

RM1.4 mil payout for death in police custody
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The Kuala Lumpur High Court has today ordered the government and police to pay RM1.4 million as negligence compensation to a housewife, whose husband died in the police lock-up 11 years ago.

NONEMohd Anuar Sharip (left in photo), 31, allegedly a Keadilan (now PKR) party supporter was allegedly beaten to death while in detention at the Selayang police lock-up on Aug 18, 1999, after spending 10 days in remand.

According to the post-mortem report, the cause of death was due to inflammation of his lungs.

In awarding one of the largest compensation orders in recent years, judicial commissioner Lee Swee Seng allowed the cross appeal by housewife Suzana Md Aris (right in photo) regarding the quantum which she earlier received at RM137,220.

Lee, in his decision allowed the cross appeal and ordered former IGP Norian Mai, in his personal capacity, and the Malaysian government to pay the damages.

NONEHe ordered them to pay RM200,000 each for Mohd Anuar's two children, RM500,000 in aggravated damages and RM500,000 in exemplary damages. Lee also ordered the defendants to pay interests of eight percent from the date of death.

Suzana had in 2000 filed the suit against Gombak OCPD Massari Hashim, Gombak crime division chief Ishak Hussain, Norian and the government as the defendants.

She sued the defendants for "loss of income, trespass, harassment, unlawful search, unlawful detention, pain and suffering, loss of consortium and bereavement" for her and her two sons - then aged three and nine.

On Oct 20 last year, High Court judge Kang Hwee Gee (now Court of Appeal Judge) ruled that the police were negligent and failed to take reasonable care of Mohd Anuar while he was in their custody.

Kang however dismissed the plaintiff's case against the first and second defendants, ruling there was no evidence that they were culpable but upheld the claim against Norian, as the head of the country's police force, and the government, as his employer.

Suzana, in her statement of claim, said her husband was arrested on Aug 10, 1999, at their house on suspicion of being a drug addict and was detained at the Rawang police station lock-up.

Eight days later, her husband complained to one of the policemen at the lock-up that he had stomach ache.

He was then brought to a clinic but a day later, he died in the lock-up.

Death in police custody disturbing

In his judgment, Lee, who was appointed a judicial commissioner on June 1, described death in custody as "disturbing and distressing".

"Let the message go forth from this place that any more deaths in police custody is too many. Everyone, whether a drug addict or a decent person, should be treated with dignity and respect."

The police, he said, should ensure that there be no reoccurrence of such incidences.

Lee Swee Seng "Steps must be taken to ensure that the basic human right of a detained person to seek medical treatment is adhered," Lee added.

"In this case, a suspected drug addict should be immediately attended to. There should not be any more wanton and wasted loss of life in police custody as every life is precious," he said.

The High Court had last year ordered senior assistant registrar Faerah Nurul Ainni Izany to assess the damages, of which she granted RM137,220.

Both Suzana and senior federal counsel subsequently appealed against the decision.

Today, in a rare victory for human rights groups which have raised concern over the unabated deaths in police custody, Lee allowed Suzana's appeal and dismissed the government's appeal.

Suzana, who lives in Selayang Baru, when contacted by Bernama, said she was grateful for the decision because the compensation would enable her to buy a house.

"Now I am renting (a house). After my husband's death, I had to work part-time to provide for my two boys.

"Now they are already 13 and 19 years old," said Suzana, who is 43. Her husband, who was 31 years old when he died, was a trader at a wholesale market, she said.