

**HUMAN RIGHTS COMMISSION OF MALAYSIA
SURUHANJAYA HAK ASASI MANUSIA
MALAYSIA
(SUHAKAM)**

**PUBLIC INQUIRY INTO THE ALLEGED
DISAPPEARANCE OF
PASTOR JOSHUA HILMY AND
PASTOR RUTH SITEPU**

**COUNSEL FOR THE FAMILY OF
PASTOR RUTH SITEPU RUTANGA-
WRITTEN SUBMISSIONS**

Dated 17th January 2022

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A. OPENING STATEMENT

Who are Joshua Hilmy and Ruth Sitepu?

1. Joshua Hilmy is a citizen of Malay origin, his name in NRIC is Hilmy Hanim and upon his conversion to Christian faith adopted the designation Pastor Joshua Hilmy.
2. Joshua means "God is a deliverer".
3. Pastor Ruth Sitepu whose name is Rudangta Sitepu, on the other hand, was originally an Indonesian from Nambiki, a small village in North Sumatera. She lived abroad in Malaysia to support her family. Having attended seminary, Pastor Ruth partnered Pastor Joshua in his work and they both lived a simple life.

Background of their disappearances

4. In the night of 30 November 2016, they were both last seen at their house in Kampung Tunku, Petaling Jaya. Before they left their house Pastor Joshua received an unknown caller with whom Joshua had an agitated exchange. Since their exit that fateful evening from the Kampung Tunku's residence, they had never been seen, nor have any contacts been made with friends, associates or family members. Their friends attempted to contact them but those attempts were futile. The last Facebook post of Joshua is on 30 November 2016. Their Kampung Tunku's residence shows no attempt of forced kidnapping but that the conditions there were demonstrative that the couple exited their residence with intention to return.

5. One Peter Pormannan a/l Annamalai ("**Peter**"), a friend of the couple lodged a police report on 6th March 2017 at the Klang District Police Headquarters.
6. In Feb 2018, Ruth's family led by siblings Iman Sitepu and Ram Ram Elisabeth who flew in from Indonesia arrived at Malaysia and lodged a police report on 28th February at the Petaling Jaya District Police Headquarter.
7. So far, the family members have not received any updates from police authority. This is so despite that the police were ordered to conduct investigations by the new government in July 2018.¹

Similarities with cases of Pastor Raymond Koh and Amri Che Mat

8. The disappearance of Pastor Joshua and Pastor Ruth, and also Amri of Perlis Hope involves the practice of member(s) from minority faith communities touching a fundamental liberty enshrined in our Malaysian Federal Constitution of the freedom of religion.
9. Article 11(1) of the Federal Constitution² being supreme law of this land states that every person has the right to profess and practice his religion although this is subject to Article 11(4) where the state law or the federal law (as the case may be) could be enacted to control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.
10. Joshua Hilmy was a Malay Muslim convert professing Christianity and is gifted Bible teacher and loves to help individuals in need. Pastor Ruth Sitepu is an Indonesian who became a Christian and married

¹ <https://www.themalaysianinsight.com/s/83204>

² Tab 1 Bundle of Authorities (BOA)

Joshua and together they carried on their vocation in teaching and helping people and individuals in need of healing, counselling and shelter.

11. During the inquiry, they had prior to their disappearance, received and were subject to anxieties and fears from threats due to their practicing of their religion which was always done peacefully. In Joshua's banking financial records there is no evidence of funding from foreign sources, only small honorariums from friends and well wishers who gave simple support. No evidence of any systematic so-called Christianization programs. In fact Joshua and Ruth lived an unadorned marginalized simple lifestyle.
12. It is to be noted that to date the family, friends or relatives have received no request or notice for ransom monies in return for release or information leading their whereabouts.
13. The Public's grave concern and attention regarding the disappeared persons has led to this present Inquiry.
14. A memorandum was submitted to SUHAKAM on 20.4.2017 by a coalition of civil society groups led by SUARAM (Suara Rakyat Malaysia). The continuous pressure of the media, members of the public and civil society and NGOs further underscore the earnest desire of the Public to ascertain the truth reflecting a deep anxiety that these disappearances will be accounted for and truth of what happened to such victims be disclosed.
15. Without the truth made known not only will there be no justice but there is a deep wound to both the victim's families and the irreparable damage to the moral fibre of our community.

