It may be commuted to less than two years, depending on the recommendations contained in the report made by the Advisory Board to the Yang Di-Pertuan Agong. Section 12 requires the Advisory Board to meet once in six months. Section 11 require the Advisory Board to consider representations made before it by detainees, and to make recommendations to the Yang Dipertuan Agong, who may in turn give the Minister directions, as he thinks fit, in relation to the order of detention made by the Minister. However, it may also be prolonged beyond the two-year period, by virtue of the application of section 8 (7), which allows for the two-year period in detention to be renewed upon the direction of the Minister. Section 8(7) states as follows:

“The Minister may direct that the duration of any detention order or restriction order to be extended for such further period, not exceeding two years, as he may specify, and thereafter for such

further periods, not exceeding two years at a time, as he may specify, either –

- (a) On the same grounds as those on which the order was originally made;
- (b) On grounds different from those on which the order was originally made; or
- (c) Partly on the same grounds and partly on different grounds: Provided that if a detention order is extended on different grounds or partly different grounds the person to whom it relates shall have the same rights under section 11 as if the order extended as aforesaid was a fresh order, and section 12(1) shall apply accordingly.

1.3 During the period of detention authorized by section 8, detainees will be regulated by Rules and Regulations Made Under the Internal Security Act. Of particular importance to the regulation of conditions of detention are the Internal Security (Detained Persons) Rules 1960.¹⁴ The Kamunting Detention Center is overseen by the authorities of Kamunting Prison, although both institutions are inherently separate facilities.

2. Objective of the Two Years of Detention

2.1 Encik Ab. Basir Mohamad, the Director of Kamunting Detention Center explained to the Inquiry Panel the objective of the two-year period in detention at Kamunting. According to Encik Basir, the purpose of the detention period in Kamunting is to separate the detainees from the rest of the community. The controlled environment of the detention center is thought to inculcate a greater sense of discipline amongst the detainees. This is accomplished by way of a three month long “orientation period” upon the arrival of the detainee at Kamunting. Furthermore, by giving the detainees time to reflect, it is thought that the

¹³ Please refer to Appendix 7 for the categorization of detainees in Kamunting.

¹⁴ L.N. 189/60

detainees might be able to gain greater love for their country, and to have more respect for the rights of other members of society.

- 2.2 At Kamunting, the detainees are provided with Bahasa Malaysia classes twice a day and occasional religious lectures by Islamic religious teachers. Followers of religions other than Islam are not provided with any religious instruction, although Catholic Priests do visit the Detention Center on a voluntary basis. The daily activities of detainees at Kamunting are regulated by a timetable.¹⁵

3. Procedure Upon Admission into Kamunting

- 3.1 Upon being served with a detention order under section 8, detainees will be transferred from the PRC to the Kamunting Detention Center. In practice, most detainees are transferred to Kamunting one day after the beginning of their detention period as stated in the detention order. The day of arrival at Kamunting will be devoted to ensuring that all procedural matters pertaining to the authorization of detention and the period of detention are complied with. In particular, the authorities will be required to ensure that the detainee has been given a copy of the detention order together with details of allegations made against him. The detainee must also be provided with three copies of Form I, to enable the detainee to make representations before the Advisory Board. Additional procedural matters involve the opening of personal records for the detainee. The detainee will also be given a basic health check prior to official registration and be provided with basic necessities needed for the detainee's stay in Kamunting.
- 3.2 On the next day, the detainee will be taken to meet the Head of the Detention Facility, who will in turn provide the detainee with a briefing regarding the right to a lawyer and the right to make representations before the Advisory Board, either using an interpreter or in simple Bahasa Malaysia. The Head of the Institution will also be required to explain the disciplinary rules and regulations pertinent to the place of detention. After the meeting with the Head of the Detention Facility, the

¹⁵ Please refer to Appendix 8 for the daily timetable of activities at Kamunting.

detainee will be given a full medical checkup by the Medical Officer. On the same day, the Secretary of the Ministry of Home Affairs, the Director of the Special Branch in Kuala Lumpur, the Secretary of the Taiping Advisory Board, the Director of Prisons Malaysia and the Head of Special Branch in Perak must be notified of the admission of the detainee into the place of detention.

4. Conditions Of Detention at Kamunting

- 4.1 During the first three months in Kamunting, detainees will be required to undergo an ‘Orientation Period,’ to enable them to be acquainted with the rules of discipline pertinent to the Kamunting Detention Center. During this Orientation Period, detainees will be held in a cell, with two or three other detainees sometimes if there is a sudden influx of detainees. The Spartan like cells were not equipped with toilet facilities at the time of the Inquiry, due to a lack of financial allocation for such matters. Nevertheless, the Inquiry Panel has since been informed that the Kamunting Detention Center has just received financial allocation to enable them to build toilets in the cells.
- 4.2 Upon expiration of the three-month period, detainees are transferred to dormitory style blocks, where they will be accommodated together with other persons who have had similar allegations made against them. These blocks are surrounded by grassy compounds, and the detainees are free to wander within the confines of the compounds. Each block is equipped with beds, mattresses, pillows, sheets and blankets. Toilet and showering facilities are also present in every block.
- 4.3 In addition to the basic amenities, each block is also equipped with a colour television set. Detainees are also provided access to newspapers, and are free to read their own books, subject to certain restrictions by virtue of Rule 80 of the ISA (Detained Persons) Rules. Under Rule 80, a person in detention may have use of books and papers, provided that such articles are received or procured through the Superintendent, who may in turn detain any paper or book containing any objectionable matter.

