

Commission: Don't permit nude squats  
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KUALA LUMPUR, Mon Nude squats should not be allowed, the Independent Inquiry Commission looking into the practice has concluded.

Condemning the practice of forcing suspects to do nude squats while holding their ears, the commission called for police codes of practice to be legislated.

It also wants police personnel to be enlightened about human rights principles. However, it said properly-conducted body searches were acceptable.

These are among the observations and recommendations contained in its report following an investigation into the nude squat incident.

Copies of the report were today submitted to the Yang di-Pertuan Agong and Prime Minister Datuk Seri Abdullah Ahmad Badawi.

The commission has also prepared a detailed manual on body searches, commission chairman Tun Mohamed Dzaiddin Abdullah told the New Straits Times.

The manual contains everything regarding body searches, including classification of types of body searches and the corresponding processes and procedures.

"We have prepared a very detailed recommendation," Dzaiddin said. "What you are supposed to do when you arrest a person, when you do the search, who must be present there.

"And when it comes down to strip searches, how you go about it. When it comes down to pat-down searches, how you go about it," Dzaiddin said.

He said unlike countries with common law such as the United Kingdom and Singapore, Malaysia did not have a manual for body searches.

"In the UK, they have it in the law itself — the code of practice comes under substantive law — under the Police and Criminal Evidence (PACE) Act. It has primary laws that allow the establishment of manuals and codes of practice.

"Here, our standard operating procedures (SOP) are only guidelines. We should include our SOPs into law. Legislate it.

"You can allow such a search (body search), but it must follow the proper procedure. Otherwise, it will be abused. That is what we want to prevent. As it is, there has been abuse, right?"

The commission also condemned the practice of "ketuk ketampi" (squats holding the ears).

"Ketuk ketampi is a form of punishment that dates back to schooldays. Here with lockup detainees, how can you punish somebody when you have not proved anything yet? You haven't proved that the person has done wrong."

The five-member commission was appointed in November last year by the Yang di-Pertuan Agong to look into the incident, which was recorded by videophone and distributed publicly via the multimedia messaging service (MMS).

The incident was exposed in Parliament on Nov 24, and has snowballed into an issue of police procedures.

Other than Dzaidin, the Commission comprised former MCA deputy president Tan Sri Lim Ah Lek, Wanita Umno Legal Aid Bureau chief Datuk Kamilia Ibrahim and former Bar Council president Kuthubul Zaman Bukhari, with Datuk Hamzah Md Rus as secretary.

The Commission held a public inquiry from Dec 12 to 16.

Its terms of reference were:

- to ascertain whether or not the woman in the video clip was one of five female Chinese nationals arrested and detained by the police;
- to investigate the procedure of the body search conducted on the woman;
- to ascertain whether or not there had been any impropriety in the search; and,
- to scrutinise the police's standard operating procedure or rules pertaining to body searches in the arrest and detention of a person, and to make its recommendations.

Dzaidin said the Commission was also recommending human rights awareness training for police personnel, "so that they will know human rights principles".

He said even though the Royal Commission on the Police Force, in which all four members of the inquiry commission were also involved, had made the same recommendation in its previous report, it was reiterating this in the new report, too, "because this involves a violation of human rights".

"Some people ask why no action has been taken against the culprits. We can't recommend that any action be taken, because that is not within our terms of reference.

"We have commented on that (that we can't comment) in the report. We made no comment because this (to identify the maker of the video) may be the subject of another police investigation," Dzaidin said.

He added that the commission had also repeated its previous recommendation for an independent complaints and misconduct commission to be set up to look into complaints against the police force.

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