16. To date (more than 5 years later) the disappearance of Pastor Joshua and Ruth remains unresolved.
17. On 18.2.2020, a panel for the Public Inquiry commenced investigations into the disappearance of Pastor Joshua and Ruth. The Panel of Inquiry comprised three (3) Suhakam Commissioners namely, the Honorable Datuk Seri Hishamuddin Yunus ("**the Chairman**"), assisted by Honorable Commissioners, Dr. Madeline Berma ("**PM 1**") and Jerald Joseph ("**PM 2**").
18. We will submit that Pastor Joshua and Ruth are victims of enforced disappearance as defined under Article 2 of the International Convention Protection of All Persons from Enforced Disappearances ("**ICPPED**").

The Terms of Reference

19. The terms of reference of this Public Inquiry are as follows: -
 - 19.1. To determine whether this is a case of enforced or involuntary disappearance as defined under the ICPPED and whether it constitutes criminal offence under the national laws;
 - 19.2. If the above has been established, to determine further:
 - i. How such violations came about;
 - ii. What administrative directives or procedures, or arrangements contributed to such violations; and
 - iii. Which persons(s) or agencies were responsible for such violations.
 - 19.3. To consider whether the authorities, especially the Royal Malaysia Police have taken adequate steps to investigate this case; and
 - 19.4. To recommend measures or guidelines to be taken to ensure that such violations do not recur.

B. THE ISSUES TO BE DETERMINED BY THE PANEL

20. Whether the disappearance of Malaysian citizen, Pastor Joshua and Ruth is a case of enforced disappearance/involuntary disappearance as defined under Article 2 ICPPED.
21. In the event the above is established, to then consider subparagraphs (b), (c) and (d) of the Terms of Reference.

C. APPLICABLE LAW

22. We seek this Honourable Panel's leave to refer to pages 13 till 30 of the Panel's Final Decision of the Public Inquiry into the Disappearance of Pastor Raymond Koh dated 3.4.2019³ (hereinafter referred to as "**Pastor Raymond Koh's Final Decision**") where the applicable law in relation to enforced disappearance (including the relevant definitions and applicable sections of the Penal Code)⁴, highlighting the following in summary.

The definition of enforced disappearance

23. Enforced disappearance is defined in *Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance ("ICPPED")* as:

"deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State followed by a refusal to acknowledge the deprivation or a concealment of the fate or whereabouts of

³ Tab 2 BOA

⁴ See also Chapter 6 Enforced Disappearance Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance by Marthe Lot Vermeulen (Tab 3 BOA)

the disappeared person, which place such a person outside the protection of the law."

24. Deprivation of liberty includes arrest, detention, or abduction.
25. **Abduction** under *s.362 of the Penal Code* is defined as "**Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct that person**"
26. **Acquiescence** was defined in the **case of Ng Yee Fong & Anor v. EW Talalla**⁵ i.e when a person (including any agent of State) stands by and does nothing or next to nothing to a point where really there is implied inducement with regard to the act of infringing a human right and/or inferred an assent to the infringement of human right.⁶
27. **Para. 40 and 41 pg. 14 in Pastor Raymond Koh's Final Decision** state clearly the application of **Article 2 ICPPED** and in this case, it is:
 - 27.1. the participation of the State by giving either express or implied authorization, support or acquiescence with regard to the deprivation of liberty of Pastor Joshua Hilmy and Ruth Sitepu followed by;
 - 27.2. a refusal to acknowledge the deprivation or a concealment of the fate or whereabouts of the disappeared persons;
 - 27.3. that has resulted in the current status of the fate or knowledge on the whereabouts of Pastor Joshua Hilmy and Ruth Sitepu remaining unknown more than 5 years later;

⁵ See para 61 pg 20 Tab 2 BOA

⁶ See also Chapter 9.3.2.3 Enforced Disappearance Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance by Marthe Lot Vermeulen (Tab 3 BOA)

27.4. It is also in direct contravention of Article 5 of the Federal Constitution of Malaysia.⁷

Receiving of evidence in a SUHAKAM Inquiry

28. Paragraphs 51 to 56 pgs 17 to 18 in Pastor Raymond Koh's Final Decision state the relevant provisions of the Human Rights Commission of Malaysia Act 1999 ("the Act") and section 14 (1)(d) of the Act clearly states that the Panel is not bound strictly by the provisions of the Evidence Act 1950 in the receiving of evidence in this Inquiry into the disappearance of Pastor Joshua Hilmy and Ruth Sitepu.

Standard of proof

29. Paragraphs 65 to 70 pgs 20 to 25 in Pastor Raymond Koh's Final Decision expound on the standard of proof in an Inquiry and concluded that it is the civil standard of proof on a balance of probabilities.