- 4.4 The detainees are provided with food-stuff, in accordance with the diet scales stipulated in the Second Schedule of the ISA (Detained Persons) Rules.¹⁶ The detainees will then be responsible for cooking their own food.
- 4.5 Under Rule 81 of the ISA (Detained Persons) Rules, detainees are entitled to receive one visit a week from relatives and legal advisors. Each visit should not last more than 30 minutes, and no more than two persons should be allowed to visit at each time. Visitors may bring detainees certain types of fruits although no other foods may be permitted to be brought in. Visitors may also bring in a certain number of books during each visit.

5. Findings and recommendations

5.1 Objective of the Detention

- 5.1.1 A number of detainees have questioned the objective of their detention under section 8, which is in essence a continuation of their detention under section 73. The detainees have also voiced out complaints about how the 2 years in detention appear to serve no purpose. They are not given opportunities to acquire new skills and are deprived of any reasonable avenue to use their period in detention for the purpose of self- improvement. This was pointed out by Encik Zainun Ismail, allegedly with KMM. Of significance is the fact that even the authorities at Kamunting agreed that the time spent at Kamunting did not appear to serve any purpose. The detainees are not provided with adequate avenues to stimulate their minds in a productive manner. The only classes available to them are Bahasa Malaysia classes.
- 5.1.2 Other than this, the detainees are occasionally given lectures by ustaz or religious teachers, sent by the government. However the detainees have complained about the level of competency of the ustaz sent to Kamunting. In particular, most of the alleged members of KMM, Al Maaunah and Jemaah Islamiah have attained a

¹⁶ Please refer to Appendix 9 for the Second Schedule to the ISA (Detained Persons) Rules 1960.

high level of Islamic education. A number of them have even obtained degrees in Syariah, Arabic and Islamic Studies from universities in other Islamic countries, including Pakistan and Saudi Arabia. The detainees have made it clear that they are not impressed with the standard of religious teaching at Kamunting, and the fact that the ustaz sent to them do not understand the Arabic language. Even the authorities at Kamunting have related to the Inquiry Panel that the ustaz appeared to be intimidated by the detainees' knowledge of Islamic issues. Encik Basir told the Inquiry Panel that at times the detainees attending the classes would make a point of conversing only in Arabic in order to intimidate the ustaz who could not speak the language.

- 5.1.3 In relation to the lack of suitable activities for the stimulation of the minds of the detainees, the Inquiry Panel takes this opportunity to reiterate the provisions of Rule 95 of the Standard Minimum Rules for the Treatment of Prisoners. Under Rule 95, persons arrested or detained without charge are to be accorded rights and privileges available to other categories of prisoners, where the application of such rights and privileges "may be conducive to the benefit of this special group of persons in custody." Rule 95 however adds that such rights and privileges shall remain applicable provided that no measures are taken to imply that "reeducation or rehabilitation is in any way appropriate to persons not convicted of any criminal offence."
- 5.1.4 In considering the issue of activities to stimulate the minds of the detainees, the Inquiry Panel would like to stress at the onset that consideration of this issue in no way imputes a finding of guilt of the detainees. In accordance with the provisions of Article 11 of the Universal Declaration of Human Rights, the Inquiry Panel asserts that "everyone has the right to be treated as innocent until proven guilty by a court of law." Consideration of the matters at hand should not be seen to derogate from this certainty, and be construed as a sign of acceptance of detention without trial by the Inquiry Panel. Rather, consideration of such issues should be

seen as an attempt to alleviate to some extent, the negative effects of detention without trial as a whole, while laws allowing for such detentions continue to exist.

5.1.5 It is noted that at present, Regulation 42 of the Prisons Regulations 2000¹⁷ provides convicted prisoners with the opportunity to have access to library books, to attend concerts, lectures, classes and exhibition of audio-visual programs. Depriving ISA detainees of the right to benefit from classes and skills training would thus put them at a disadvantage in comparison to convicted prisoners.

