

EAIC was designed to fail, Tony Pua tells Paul Low
Malaysian Insider
June 10, 2013
BY CLARA CHOOI

KUALA LUMPUR, June 10 — The Enforcement Agency Integrity Commission (EAIC) was designed to fail by the Barisan Nasional (BN) government, DAP MP Tony Pua said today as he took a swipe at minister Datuk Paul Low for likening the authority to the proposed Independent Police Complaints and Misconduct Commission (IPCMC).

The Petaling Jaya Utara MP said Low was “sorely mistaken” in saying the difference between the two was merely in their names, insisting the EAIC was only set up in 2011 to placate widespread demands for the IPCMC.

“The difference between the two is clearly in their intent, with the former set up as a toothless tiger meant specifically as a cosmetic job to placate the public’s demand for an IPCMC, while pandering to strident objections of the police force,” Pua said in a statement here.

“An IPCMC as recommended by the Royal Commission of Inquiry on the Royal Malaysian Police in 2005 was clearly an agency to check, discipline and inculcate greater professionalism in the police force.

“Hence the former is specifically designed to fail the objectives of the latter,” he added.

The DAP publicity secretary said this has been proven over the past three years since the EAIC’s formation, where it has been receiving an annual budget of merely RM7 million and only has one investigating officer and a 23-man staff, including clerks and drivers.

He noted that even former Chief Justice Abdul Hamid Mohamad had questioned the effectiveness of the EAIC which, since its formation in September 2011 and until the end of 2012, had only recommended one disciplinary action and two warnings to civil servants.

Pua said the sole case had been about a complaint lodged against a police officer mid-last year for closing a case after three days.

But even in the minor case of indiscipline, he said, EAIC CEO Nor Afizah Hanum Mokhtar had admitted that she was not aware if the recommended disciplinary action of a demotion was carried out by the police.

“The fact that the government isn’t serious, with only one investigating officer today to look after 19 government agencies... is proof of the intent for the entire exercise to fail,” Pua said.

The abject failure of the EAIC is not due to ‘teething problems’. It was because the BN government has designed for it to fail. — Tony Pua

In a statement yesterday, Low announced that the Cabinet had “more or less” decided not to establish the IPCMC but will conduct an extensive revamp of the existing EAIC instead.

The minister for integrity and corruption explained that this was because improving the EAIC would be better than setting up the IPCMC from scratch.

"The latter would involve too much time to get up and running," Low said. "As it is, the EAIC took a couple of years to really take off due to teething problems and the difficulty of recruiting capable and experienced staff with the required expertise."

He added that the IPCMC and the EAIC were merely names and the key objective of either set-up was to ensure that they are independent, have sufficient resources, clout and a scope of influence that would allow it to be effective.

The IPCMC, which was mooted by the 2005 royal commission of inquiry (RCI) chaired by former Chief Justice Tun Mohamed Dzaiddin Abdullah but shot down by the police, was to be modelled on the United Kingdom's Independent Police Complaints Commission (IPCC), as well as other police oversight bodies in New South Wales and Queensland in Australia, and Hong Kong.

The Malaysian Bar, civil society groups and several politicians from both sides of the divide have been calling for the IPCMC's implementation since then but to no avail.

The recent spate of custodial deaths — nine over the past five months so far — revived calls for its establishment and in response, Low raised the proposal to Cabinet during its meeting last Wednesday.

But Pua disagreed with Low, saying: "The abject failure of the EAIC is not due to 'teething problems'. It was because the BN government has designed for it to fail."

He suggested that Low, once the Transparency International Malaysia (TI-M) president and an advocate of the IPCMC, had become a mere spokesman for the new Najib administration since he was appointed a minister.

"It appears that he has lost all conviction in all the recommendations he has made to the government while he was the TI-M president," Pua said.

According to the lawmaker, it was Low who had personally criticised the formation of the EAIC when he spoke out against the Special Complaints Commission (SCC) that was mooted before the EAIC took its place.

"The implementation of the watered-down Independent Police Complaints and Misconduct Commission to a Special Complaints Commission indicates the inability of the government to regulate gatekeepers. The IPCMC, which was the recommendation of the 2005 royal commission, was diluted after open revolt from the top brass of the Royal Malaysian Police," Low had said previously, according to Pua.

"It is deeply disappointing that since appointed the transparency minister, Datuk Paul Low has now reversed his earlier position to argue that the Special Complaints Commission in the form of the EAIC is now sufficient to regulate the enforcement authorities, particularly the police force," Pua said.

In the latest tragedy behind bars, Nobuhiro Matsushita, 33, was found dead at 4am on Saturday in his cell at the USJ8 police station lock-up in Subang Jaya.

Police said the Japanese man, who was arrested for whipping out a knife at an auxiliary policeman after trespassing into a university on June 2, was found hanged in his cell, presumably at his own hands.

"An autopsy report issued by the University Malaya Medical Centre found that the suspect died as a result of hanging and that there were no injuries on his body.

"Initial police investigations also confirmed that no foul play resulted in his death," Selangor deputy police chief Datuk A. Thaiveegan was quoted as saying by national news agency Bernama.

Matsushita joins the growing list of custodial deaths that has triggered a public uproar and revived calls for the IPCMC to check police abuse.

In a recent controversial case, a government hospital autopsy report revealed that 32-year-old detainee N. Dharmendran had died as a result of multiple beatings while in police custody.

On Wednesday, three of the four police officers who allegedly caused Dhamendran's death were charged with murder under section 302 of the Penal Code. A fourth accused is still at large.

Hakcipta © 2013 The Malaysian Insider

Source:

<http://www.themalaysianinsider.com/malaysia/article/eaic-was-designed-to-fail-tony-pua-te-lls-paul-low/>