Burden of proof

30. The burden of proof lies on the State itself as "*... it is the State that controls the means to clarify the facts that have occurred in its jurisdiction....the State has better possibilities of assuming the function of proving what it denies than the individual to prove what he affirms*"⁸.

⁷ Tab 1 BOA

⁸ para. 71.1 pg 26 in Tab 2 BOA

31. Para. 71.4 pg 26 in Pastor Raymond Koh's Final Decision looked at the case of *Bleier v. Uruguay* where it was held ".....the Committee may consider such allegations as substantiated in the absence of satisfactory evidence and explanations to the contrary submitted by the State party".
32. Para.72 pg 31 in Pastor Raymond Koh's Final Decision concluded that because the burden of proof rests with the State, the Panel is entitled to accept inferences submitted by Counsel on behalf of the family. It is for the State to adduce satisfactory evidence and give explanations on a balance of probabilities to show that the State was not in any way involved in the disappearance of Pastor Joshua Hilmy and Ruth Sitepu.
33. With regards to the admissibility of evidence, the Panel in Pastor Raymond Koh's Final Decision decided that "*circumstantial evidence, indicia and presumptions may also be considered so long as they lead to conclusions consistent with the facts*"⁹
34. The Panel in Pastor Raymond Koh's Final Decision also recognized and acknowledged that "*...Complainants also typically do not have the means to identify with precision the State agents concerned in the disappearances*". It is therefore usually circumstantial evidence which gives rise to the inference that State agents are involved in the disappearance, **see the case of *Chan Chwen Kong v. Public Prosecutor***¹⁰ in concluding that the Panel would take into consideration hearsay, circumstantial or presumptive evidence when determining the cumulative effect of the evidence adduced in the Public Inquiry.

⁹ See para 74.2 pg 28 Tab 2 BOA

¹⁰ See para 75 – 79 pg 29 – 30 Tab 2 BOA

D. THE EVIDENCE ADDUCED

35. Many witnesses have come forward to assist the Panel, despite their own fears, to give evidence on the following main areas: -

D.1 Sensitive activities

36. The Panel has been informed by testimony given under oath that the activities that were done by Pastor Joshua Hilmy and Ruth Sitepu whilst residing in Kg.Tunku, PJ consisted of helping out those in need regardless of race and religion. It also included reference to Pastor Joshua Hilmy providing teaching and guidance to individuals in which included persons professing the Islamic religion – apart from IW1,2,3,5,9,10 giving such evidence, there was also evidence received from IW16 and IW18 that they approached Pastor Joshua Hilmy for healing due being disturbed by allegedly supernatural occurrences. The rite of Baptism was also administered to individuals and evidence names of Baptism certificates signed by Pastor Raymond Koh bearing the of IW16 and IW18 were also seen on the Facebook postings of Ruth Sitepu¹¹.

37. This fact forms a pattern which puts the current case in alignment with Pastor Raymond Koh's case *i.e.* where the disappearance has been connected with helping individuals in need and also teaching carried out by such before their being found missing and witnessed being abducted unlawfully.

¹¹ Exhibit 14-A

D.2 Prior threats / harassment

38. Apart from the similar type of activities carried out by the disappeared persons, the other strikingly similar fact is that both Pastor Raymond Koh and Pastor Joshua Hilmy had received prior threats/harassment. The particular witnesses who gave evidence in relation to the prior threats/harassment received by Pastor Joshua Hilmy were IW3 and IW10.
39. IW3 gave evidence that prior to the angry tone he heard on the 30th November 2016, IW3 had also heard a similar tele-conversation sometime in 2015, whereby after receiving that phone call in 2015, Pastor Joshua Hilmy & Ruth Sitepu left the Kg.Tunku house for about 2 months. Pastor Joshua Hilmy had later called IW3 and informed him that the couple were in Kedah and would be returning to Kg.Tunku. IW3 was informed by Pastor Joshua Hilmy that someone was disturbing them. IW3 also testified that that was the first time the couple had been away for so long.
40. IW10 spoke of the agitated and angry tone that was heard on the night of 30.11.2016 (the night the couple were last seen by those who were residing with them) and that Pastor Joshua Hilmy knocked on his room door after that and informed IW10 that someone had called and informed IW10 that he and Ruth Sitepu had to go out that night. Nothing was mentioned as to what the telephone call was about or from whom. IW10 responded by wishing them a safe journey. IW10 gave evidence that he concluded that the agitated and angry tone was via a phone call because he could only hear Pastor Joshua Hilmy's voice and thereafter he and Ruth Sitepu spoke outside near the car as they were leaving.¹²