5.1.6 Furthermore, the fact that application of Rule 95 of the UN Standard Minimum Rules allows the consideration of education as opposed to “reeducation” for detainees, leads the Inquiry Panel to the conclusion that consideration of activities for the stimulation of the minds of detainees would not in any way equate an imputation of guilt of the detainees. *Accordingly, the Inquiry Panel finds that inadequate facilities are currently available to ISA detainees to enable them to spend their time in a constructive and beneficial manner.* In view of this finding, the Inquiry Panel would like to make the following **recommendations**:

- a) In the normal cases, detention under section 8 should not exceed more than two years, and greater use should be made to effect their early release where possible.
- b) Detainees should be provided with programmes to stimulate their minds and enable them to spend their period in detention productively. They should be given the opportunity to develop themselves by acquiring new skills and knowledge, to assist their reentry into society. Learning should not be confined to Bahasa Malaysia classes, and should be extended to involve numerous other subject, including IT skills. The Ministry of Home Affairs should thoroughly study this recommendation and take the appropriate action

¹⁷ PU (A) 325/2000

to provide the necessary expertise needed for the continuing education of detainees.

- c) The ustaz sent to Kamunting to lecture to the detainees should be of adequate standard to ensure that the detainees are able to benefit from such lectures. The Ministry of Home affairs should liaise with JAKIM and other appropriate religious authorities on this matter.
- d) Detainees professing religions other than Islam should be allowed to receive religious instruction about their own faith. The Ministry of Home Affairs should also liaise with the appropriate religious bodies and representatives on this matter.

5.2 Financial Ramifications of the Period in Detention

5.2.1 A number of detainees spoke to the Inquiry Panel about the severe financial hardship caused by detention under section 8. Many of the detainees were the sole breadwinners of the family, and their detention has inevitably caused their families much hardship. Mrs Ng Chooi Chun voiced out fears that her daughters would be forced into prostitution by her ex-husband, since she had prior to her arrest been the sole breadwinner of the family. Encik Muhamad Zulkifli bin Mohamad Zakaria, allegedly a member of KMM, told the Inquiry Panel that his family were now being financially supported by an opposition political party. Encik Zainon bin Ismail informed the Inquiry Panel that the families of some detainees had been evicted from their homes, because they could not pay the rent. In line with this, Encik Zainon also suggested that the detainees be given the opportunity to work while they were in detention to enable them to continue supporting their families, and also to provide them with an avenue for spending the period in detention in a productive manner. A number of other detainees echoed the sentiments of Encik Zainon, including Encik Md Lotfi bn Ariffin, allegedly from KMM, and Encik Solehan bin Abdul Ghafar, also an alleged member of KMM.

- 5.2.2 In determining this issue, the Inquiry Panel is guided by Article 23 of the Universal Declaration of Human Rights, which establishes the right to work in reasonable conditions for a fair wage, and Rule 84 of the Internal Security Act (Detained Persons) Rules 1960. Rule 84 states that “detainees shall not be required to do any labour other than that which is necessary for keeping their rooms, furniture and utensils clean and the place of detention in good order, and for the preparation of food, but shall do any work for any such purpose which the Superintendent may direct them to perform.”
- 5.2.3 The Inquiry Panel is of the opinion that this rule does not necessarily prohibit the detainees from undertaking other forms of work upon the direction of the Superintendent. *As such, the Inquiry Panel finds that Rule 84 of the Internal Security (Detained Persons) Rules 1960, need not be seen as an impediment to the detainees opting to undertake work in exchange for suitable remuneration.* This interpretation is further strengthened by Rule 89 of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that “an untried prisoner shall always be offered the opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.”
- 5.2.4 Furthermore, even convicted prisoners are given the right to work. Under the earning schemes described in Regulation 80 of the Prisons Regulations 2000, prisoners shall receive payment for their work and skill in industry. Regulation 84 even makes provisions for at least one third of the earnings of the prisoner to be placed into savings for the prisoner’s use upon release, or for the portion of the savings to be sent to the family of the prisoner. In view of such, the Inquiry Panel would like to make the following **recommendations**:
- a) The detainees should be given the right to work in exchange for remuneration. Earnings which are not spent should be absorbed into a savings scheme to enable the detainee to benefit from such savings upon reentry into society, or

for the families of detainees to accrue such benefits while the detainee remains in detention.

- b) The Ministry of Home Affairs should also provide families of detainees with financial support in lieu of income, by virtue of the fact that the detainees are not convicted criminals. The loss of income resulting from the period in detention, should be adequately compensated to ensure the welfare and well-being of the families of the detainees.

5.3 Detention During the Orientation Period

5.3.1 During the course of the Inquiry, the Inquiry Panel perceived a general sense of discontent amongst testifying detainees in relation to the conditions during the orientation period. A number of detainees specifically pointed out the humiliation and degradation of having to use a “cesspot” in the orientation cell, particularly since there could be up to two other persons in the cell.

5.3.2 In considering this matter, the Inquiry Panel notes the provisions of Article 5 of the Universal Declaration of Human Rights, which imposes a clear-cut prohibition against torture, cruel, inhuman or degrading treatment or punishment. The Inquiry Panel also takes into consideration Principles 1 and 7 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, regarding the treatment of persons in detention and the interpretation of the term cruel, inhuman or degrading treatment or punishment.

