

**EO detainees kin bring their case to Suhakam**  
**Malaysiakini.com**  
**March 16, 2007**  
**Andrew Ong**

Family members of six detainees held under the Emergency Ordinance (EO) today pleaded with Suhakam to intervene on the detentions.

Suhakam commissioner N Siva Subramaniam noted complaints from the family members who mostly sought the release of the detainees or that they be charged in court.

Several women among them broke down when they related their problems to Siva, who received a memorandum from them in a short ceremony in Kuala Lumpur today.

Assisting the family members was S Manikavasagam of Police Watch and Human Rights Committee, who told Siva that many of these families lost their sole providers and were living in anguish of their loved-one's indefinite detention.

Agreeing, Siva said a recently-released detainee from Kluang had told him that his incarceration had destroyed his family.

"That person said that he has no family left. His wife had become a prostitute. One child ran away to Singapore, while another works in a night club. He now has to look for them," he said.

Siva also lamented the deplorable conditions in the overcrowded Simpang Renggam detention centre where most EO detainees are held, adding that Suhakam was working towards organising medical teams to visit the centre.

**'EO is unconstitutional'**

The Emergency (Public Order and Prevention of Crime) Ordinance 1969 is often used on suspected criminals when there is insufficient evidence, as explained by Deputy Internal Security Minister Mohd Johari Baharon on March 4.

Numerous civil society groups and opposition parties have criticised the law as a 'short cut' used by the authorities to close cases without having to go through the courts.

During the family's visit to Suhakam today, malaysiakini managed to obtain a copy (see pic) of detention order signed by then Deputy Internal Security Minister Noh Mohd Omar.

According to the charge sheet, the 25-year-old detainee was alleged to have led four armed robberies in 2001. However, his detention order was signed in 2005.

Lawyer N Surendran said the charges for those held under EO were usually for robberies or hijacking of consignment trucks - offences adequately covered under the Penal Code.

"If the authorities don't have the evidence, then find the evidence to charge the accused. Otherwise, release them. What the police are doing is taking a 'short cut'. If they cannot find the evidence, they don't play by the rules and make up their own," said Surendran.

"Unfortunately, the police is sanctioned by law to do so. But can be morally wrong as their individual rights to a fair trial is completely prejudiced. This law should be struck down for being unconstitutional (by denying rights to a fair trial)".

He added that even detainees who managed to obtain a habeas corpus, which can cost more than RM20,000, they are often re-arrested by the authorities almost immediately after their release.

### **Buck up, police told**

Earlier, Surendran had suggested to Siva that Suhakam hold a public inquiry on the process of EO detention itself rather than on individual cases.

Last year, Suhakam had initiated a inquiry into the death of 19-year-old inmate S Hendry at the Simpang Renggam detention centre. Suhakam is in the process of preparing for another public hearing on the alleged January beatings of detainees by warders.

In a related development, PKR Youth has urged the police to increase police efficiency and competency in gathering sufficient evidence with the view to prosecute.

"The rule of law is that a man is presumed innocent until proven guilty by a court of law," said its deputy secretary Lau Teck Hai.

"So please leave the 'guilty' judgement to the judges and not the combination of the deputy minister plus the police personnel which gives rise to perceptions of abuse of power and bribery".

Johari is presently under probe for allegedly taking RM5.5 million in bribes over the freedom of three suspected underworld figures from EO detention.

He had also previously complained that the police gave him insufficient time to properly vet investigation papers before signing detention orders.

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