¹² See line 23-26 pg 147 & lines 1-12 pg 148 Notes of Proceedings (NP) 7

41. Both IW3 and IW10 gave evidence that they both heard Pastor Joshua's angry voice and no other and both phone calls resulted in the couple leaving the Kg.Tunku home after such disturbing calls were received.¹³
42. IW5 had given evidence that he was told and shown by Pastor Joshua Hilmy that he had received e-mails from those who claimed to be government ministers using official government logo and/or official government e-mail address informing him that he was going to be detained/arrested and asking him to leave the country. The actual words used were "***Jangan salahkan saya jika anda ditahan oleh mereka....tapi pada pemikiran saya, saya lebih suka Pastor keluar dari Malaysia***".¹⁴

D.3 Fact of disappearance since 30.11.2016

43. IW1 gave evidence that he lodged the police report only on 6.3.2017 because of two (2) reasons: -
- 43.1. The couple usually returned after a period of time but on this instance they did not and they had never been away for this long without any contact whatsoever;
- 43.2. Pastor Raymond Koh was abducted on 13.2.2017 and therefore due to the similar nature of their activities, it was a real possibility that a similar fate had met the couple as well.
44. IW1, IW2, IW3, IW5, IW6, IW7, IW 9 and IW10 all gave evidence that none of them saw / heard from the couple since 30.11.2016 and these witnesses had fairly regular contact with the couple and the siblings

¹³ See pgs 20-22 IW3's NP 2

¹⁴ See Exhibit 76A; See Also Exhibit 70A & B

of Ruth Sitepu *i.e.*, IW6 and IW7 testified that they were used to hearing from their nephew who often kept in touch with Ruth but not a single family member had heard from the couple at all.

45. Evidence was also given by the witnesses that the couple were active on Facebook but that there had been no postings since 30.11. 2016.
46. Their mobiles also went silent and neither texts nor calls were replied to and/or responded to.
47. Pursuant to the above, SUHAKAM Officers (to their credit and our gratitude) undertook thorough investigation and the Inquiry received evidence that: -
 - 47.1. Maxis witnesses gave evidence that they retain call logs and records for a period of 7 years (in particular, IW24) from any given point in time and were able to assist with the tracing of the phone calls that came to Pastor Joshua Hilmy's phone;
 - 47.2. It is worthwhile to note that the PDRM investigation merely followed a routine letter which was replied routinely by lower ranking officials of Maxis and not until there was an unequivocal demand from Suhakam in consequence of the Inquiry Observers insistence that notwithstanding that the mobile numbers were pre-paid call logs which are maintained for seven (7) years which is a fact not known nor probed by the PDRM;¹⁵
 - 47.3. However, what is perplexing is the gap in the evidence as to who had ownership of the relevant number at that material time *i.e.*, on 30.11.2016;
 - 47.4. To date, there is no direct evidence as to where the call came from prior to the couple leaving their Kg Tunku home on 30.11.2016; and

¹⁵ see pgs. 20-21 NP 19

47.5. With regard to the e-mails, IW22 said that they were unable to assist further because of the lack of the e-mail header and the unavailability of the device that received such e-mail. Again when pressed Malaysia Communications & Multi Media Commission (MCMC) did concede that if required even a yahoo email address may be traceable if Law & enforcement agencies are involved in such requests.

48. Further, many witnesses have been called to give evidence on the investigations into the said disappearance. As Observers for the Sitepu family, we wish to highlight the following evidence that can assist this Honorable Panel in arriving at their decision:

48.1. There have been three (3) Investigating Officers ("IO") from PDRM that were called to give evidence at the SUHAKAM Inquiry – **IW13 (ASP Hairol Azhar – 2nd IO), IW 14 (ASP Zulfadhly – 3rd IO) & IW15 (DSP Supari – 1st IO);**

48.2. All of the IOs came to give evidence without any Investigating Papers ("IP") or Investigating Diary ("ID") despite the fact that they have had to handover/takeover from another IO and despite the fact that they were asked on a number of occasions about the IP and the ID and the importance of reference of the same to give comprehensive evidence at the SUHAKAM Inquiry;

48.3. IW1 gave evidence on the making of his report (and what led to that) and that he was interviewed about 1 month after his report was made on 6.3.2017¹⁶ i.e on or around 10.4.2017 he gave his statement to PDRM¹⁷;

48.4. IW2 (Grace Thangamalar - the daughter of IW1 who was living together with the disappeared persons) was only called by the 3rd IO just prior to the SUHAKAM Inquiry commencing and her