5.3.3 *Due to the need of construing this provision broadly in order to provide the highest possible level of protection to persons in detention as stipulated in Principle 7, the Inquiry Panel takes the view that deprivation of proper toilet facilities and the humiliation involved in the use of the cesspot would bring such acts within the ambit of ‘cruel, inhuman and degrading treatment or punishment.’* Nevertheless, the Inquiry Panel notes the documentary evidence

submitted by the authorities at Kamunting to show that they have recently been awarded the necessary financial allocation to enable them to install proper toilet facilities in the orientation cell.

5.3.4 *In addition, the Inquiry Panel also takes the view that the detention of detainees in the orientation cell itself would fall within the ambit of ‘cruel, inhuman and degrading treatment or punishment’ if no concrete reasons can be provided to justify the need of detention in the orientation cell.* In view of such findings, the Inquiry Panel would like to make the following **recommendations**:

- a) The authorities should review the necessity of housing the detainees in the orientation cell, in order to ensure that the threshold of cruel, inhuman and degrading treatment is not crossed during this period in detention.
- b) Until the policy of holding detainees in the orientation cell is removed, steps should be taken to expedite the installment of toilet facilities in the orientation cell, if the toilet has yet to be installed.

5.4 Living Conditions in the Detention Blocks

5.4.1 The Inquiry Panel notes that not many issues pertinent to the living conditions in Kamunting were raised by the detainees who testified. The Inquiry Panel was however made aware prior to the Public Inquiry of allegations that the water supply had been contaminated. Upon questioning, the Inquiry Panel was informed by Encik Basir that the water in Kamunting town as whole was not of the highest quality. Encik Basir dismissed allegations by detainees that the water tank was rusty, and states that the water tanks were made from fibre glass and not metal.

5.4.2 The Inquiry Panel was given the opportunity to survey other aspects pertinent to the living conditions of the detainees during its investigations. The Inquiry Panel observed that the detention blocks appeared to be clean, although somewhat dilapidated in appearance. The interior of the blocks were furnished with fully

equipped beds. The grassy compound surrounding the detention blocks were also relatively well kept, although the drains appeared to be blocked at the time of the visit. Encik Basir subsequently explained to the Inquiry Panel that the drains had cracked because the drains were cleaned using chlorine everyday. The harshness of this cleaning agent is presumed to be the reason for the drains cracking.

5.4.3 At the time of visitation by the Inquiry Panel, the detainees appeared to be in relatively high spirits, as they were watching the World Cup football matches on television. *In light of the observations made during the visit, the Inquiry Panel finds that the physical condition of detention in the detention blocks are satisfactory and meet the basic minimum requirements for ensuring the wellbeing of detainees during their detention at Kamunting.*

5.4.4 Nevertheless, certain improvements can and should be made to ensure greater comfort for the detainees. As such the Inquiry Panel makes the following **recommendations**:

- a) Although the detention blocks are equipped with sufficient facilities to create a satisfactory living environment, the blocks are worn out and should be replaced or rebuilt.
- b) The authorities at Kamunting should take immediate steps to correct existing problems with the drainage system.
- c) The authorities at Kamunting should thoroughly investigate any possibility of a contamination of the water supply, to ensure the health and basic welfare of the detainees. If such contamination does exist, immediate steps should be taken to correct the problem. The obligation to do so is clearly stated in Rule 60 of the Internal Security Act (Detained Persons) Rules 1960, which requires the Medical Officer to examine and report in writing to the Superintendent,

“any deficiency in the quality, or defect in the quality, of the water,” which may affect the health of the detained person.

5.5 Food

5.5.1 A number of detainees who testified made complaints about the food served in Kamunting. In particular, the detainees found that the chicken rations allocated to them were insufficient to meet their needs. The detainees mentioned that the portions of chicken were too small, and that chicken was not served often enough. The detainees also expressed their dissatisfaction at the fact that they are not allowed to consume food brought by their families during visits. In addition, Encik Zainun bin Ismail stated that he was compelled to survive merely on bread and water for four months because he was suffering from food allergies which prevented him from consuming the foods served at Kamunting. Encik Zainun contended that he had informed the authorities of his allergies, but that his requests for different foods had been denied.

5.5.2 However, the Inquiry Panel notes that the Medical Officer at Kamunting, Encik Harbajan Singh, categorically stated that he had never been informed by Encik Zainun of his food allergies. If Encik Zainun had informed the authorities of his allergies, the authorities could have made separate arrangements for him as provided for under Rule 24 of the Internal Security (Detained Persons) Rules. *In view of such matters, the Inquiry Panel finds that the rations of food should take into consideration the individual needs of persons in detention.* Accordingly the Inquiry Panel seeks to make the following **recommendations**:

- a) Particular attention should be paid to ensuring that detainees with food allergies are not compelled to continue eating allergenic foods.
- b) The Second Schedule of the Internal Security (Detained Persons) Rules 1960, should be revised to take into consideration the needs and requirements of the detainees, to ensure their comfort during detention.

- c) Detainees should be allowed to consume food brought by their families during visits.

