

Suhakam: Cops used 'excessive force'
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Suhakam's panel of inquiry into allegations of police violence during an anti-fuel hike demonstration on May 28 last year at KLCC concluded that the police used 'excessive force' on 10 individuals in dispersing the crowd.

"The severity of injuries suffered by these [...] persons varied, from five stitches on the head to bruises and abrasions," said the panel in its report on the public inquiry of the incident.

The month-long public inquiry was held in October last year after receiving complaints from victims and civil society groups on the police conduct, in particular the Federal Reserve Unit (FRU), that day.

Panel members include Zaitoon Othman, Choo Siew Kioh, Dr Michael Yeoh and KC Vohrah who headed the team. The panel released its report on the inquiry this morning at the Human Rights Commission headquarters in Kuala Lumpur.

On May 31 last year, then Inspector General of Police Mohd Bakri Omar denied allegations of police violence and insisted that only 'minimum force' was applied on protesters.

Bakri also defended the actions of police personnel at the scene that day.

Positive identification

Based on the video evidence and identification by a police witness, the panel positively identified L/Corp Mustika Lambonding as the police personnel who used excessive force on Lee Huat Seng.

The report said the video had depicted a police officer swinging a baton and hitting Lee.

The panel noted that one victim, Lim Ban Teng, suffered a broken thumb during the melee. The report warned that the person who caused the injury could be charged with the offence of committing grievous hurt under the Penal Code.

The panel was however unable to make a conclusive finding on the personnel responsible for the injuries suffered by Zahir Hassan because the evidence produced were still photographs.

Zahir, an opposition politician, had told malaysiakini earlier that he was repeatedly kicked by several riot police personnel as he was moving away from the area where the demonstration took place (photo).

On other cases of excessive force used by the police, the panel 'strongly recommends' that the police conduct internal investigations to ascertain personnel involved with a view of taking disciplinary action against them.

The panel said that if it was deemed necessary, the police should also recommend that the

public prosecutor take further action.

Disproportionate to police aims

Quoting a United Nations' human rights training manual for the police, the report said in instances where the situation necessitates the use of force, the degree of force used must be in direct proportion and only to the extent required for the legitimate ends of law enforcement and maintaining public order.

"The panel [...] finds the interference by the police and the FRU in dispersing the assembly on May 28, 2006 at KLCC and the arrests that were affected were disproportionate to the aims of preventing disorder and protecting the rights of other and are not judicious in a democratic society," read the report.

The panel also found that the assembly was 'peaceful' within the meaning of Article 10 of the Federal Constitution (rights to assembly) and international human rights standards.

"The assembly was peaceful. There was no violence. The actions and speeches (by protest participants) did not provide incitement or cause violence or a breach of the peace," read the report.

The public inquiry was established to determine whether any human rights violations occurred during the May 28, 2006 demonstration at KLCC and if so:

- * which person or agency was responsible for the violations;
- * how such violations came about;
- * what administrative directives and procedures or arrangements contributed to them; and
- * what measures should be recommended to be taken to ensure that such violence does not recur.

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