¹⁶ Exhibit 1

¹⁷ see lines 9-10 pg. 29 - pg. 32 NP 1

statement taken for the 1st time the week before the SUHAKAM Inquiry commenced i.e. on 11.2.2020¹⁸;

- 48.5. IW3 (Josiah Nandan - the son of IW1 who was living together with the disappeared persons) gave evidence that he was called for the 1st time by PDRM also on 11th February 2020 i.e almost 3 years after his father's (IW1) police report was lodged and was never called again after that;¹⁹
- 48.6. IW3 confirmed having informed PDRM about the 2 disturbing phone calls that Pastor Joshua Hilmy received (which IW3 knew about) – the 1st disturbing call was in 2015 (after which they left the house and came back only 2 months later and said to IW3 that someone was disturbing them) and the 2nd was received on the last day they were seen just before they left in their red kancil car on the night of 30.11.2016²⁰;
- 48.7. IW3 also told the Panel that he did believe that there is a connection between the disappearance of Pastor Raymond Koh, Amri Che Mat and Pastor Joshua Hilmy and Ruth Sitepu as it concerns freedom of religion in Malaysia²¹. He also told the Panel that about the late night/early hours of the morning there was visit from a group of men and lady whom Ruth Sitepu told IW3 that they were from the government ("*kerajaan*") and they stayed overnight at the Kg Tunku home and left the next day;
- 48.8. IW4 (Mr. Ramanathan) gave evidence on what triggered the preparation and submission of the Memorandum to SUHAKAM by SUARAM²²– amongst which he mentioned instances where the '*threat to Islam*' was perceived – and the momentum that was gathering prior to GE14²³. And so IW4 substantiated his

¹⁸ line 32 pg. 73 till line 11 pg. 74 NP 1

¹⁹ see line 35 pg. 39; lines 17-22 pg. 44 NP 2

²⁰ See pgs. 45-50 NP 2

²¹ See line 17 pg. 69 - line 33 pg. 72 and line 5-7 pg. 79 NP 2

²² Exhibit 3

²³ See line 13 pg. 100 - line 34 pg. 101 NP 2

belief that there was a connection between the cases of disappeared persons of Pastor Raymond Koh, Amri Che Mat and Pastor Joshua Hilmy and Ruth Sitepu as he said earlier²⁴. Thereafter Mr. Rama said he proceeded to form the NGO i.e., CAGED (**Citizens Against Enforced Disappearance**). It is also noteworthy Mr. Rama was called up by PDRM over their memorandum and their highlighting of the disappearances in media and by way of candlelight vigils;

48.9. IW4 also gave evidence that IGP Khalid of PDRM had issued press statements asking NGOs to not comment on the cases of the disappeared persons and in fact IW4 and two (2) of his friends were called in for questioning by PDRM²⁵ because of a strong stand taken that these cases of disappeared persons were cases of enforced disappearance due to involvement of similar modus operandi²⁶.

48.10. IW4 referred to DCP Awaluddin's speech made on 6.11.2016 ("**Awaluddin's speech**") at the event that was opened by Cabinet Minister YB Khairy Jamaluddin²⁷ and the latter quotes portions of DCP Awaluddin's speech²⁸ and IW4 as a concerned citizen makes the connection of proximity of time between Awaluddin's speech and the fact that Sgt Sham (despite his retraction subsequently the Panel found testimony of Norhayati credible) said that Awaluddin was connected to the abduction of Amri Che Mat and the dates of the disappearance of Amri Che Mat and Pastor Joshua Hilmy and Ruth Sitepu all occurring within November 2016²⁹ and reinforced the basis for his inference (the connection of Awaluddin's speech with the

²⁴ See line 9-15 pg. 96 NP 2

²⁵ See line 12-16 pg. 98 NP 2

²⁶ See pgs. 105 & 106, 108-110 NP 2

²⁷ See line 23 pg. 111 – line 6 pg. 112 NP 2

²⁸ See line 5 pg. 116 – line 9 pg. 117 and further line 35 pg. 117 – line 7 pg. 118 NP 2

²⁹ See line 33 pg. 119 – line 8 pg. 120 NP 2

disappearance of Pastor Joshua and Pastor Ruth is explained further below);³⁰

48.11. IW5 (Mr.Selvakumar) gave evidence that he personally witnessed the baptism of Fadzlina Amran and Iqbal Mirza³¹ and that to his knowledge Pastor Joshua has baptized more than 10 Malays³²;