5.6 Medical Treatment

5.6.1 The Inquiry Panel also heard complaints about the medical treatment available to detainees. The Inquiry Panel notes that the Reformasi 6 had expressed particular dissatisfaction towards the Medical Officer, due to the fact that they wanted to be treated by their own doctors. In addition, Encik Zainun Ismail also alleged that all dental problems of detainees were treated by tooth extractions only, and that all illnesses were treated with the same ‘KK’ pill.

5.6.2 Nevertheless, the Inquiry Panel notes the detailed explanation provided by the Medical Officer, Encik Harbajan Singh, of the fact that all detainees are sent to the hospital for a full medical check-up. Furthermore, a number of specialist doctors are also available to provide other forms of treatment to detainees. Dental matters are attended to by a dentist who visits the detention center once in two weeks. Encik Harbajan cited the example of Dr Badrulamin, a Reformasi detainee, who was sent to a specialist to receive a ‘root canal,’ which was fully funded by the authorities. Encik Harbajan also explained that all medication from the Ministry of Health (Kementerian Kesihatan) would be stamped with the same ‘KK’ label. This in no way meant that the detainees were being given the same medication for all their varied ailments.

5.6.3 *As such, the Inquiry Panel finds that the detainees are being given adequate medical attention to fulfill their needs.* Nevertheless, the Inquiry Panel would like to make the following **recommendations**:

- a) The Medical Officer should attempt to explain to the detainees the type of medication and the effects of the medication being given to them, in order to alleviate any suspicion permeating the minds of the detainees, regarding the significance of the “KK” label on the tablets.

5.7 Family Visits

5.7.1 In addition to the complaints mentioned above, the Inquiry Panel also heard a number of complaints from the detainees relating to family visits. The detainees expressed dissatisfaction of the fact that they were only allowed to see their families once a week, for no longer than 45 minutes. A number of the detainees mentioned that their families had to travel great distances to come to Kamunting. The detainees also complained that they would be separated from their families by a wire mesh, which inevitably prevented any significant physical contact between the detainees and their families.

5.7.2 For instance, Encik Othman bin Mohd Ali asserted that he resented the fact that his children had to see him from behind a wire mesh, as it made him feel like a criminal. Other detainees, notably Encik Zainun Ismail, even contended that detainees should be provided with suitable premises to fulfil their “conjugal rights” with their wives. In considering this issue, the Inquiry Panel notes the testimonies of the detainees, and also appreciates the explanation given by Encik Basir. According to Encik Basir, the wire mesh is necessary to prevent information from being transmitted to and fro between detainees and their families. In considering this issue, the Inquiry Panel has referred to the provisions of Rules 81 and 82 of the Internal Security Act (Detained Persons) Rules 1960. The relevant rules state as follows:

81. Visits.

(1) (a) A detained person shall, consistent with the proper discipline of the place of detention and subject as hereinafter provided, be entitled to visits from his relatives and legal adviser.

(b) A detained person may, consistent with the proper discipline of the place of detention and subject as hereinafter provided, with the express permission of the Superintendent whose decision shall, subject to an appeal to the Officer-in-Charge, be final, receive visits from persons other than his relatives and legal adviser.

(2) No detained person shall, except with the express permission of the Superintendent, receive more than one visit a week.

(3) Not more than two persons shall be admitted to visit a detained person at any one time.

(4) No visit shall last more than 30 minutes.

(5) A Superintendent or an officer, or in the case of a visit to a female, a wardress, shall, together with an interpreter in any case where such officer does not understand the language spoken, be in sight and hearing during the whole of any visit to a detained person, unless the Superintendent by an order in writing sees fit to dispense with any of the above requirements.

(6) A Superintendent may remove from a place of detention any visitor to a detained person if the conduct of such visitor or detained person is improper.

82. Visitors may be searched.

(1) Every visitor to a detained person shall furnish the Superintendent or an officer authorised by the Superintendent with his name and address and, if the Superintendent or such officer has any ground for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors, but such search shall not take place in the presence of any detained person or of another visitor.

(2) If any visitor refuses to be searched or if a Superintendent or such authorised officer is of opinion that the admission of such visitor would be prejudicial to security or good order in the place of detention, the Superintendent or such officer may deny him admission, recording the grounds of his refusal in the journal.

(3) If any article is found as the result of a search which, in the opinion of a Superintendent or such authorized officer, is prohibited by the rules of the place of detention or likely to be dangerous to the health or life of any detained person or likely to facilitate escape from the place of detention, he may impound such article.

