

**HUMAN RIGHTS COUNCIL  
25<sup>th</sup> session (3-28 March 2014)  
Item 6: UPR Malaysia**

**Oral statement delivered by The World Organisation Against Torture (OMCT),  
a non-governmental organisation in general consultative status in conjunction with Suaram**

Thank you Mr. President,

OMCT and its member organisation in Malaysia, Suaram, also a member of COMANGO, welcome the recommendations made by States to Malaysia, particularly those calling for the prohibition of corporal punishment; the enactment of anti-torture law; the setting up of independent police oversight mechanism; the abolishment of the death penalty; and the ratification of major human rights treaties. However, we deeply regret that Malaysia has rejected most of these recommendations.

Indeed, we deplore that Malaysia has failed to this date to ratify core international human rights instruments such as the UN Convention against Torture and the ICCPR, revealing that the government tolerates a culture of torture and impunity.

Malaysian police routinely inflict torture or other forms of ill-treatment during arrest, detention or when responding to protests. Since 2009 to August 2013, there have been 124 people shot dead by police. In 2013 alone, Suaram documented 12 cases of suspicious deaths in custody. Malaysia has so far failed to address most of these violations, sending the message that police are above the law and will be able to get away with torture or murder. Both organisations recall that the Enforcement Agencies Integrity Commission (EAIC) lacks prosecuting powers, independence and effectiveness. It received 347 complaints between 2011-2012 but only three cases were fully investigated, with only one disciplinary action and two warnings handed down. In this regard, we urge Malaysia to promptly establish the Independent Police Complaint and Misconduct Commission as recommended by the Royal Commission of Inquiry in 2005.

The risk of torture and ill-treatment is further exacerbated by Malaysia's legal framework allowing for incommunicado detention without charge or judicial review, such as the Security Offences Act (SOSMA), the Prevention of Crime Act (POCA) and the Dangerous Drugs Act. OMCT and Suaram call on Malaysia to withdraw the aforementioned legislation.

Whipping or canning remains a widespread form of punishment to prisoners, including asylum seekers and migrants. We are deeply concerned that Malaysia understands corporal punishment as "a valid and legal form of punishment" that does not "equate to torture, cruel, inhuman or degrading treatment and punishment", which runs in direct contradiction with the international understanding of corporal punishment as a form of inhumane and ill-treatment.

The death penalty, which constitutes cruel, inhuman and degrading treatment, continues to be used. There are currently about 900 death row prisoners. There have been at least two attempts of execution so far in 2014, but the executions were stayed. OMCT and Suaram welcome the stay of execution and urge Malaysia to take immediate steps towards the abolition of the death penalty for all offences by declaring an official moratorium on all executions, and commute all death sentences to prison terms.

Finally, OMCT and Suaram urge Malaysia to seize this second UPR to show its commitment to improve its compliance with human rights standards and the abolition of torture and other forms of ill-treatment.

We thank you.