



PRESS STATEMENT

KUALA LUMPUR (3 APRIL 2020) - The Human Rights Commission of Malaysia (SUHAKAM) expresses its deep concern on the conduct of arrests and detention of alleged offenders during the Movement Control Order (MCO). It was reported yesterday, that there have been 4,180 arrests and 1,449 charges made, as we move into the third week of the MCO. Inadequate social distancing, poor safety measures in process of arresting or detaining persons, indicates Standard Operating Procedures (SOP), if there is one, have either not been sufficiently communicated to officers implementing it or been fully understood. Having viewed a video where a group of teenagers were caned by authorities in Sabah for allegedly violating MCO, SUHAKAM reminds that such acts are unlawful, cruel and degrading, and goes against the principles of human rights. Furthermore, where children are involved, a warning for a first offence before being sent home, should serve as a sufficient deterrent.

According to Rule 10 of the Lock-up Rules 1953, it is a requirement for detainees to undergo medical examination as soon as possible, before they are held in lock-ups. However, in reality, trained medical personnel are unavailable in police stations. Based on observations during monitoring visits to police lock-ups, most are small, in poor condition, lack proper ventilation and natural light. In the absence of proper preventive measures and the relatively high number of alleged offenders being detained under MCO, there may be an increased threat to the health of detainees, police personnel and other front liners involved in the arrest and detention process. Whilst SUHAKAM welcomes the Chief Justice's recent directive, for remand proceedings to be conducted at police stations for the duration of the MCO; it does not guarantee that social distancing will be duly observed in the intervening days.

SUHAKAM has similar concerns with conditions in prisons, which are generally over its capacity and crowded with prisoners. If authorities continue to arrest and charge more MCO offenders, it will further increase the number of prisoners housed in confined spaces, where conditions are primed for rapid spread of any infectious disease.

Whilst the entire Government machinery is geared up to battle the pandemic and wider community stays at home, it would be remiss to overlook those who are in detention centres and unable to practice proper social distancing. SUHAKAM commends the Malaysian Prisons Department for precautionary measures implemented in prisons, thus far. SUHAKAM will continue to advocate for the Royal Malaysian Police and Immigration Department of Malaysia to have proper SoPs, which are in accordance with both public health 'social distancing' requirements as well as basic human rights principles.



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

SUHAKAM had communicated with the enforcement agencies as they continue to make improvements on how it carries out its tasks, and hopes the mitigation measures outlined below will be seriously considered for implementation in the immediate future.

For those under remand proceeding and charges:

- i. Alleged MCO offenders, minors and fake news offenders to be released on police bail and charged at a later given date.
- ii. Where the offender is charged and unable to post bail, alternatives to cash bails may include bonds or non-cash bail; whilst alternatives for convictions and fines could include undertaking community services.
- iii. Minors, women, persons with disability, older persons, those with chronic disease or under medical treatment should be prioritized for release. The same can be applied for those charged for minor offences or offences related to socio-economic circumstances (poverty) such as petty theft.

For prisoners:

Approximately 30% of the prison inmates are un-convicted or pre-trial remand prisoners, should be given due consideration for release under special administrative directive. These include:

- a. Remand prisoners for minor, non-violent offences or drug users who pose zero risk to public safety and prisoners with chronic illness;
- b. Remand prisoners for socio- economic offences;
- c. Senior citizen prisoners with medical conditions, including mental illness.

Finally, SUHAKAM urges members of the public to play a most important role, by complying with the MCO and to fully cooperate with the authorities in efforts to combat the pandemic, for the health and safety of one and all, in this crucial time.

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Human Rights Commission of Malaysia (SUHAKAM)

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