5.7.3 The Inquiry Panel notes that, the authorities at Kamunting have kindly used their discretion to allow the detainees an extra 15 minutes during visits. However, the Inquiry Panel also notes that neither of the Rules require for detainees to be separated from their families with a wire mesh barrier. Although Rule 81 requires visits to be made in accordance with the “proper discipline of the place of detention,” thereby providing the officials at Kamunting with some measure of discretion to decide on rules for maintaining proper discipline, the Inquiry Panel is of the opinion that wire mesh barriers are not essential for the maintenance of

the proper discipline of the place of detention. This is because the Rules provide the authorities with the power to search visitors. *Consequentially, the Inquiry Panel finds that more allowances should be made to enable detainees to spend more quality time with their families during visits, particularly in view of the fact that the detainees are not convicted criminals, and should not be treated as such.* In view of this conclusion, the Inquiry Panel makes the following **recommendations:**

- a) The government should review with a view towards amending provisions of Rule 81 of the Internal Security (Detained Persons) Rules 1960, to enable the detainees to spend more time with their families.
- b) The relevant authorities should be cognizant of the need of preserving the right to privacy as enshrined by Article 12 of the Universal Declaration of Human Rights. The detainees should not be physically separated from their families with a wire mesh barrier. Furthermore, the detainees should be provided with a private meeting room for family visits, and it is not necessary for a prison official to be present in the same room.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Detention Under Section 73 of the ISA

Overall conclusion and recommendations:

We, the Inquiry Panel are of the view that there is evidence to suggest a violation of human rights of detainees during the first 60 days of detention. In general however, allegations of physical mistreatment of detainees are of the past and are no longer the current practice. In any event, such past allegations of mistreatment have been widely documented and published in books and articles, and the police have since refrained from contributing to such notoriety. Nevertheless, we would like to reiterate the recommendations made in the report pertaining the detentions under section 73 of the ISA:

- a) The police should at all times exercise their utmost care in ensuring that the right to liberty, as enshrined in Article 5 of the Federal Constitution and Article 9 of the Universal Declaration of Human Rights 1948, is not violated without due justification.
- b) Individuals should not be detained under the ISA unless genuine reasons exist for believing that such individuals are a threat to national security. Where detentions are necessary, such detentions should only be for as long as is absolutely necessary.
- c) Effective investigations should be carried out into allegations of cruel, inhuman and degrading treatment or punishment of ISA detainees who testified of such treatment during the Inquiry, and all other known cases of such treatment in respect of other ISA detainees.
- d) Disciplinary action should be taken in respect of officers who have been found upon investigation, to have treated detainees in a cruel, inhuman and degrading manner.

- e) All law enforcement officers should be aware of the fact that as agents of the State, they are obligated to conduct themselves in a manner which evinces absolute respect for the prohibition against torture, cruel, inhuman and degrading treatment or punishment. Training should be provided for such officials to enable them to be more aware of their obligations.
- f) Adequate steps should be taken to ensure that detainees are provided with clean bedding during their detention.
- g) All detention cells should be adequately ventilated to ensure the health and well-being of detainees and to enable them to be aware of their surroundings.
- h) Adequate funds should be provided to the police to increase the number of cells in larger lock-ups of police stations which are frequently overcrowded.
- i) Family members should be informed of the arrest of detainees within 24 hours of the arrest.
- j) Detainees should not be required to wait for two weeks before gaining access to their families.
- k) Appropriate amendments should be made to Rule 22(6) of the Lock-Up Rules 1958, to protect the right to privacy of the detainee during family visits, as guaranteed under Article 12 of the Universal Declaration of Human Rights.
- l) Detainees should be produced before a magistrate within 24 hours of arrest in accordance with Article 5 of the Federal Constitution.

- m) Detainees should be allowed access to Counsel during the aforesaid production before a magistrate and supplied with a copy of the grounds of arrest.

Detention Under Section 8 of the ISA

Overall conclusion and recommendations

Overall, the Inquiry Panel is satisfied that there were no cases of serious violations of human rights of the detainees who testified at the Inquiry Panel during the two year period of detention at Kamunting under section 8 of the ISA. The recommendations made in respect of detentions under section 8 of the ISA are as follows:

- a) Detainees should be provided with a range of programmes and classes to stimulate their minds and to enable their period in detention to be used productively. They should also be given the opportunity to learn new knowledge and skills, including IT skills, in order to assist their reentry into society.
- b) The ustaz sent to Kamunting should be of adequate standard to ensure that the detainees are able to benefit from the religious instruction provided.
- c) Detainees professing religions other than Islam should be allowed to receive appropriate religious instruction about their own faiths.
- d) Detainees should be given the right to work in exchange for remuneration.
- e) The Ministry of Home Affairs should provide the families of detainees with financial support in lieu of income by virtue of the fact that the detainees are not convicted criminals. The loss of earnings resulting from the period in detention should be adequately compensated to ensure the welfare of the families of the detainees.