48.12. Pertinently, when Fadzlina was questioned as to this rite and its meaning she characterized it as a bath to rid herself of her spiritual ailments. Being a graduate in linguistics when questioned by Philip Koh as the rite of baptism is accompanied by affirming that the baptismal candidate declares that she accepts and believe in the Lord Jesus Christ as personal Saviour and upon such affirmation water is administered on the candidate with declaration by Pastor "*I baptize you in the Name of the Father, the Son and the Holy Spirit.*" Upon the affirmation and performative utterance made, the candidate is a Christian. The analogy is a convert to Islam uttering the SHAHADA;

48.13. IW5 also said repeatedly that Pastor Joshua was threatened by someone whom Pastor Joshua was convinced was the cabinet minister YB Khairy Jamaluddin and that he needed to vacate the Kg Tunku house as it was no more safe for him to stay there – this was told by Pastor Joshua Hilmy to IW5 on at least 2-3 occasions – the 1st time through personal direct conversation with IW5 on 1.1.2015³³, the 2nd time one (1) year later towards the end of 2015 via tele-conversation between Pastor Joshua Hilmy and IW5³⁴ and then again in person in May 2016 at Sg.Bakap at the home of IW5³⁵ and that Pastor Joshua Hilmy

³⁰ See line 35 pg. 137 – line 13 pg. 138 NP 2

³¹ See line 34 pg. 152 and line 7 pg. 154 NP 2

³² See line 7 pg. 179 of IW5 NP 2 and Exhibit 5

³³ See line 19-32 pg. 156 NP 2

³⁴ See line 31 & 36 pg. 158 NP 2

³⁵ See line 8-14 pg. 159 NP 2

had planned to leave the country because of the threats received but had visa problems³⁶;

48.14. IW5 confirms that PDRM only took his statement after the change of government sometime around October 2018³⁷;

48.15. IW5 also said that he had informed PDRM about the threats Pastor Joshua Hilmy received and IW5 also mentioned YB Khairy's name to PDRM³⁸;

48.16. IW5 was also aware that Pastor Joshua Hilmy & Ruth Sitepu had left the Kg Tunku house for an extended period of time due to threats received due to their work of reaching out as Christians to Malay Muslims³⁹ These occasions however saw them returning to their residence at PJ;

48.17. IW5 gave evidence on pgs. 34 & 35 NP 3 as to why he did not lodge a police report – that he firmly believes this to be a case of enforced disappearance and that the Police and the Government are involved⁴⁰ IW5 did clarify that these are his own inferences;

48.18. IW6 and IW7 are the siblings of Ruth Sitepu and IW6 lodged a police report on 28.2.2018⁴¹ and a Statutory Declaration⁴² on the disappearance of her sister and brother-in-law;

48.19. IW6 gave evidence that the manner in which the couple left the Kg Tunku house on 30.11.2016 was not voluntary but have the appearance of hurried departure i.e. food in the fridge and unmade bed. It was affirmed that Ruth has always been in communication and enquire about the well-being of her family members in Indonesia – yet they have not heard from her since

³⁶ See line 21-33 pg. 6 NP 3

³⁷ See line 19-26 pg. 20 and line 11 & 12 pg. 23 NP 3

³⁸ See line 33 pg. 24 & line 1-3 pg. 25 NP 3

³⁹ See line 5-21 pg. 28 NP 3

⁴⁰ See line 6-12 pg. 64 NP 3

⁴¹ Exhibit 8

⁴² Exhibit 9

November 2016⁴³ and expresses herself poignantly with tearful sobs on her sister's disappearance emphasizing that Ruth Sitepu is a human being with fundamental liberty of freedom⁴⁴

48.20. IW7 gave evidence that Pastor Joshua Hilmy did inform his godfather, Bebas Bagun that his life (Joshua's) was threatened⁴⁵;

48.21. IW8 essentially gave evidence on how she knows Ruth Sitepu and her involvement in trying to get more information on the disappearance of an old acquaintance;

48.22. IW9 gave evidence on the sensitive postings on Ruth's Facebook and that she and Ruth were good friends and IW9 had stayed over at the Kg Tunku house with the couple, who were always willing to lend a hand to someone in need. Hence IW9 was willing to disclose all she knew in the hope that it could shed some light on the case of a good friend and her husband who had gone missing, despite her own personal fears. IW9 also gave evidence of being told by Ruth that they had to run off to Kulim because of the involvement of government officials whose photos appeared on the Facebook of Fadzlina Amran, whom Pastor Joshua Hilmy and Ruth Sitepu had baptized⁴⁶. IW9 confirmed that she was frequently in touch with Ruth Sitepu until 30.11.2016 and realized that they were no longer active on Facebook from 30.11.2016 onwards. Thereafter IW9 got to know of the couple's disappearance from Rossy Aming and the incident of hearing Pastor Joshua Hilmy's angry loud voice through Rossy Aming⁴⁷;

