

Uthaya: Suhakam's conduct deplorable
Malaysiakini.com
Apr 25, 2008
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I refer to the Malaysiakini
MCPX
report Suhakam: Uthaya wasn't denied treatment.

Madpet (Malaysians Against Death Penalty and Torture) is disappointed by the fact that the Malaysian Human Rights Commission (Suhakam) made and pronounced conclusions about complaints about detention conditions and health care of an Internal Security Act (ISA) detainee in Kamunting Detention Centre without even meeting with the said P Uthayakumar.

The Malaysian Human Rights Commission should never come to any conclusion or finding without at least meeting and talking to both sides.

In this case, it was reported that the Suhakam team, led by Human Rights Commissioner Siva Subramaniam, had meetings with '...senior officials, the doctor and police personnel at the camp, as well as medical personnel in Taiping hospital'.

It was also reported that 'Uthayakumar was neither present during the four-hour probe, nor interviewed by the team'. When Siva Subramaniam was asked why Uthayakumar's side of the story was not heard it was reported, 'He pointed out that media reports were also sufficient to highlight Uthayakumar's plight'.

The manner in which this 'inquiry' was done and the conclusions reached are very wrong, and is a deprivation of Uthayakumar and his family's fundamental right to be heard and participate in any inquiry and/or investigation.

Uthayakumar is already a victim of a draconian law that allows for detention without trial - where there is no right to defend oneself; no right to a fair and open trial and no right to even go for judicial review of the alleged reasons for detaining him.

As such, the manner in which Suhakam conducted themselves in this case makes it even more deplorable and is certainly unacceptable behaviour for a national human rights commission.

Madpet seriously hopes that the making of such speedy 'conclusions' - in this case by Commissioner Siva Subramaniam - was not affected by the fact that his current term expires in July 2008, and a belief that a 'pro-government' positioning now may assist chances of a re-appointment for another two-year term.

Human rights commissioners and Suhakam must at all times be independent and be seen to be independent and fearless and should only be driven by human rights and justice considerations. If a human rights commissioner cannot do this by reason of fear or some other reason, then the proper and ethical thing to do is to resign.

Madpet urges Suhakam to immediately retract its conclusions about the complaints by Uthayakumar, his family and/or his friends as reported in the media, and conduct a proper inquiry into these complaints in the proper manner - which would necessarily include that

the fundamental rights to be heard and to participate be accorded to the alleged victim and the complainants.

Madpet also calls for the immediate and unconditional release of Uthayakumar and all those currently detained under the Internal Security Act (ISA) and other laws that allow for detention without trial and that all laws that allow for detention without trial be repealed.

The writer represents Madpet.

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