WITNESSES WHO TESTIFIED BEFORE THE INQUIRY

No	Name	Details	Date of testimony
1	Irhas bin Manaf	Alleged member of Free Aceh Movement (GAM)	18/6/02
2	Mat Salleh bin Saad	Alleged member of Kumpulan Militan Malaysia (KMM)	18/6/02
3	Tan Hock Lee	Alleged member of Minsu	18/6/02
4	Muhamad Zulkifli bin Mohamad Zakaria	Alleged member of Kumpulan Militan Malaysia (KMM)	18/6/02
5	Abdullah bin Daud	Alleged member of Jemaah Islamiah	18/6/02
6	Abdullah Minyak bin Silam	Alleged member of Jemaah Islamiah	18/6/02
7	Ramdi bin Abdullah	Alleged member of Al Maaunah	18/6/02
8	Sahak bin Tahib	Alleged member of Al Maaunah	18/6/02
9	Mokhtar bin Senik	Alleged member of Al Maaunah	19/6/02
10	Ng Chooi Chun	Alleged member of Minxu	19/6/02
11	Ahmad Tajudin bin Abu Bakar	Alleged member of Kumpulan Militan Malaysia (KMM)	19/6/02
12	Othman bin Mohd. Ali	Alleged member of Jemaah Islamiah	19/6/02
13	Solehan bin Abdul Ghafar	Alleged member of Kumpulan Militan Malaysia (KMM)	19/6/02
14	Abdul Nassir bin	Alleged member of Jemaah Islamiah	19/6/02

	Anwarul		
15	Zainun bin Ismail	Alleged member of Kumpulan Militan Malaysia (KMM)	19/6/02
16	Md Lotfi bin Ariffin	Alleged member of Kumpulan Militan Malaysia (KMM)	19/6/02
17	Raja Alang Petra bin Raja Kamaruddin	Director of the Free Anuar Campaign	19/6/02
18	Abdul Bassir bin Mohamad	Director of Kamunting Detention Center	20/6/02
19	Harbajan Singh a/l Beer Singh	Medical Officer of Kamunting Detention Center	20/6/02
20	Anuar Bashah bin Mohd Sohore	Assistant Director of Social Intelligence, Special Branch Division, Polis Di-Raja Malaysia	5/8/02
21	Mohammad Ali bin Kasim	Chief Inspector, Sentul Police Station	5/8/02
22	M. Veerasuntharam	Officer-in-Charge, Sentul Police Station	5/8/02

DIET OF DETAINEES IN LOCK-UPS AND PRCs

First Schedule of the Prisons Regulations 2000

I. DAILY DIET FOR EACH PRISONER

Rice (under-milled)	300 g per day
Salt	6 g per day
Palm oil	25 g per day
Beef or mutton or dried fish or fresh fish	130 g per day
OR	
Chicken	170 g per day
OR	
Eggs	2 eggs twice a week
Green or leafy vegetables	160 g per day
Non-leafy vegetables	200 g per day
Bread	200 g per day
Tea	50 g for 8 persons (per day)
Coffee or Chocolate	80 g for 10 persons (per day)
Sugar	30 g per day
Margarine	20 g per day
Jam/Kaya	30 g per day
Full-cream powdered milk	20 g per day
Banana	2 bananas per day
OR	
Papaya/Pinepple	150 g per day
OR	
Orange	150 g per day

NOTE:

Non-leafy vegetables does not include bottle gourd and loofah.

II. SPECIAL RATION ACCORDING TO MENU ONLY

Dal

10 g per person

(twice a week)

Tow Choo

2 g per person

Onions

5 g per person

Onion (red)

1 g per person

Ginger

1 g per person

Garlic

1 g per person

Pepper powder

1 g per person

Asam jawa

4 g per person

Vinegar

2 g per person

Prawn paste

1 g per person

Dried chilly

1 g per person

Chilly powder

1 g per person

Tumeric powder

2 g per person

Curry powder

2 g per person

In replacement of fresh fish
for every meal

100 g tow foo (hard)
OR
200 g tow foo (soft)

OR

50 g tow foo (dried slices)

Eggs (twice a week)

shall be supplied to a
vegetarian prisoner
who consumes eggs

IV. RESTRICTED DIET FOR ALL PRISONERS

Bread

510 g daily

Margarine

60 g daily

CATEGORIZATION OF DETAINEES AT KAMUNTING

Categorization of detainees at Kamunting	Number of persons
---	--------------------------

Minxu	8 persons
Free Aceh Movement (GAM)	2 persons
Al- Maaunah	15 persons
Document Falsification	7 persons
Human Trafficking Syndicate (PATI)	19 persons
International Terrorist Organizations	4 persons
'Reformasi' Activists	6 persons
Kumpulan Militan Malaysia (KMM)	19 persons
Jemaah Islamiah	33 persons
Total	113 persons

(As of 20 June 2002)

DAILY TIMETABLE OF ACTIVITIES FOR DETAINEES AT KAMUNTING

Time	Activity
-------------	-----------------

0700 hours	<ol style="list-style-type: none"> 1. Opening of Block and Muster Count. 2. Morning Assembly 3. Singing of Negaraku (National Anthem), Malaysia Tanahairku, Sejahtera Malaysia, Setia. 4. Rukun Negara and Detainees Oath. 5. Breakfast 6. Cleaning of detention compound. 7. Physical exercise.
1000 hours	Bahasa Malaysia class
1145 hours	Muster Count
1230 hours	Lunch
1400 hours	Muster Count
1415 hours	Bahasa Malaysia class
1545 hours	Muster Count
1700-1830 hours	Sports / Recreation
1830 hours	Muster Count and Closure of Blocks
2000 hours	Muster Count
2100 hours	Muster Count