⁴³ See line 10-18 pg. 50 of NP 4

⁴⁴ See line 2-19 pg. 57 NP 4

⁴⁵ See line 14-16 pg. 121 NP 4

⁴⁶ See line 34 pg. 43 – line 2 pg. 44 NP 9

⁴⁷ See line 8-22 pg. 116 of NP 9

48.23. IW10 explained the circumstances that had led them to stay in the Kg.Tunku house⁴⁸;

48.24. IW10 also informed that he was the last person to see Pastor Joshua Hilmy and Ruth Sitepu on the night of 30.11.2016 at the house and IW10 himself overheard loud angry tones coming out of the couple's room⁴⁹ but he confirmed that he only heard Pastor Joshua Hilmy's voice⁵⁰ and gathered he was on the telephone with someone and had a heated argument with the caller;

48.25. IW10 gave evidence that Pastor Joshua Hilmy came to IW10's room at around 9.30pm to take a book and informed IW10 that he (Pastor Joshua Hilmy) had received a phone call and that he needed to leave immediately⁵¹. IW10 gave evidence on the circumstances in which the couple left the Kg Tunku house on 30.11.2016 at about 9.30pm and that Pastor Joshua was dressed to go out and that he advised Pastor Joshua Hilmy to be careful⁵²;

48.26. IW10 said that he and his family remained at the Kg Tunku house till 10.12.2016 and that when he asked IW2 why the couple had not returned, he was informed that this occurrence has happened before⁵³ and subsequent attempts to contact the couple were unsuccessful. IW10 was concerned that the couple had been nabbed by the religious authorities for sensitive postings on Facebook⁵⁴;

⁴⁸ See pgs. 132-138 NP 9

⁴⁹ See line 23-26 pg. 147 of NP 9

⁵⁰ See line 30-34 pg. 147 NP 9

⁵¹ See line 1-12 pg. 148 NP 9

⁵² See line 23-28 pg. 149 NP 9

⁵³ See line 22-36 pg. 154 NP 9

⁵⁴ See line 13 -15 pg. 200 NP 9

48.27. IW10 said clearly that no one has approached him to give any statement or conduct any investigations concerning his evidence other than being approached by SUHAKAM⁵⁵;

48.28. IW20 Rev Dr Hermen Shastri gave clear evidence that baptism is a Christian rite to declare the intention to be a Christian and be accepted into the community of faith. Therefore, it is clear that the work that was being done by Pastor Joshua Hilmy and Ruth Sitepu is viewed by certain groups to the Community work that was being done by Pastor Raymond Koh;

48.29. IW21 from the Immigration Authorities gave clear evidence that there is no evidence of the couple left the country;

48.30. IW22 from MCMC ("SKMM") was unable to provide helpful evidence with regard to tracing the origin of the threatening e-mails;

48.31. IW23 proved to be a Maxis employee who was not really in a position to give helpful evidence to the Panel other than cursory action taken at his level. It was through the efforts of the Observers and SUHAKAM Officers that helpful and relevant evidence was obtained through IW24, IW25 AND IW26;

48.32. On the last date of the hearing which was a closed session, SUHAKAM Officers presented further evidence with regard to the phone call received by Pastor Joshua Hilmy on the night of 30.11.2016 and these were the crucial facts:-

- a. There was ONLY ONE NUMBER that called Pastor Joshua Hilmy on 30.11.2016 and that was from 016- ("**the Number**")⁵⁶
- b. The Number called 3 times on the 30.11.2016 and the 1st in the morning and the last 2 calls were between 9-10pm⁵⁷ which correlates with the evidence of IW10 on the timing of

⁵⁵ See line 12-23 pg. 173 NP 9

⁵⁶ See line 35 pg. 7 of NP 22; Exhibit 126

⁵⁷ See line 2-10 pg. 8 of NP 22

- the call where IW10 heard a loud angry tone from Pastor Joshua Hilmy coming from Pastor Joshua Hilmy's room;
- c. Digi telecommunications informed SUHAKAM that the Number was registered as a pre-paid mobile plan under the name of one Munusamy a/l Arumugam from 25.1.2006 till 19.11.2016 (emphasis added) i.e it was terminated on 19.11.2016⁵⁸;
 - d. Subsequently, there was a port-out to U Mobile with effect from 28.4.2017 under the same registered name i.e Munusamy a/l Arumugam (who was found to be disabled since 2020 due to a stroke and was unable to speak)⁵⁹;
 - e. There is a question as to who actually made that agitating call to Pastor Joshua Hilmy as the call could have been made via Whatsapp etc⁶⁰ but also as raised by the Bar Council Observer, there is a big gap in the evidence that SUHAKAM has no evidence as to who the Number belonged to on 30.11.2016; and
 - f. We are also aware that callers may use computer lines or even VPN channels undetectable by call logs.