Administrative Order of the Officer-in- Charge of Kamunting Detention Center, pursuant to Rule 6(2) of the Internal Security Act (Detained Persons) Rules 1960

DIET OF DETAINEES AT KAMUNTING

Second Schedule of the Internal Security (Detained Persons) Rules 1960

1. Diet for detained persons, other than those categories listed below :

Rice (under milled)	14 5/6 ozs daily
Salt	1 oz daily
Coconut oil	2 ozs daily
Curry stuff	3/4 oz daily
Meat or fresh fish or dried fish or dried ikan bilis	4 ozs daily
Green or leafy vegetables	6 ozs daily
Pumpkins or squash or beans sprout	4 ozs daily
Kacang hijau, pulses or beans	2 ozs daily
Banana	1 daily
Bread	4 ozs daily
Tea	1/4 oz daily
Sugar	1 1/2 ozs daily
Coffee powder	1/4 oz daily
Condensed milk	1 tin for 10 persons daily
Margarine	3/4 oz daily
Soya sauce	1 oz daily
Eggs	3 per week
Jam	1 oz daily
Coconuts	1 for 10 persons (3 times a week)

2. Diet for European and Eurasian detained persons :

Bread	16 ozs daily
Fresh meat or fish	8 ozs daily
Green or leafy vegetables	4 ozs daily
Non-leafy vegetables	3 ozs daily
Fresh fruit	4 ozs daily
Lard	1/2 oz daily
Tea	1/4 oz daily

Salt	½ oz daily
Sugar	1 ½ ozs daily
Milk	2 ozs daily
Butter or margarine	1 oz daily
Cheese	1 oz daily
Jam	2 ozs daily
Kacang hijau, pulses or beans	2 ozs daily
Potatoes	10 ozs daily
Edible cooking oil	½ oz daily
Cocoa	½ oz weekly
Onions	1 oz (4 times weekly)
Coffee powder	¼ oz daily
Eggs	3 per week

3. Diet for Northern Indian, Pathan and Sikh detained persons :

Rice (under milled)	9 5/6 ozs daily
Bread	4 ozs daily
Salt	1 oz daily
Ghee	1 oz daily
Curry stuff	¾ oz daily
Meat or fresh fish or dried fish or dried ikan bilis	4 ozs daily
Flour	10½ ozs daily
Green or leafy vegetables	6 ozs daily
Edible oil	½ oz daily
Pumpkins or squash or beans sprout	4 ozs daily
Kacang hijau, pulses or beans	2 ozs daily
Banana	1 daily
Tea	1/4 oz daily

Sugar	1 ½ ozs daily
Coffee powder	¼ oz daily
Condensed milk	1 tin for 10 persons daily
Margarine	¾ oz daily
Eggs	3 per week
Jam	1 oz daily
Coconuts	1 for 10 persons (3 times a week)

4. Special diet for Brahmin vegetarian detained persons :

Rice (under-milled)	2 ½ ozs daily
Sugar	1 ½ ozs daily
Milk (liquid)	12 ozs (6 times a week)
Kacang hijau, pulses or beans	2 ozs daily
Flour	14 ozs daily
Ghee	1 oz daily
Coconut oil	2 ozs daily
Green or leafy vegetables	½ oz daily
Non-leafy vegetables	6 ozs daily
Curry stuff	¾ oz daily
Salt	1 oz daily
Banana	1 oz daily
Tea	¼ oz daily
Coffee Powder	¼ oz daily
Condensed milk	1 tin for 10 persons daily
Margarine	¾ oz daily
Jam	1 oz daily
Coconuts	1 for 10 persons (3 times a week)

5. Additional diet mee or bee-hoon (twice monthly) and its ingredients (for paragraphs 1, 2, 3 and 4 only):

Mee or bee-hoon	3 ozs for each meal
Minyak kacang	1 oz for each meal
Bean sprout	1 oz for each meal
Tauhu-bean curd	1 oz for each meal
Sawi	1 oz for each meal
Fresh prawns	1 oz for each meal
Meat (beef, mutton or pork)	1 oz for each meal
Fresh chillies	½ oz for each meal
Salad leaves	½ oz for each meal
Sauce	½ oz for each meal
Monosodium Glutamate	1/20 oz for each meal
Garlic	1 oz for each meal
White pepper	1/10 oz for each meal

Provided that for Brahmin vegetarian detained persons, the ingredients fresh prawns and meat (beef, mutton or pork) as mentioned above be substituted by one ounce of tomato sauce and two ounces of fresh tomato fruits for each meal.

6. Punishment diet for all classes of detained persons :

Bread	18 ozs daily
Cheese	2 ozs daily