D.4 PDRM's evidence evaluated

49. Which brings us to the important and crucial part of these Submissions, namely what evidence has been adduced by PDRM with regard to the investigations, since the burden of proof lies on the State itself.

⁵⁸ See line 21 pg. 8 of NP 22; Exhibit 127

⁵⁹ See line 28 pg. 8 – line 30 pg. 9 of NP 22

⁶⁰ See line 35 pg. 10-line 9 pg. 12 of NP 22

50. There were several Investigating Officers that came to give evidence, and the following was observed/remarked and noteworthy, in assessing if the State has discharged their Burden of Proof:-

50.1. None of the IOs giving evidence came with the Investigating Diary (ID) or the more comprehensive Investigating Papers (IP) despite the requests being made and the Panel Chairman's remarks on the lack thereof;

50.2. Initially, there was an unwillingness to divulge documents and further information on the basis that the AG's Chambers had said that there is an ongoing investigation and to divulge would hamper such investigations – until SUHAKAM wrote in and voiced their discontent and quoted relevant sections of the Act;

50.3. There were several PDRM personnel that were involved in taking statements and not just the appointed IO at that time. Further, because there were several IOs – each would come to the Inquiry and say that they only reached a particular point and then handed over to the next;

50.4. The delay in commencing investigations and interviewing relevant witnesses was incomprehensible – the report was made on 6.3.2017⁶¹ and IW1 was interviewed more than a month later. IW2 and IW3 who lived with the disappeared couple in the same house were only interviewed by PDRM close to 3 years later in 2020 just before the SUHAKAM Inquiry commenced;

50.5. IW10 who was the last person to have sighted the disappeared couple was never interviewed at all by PDRM – but only by SUHAKAM officers despite the IOs coming to the Inquiry and saying that they focused their efforts on locating the disappeared couple;

⁶¹ Exhibit 1

50.6. PDRM personnel were asked repeatedly whether they focused their efforts on following the lead that the case was similar in nature to Pastor Raymond Koh's case and each said they were not aware of Pastor Raymond Koh's case until coming to appear at the SUHAKAM Inquiry – there was a conscious effort to distance themselves from any knowledge of Pastor Raymond Koh's case despite their attention being brought to the fact that Pastor Raymond Koh's disappearance was highly publicized and had a viral video of his abduction that was captured by nearby CCTVs and also a "Task force "was formed at Bukit Aman (PDRM HQ in KL) to look into the disappeared persons as result of the public outcry;

50.7. PDRM personnel made no attempt to obtain any CCTV recordings from any local authorities OR highway authorities and till now there is no trace of the red kancil bearing the registration number ACW 7498 ("**the car**") despite evidence that the couple was last seen leaving their Kg Tunku house in the car;

50.8. Clear and consistent evidence was given that the threats/disturbance towards Pastor Joshua Hilmy came in two (2) forms – through e-mails and through telephone calls. With respect the PDRM's approach was lax and cursory and even indifferent as following their normal protocols of missing persons – PDRM wrote in to MCMC ("SKMM") but were content to accept the explanation that nothing further could be done because the e-mail header was not evident and the device was not available and no evidence was given on sending the emails to PDRM's Forensics Department⁶²;

50.9. When asked whether the contents of the e-mail lent itself to a possible crime under the Penal Code, IW14 (ASP Zulfadhly)

⁶² See pg. 142 NP 10

refused to commit and merely kept repeating that they need to investigate further;

- 50.10. With regard to the telephone calls – PDRM first approached the telcos more than a year after the police report was lodged – on 20.3.2018⁶³;
- 50.11. In response to the Panel Chairman’s questions on the last person to contact Pastor Joshua Hilmy, the answer given by IW14 was “***Saya tak pasti...” and that everything is in the IP***⁶⁴ (which was not brought to the Inquiry);
- 50.12. With regard to the mobile numbers of Pastor Joshua Hilmy and Ruth Sitepu, the evidence given by IW14 appears on pages 104 to 111 of the Notes of Proceedings on 17.9.2020 and in summary IW14 says that Maxis informed PDRM that because the numbers were prepaid and deactivated that the call logs could NOT be obtained! Which evidence stands in stark contrast to the evidence given by IW24 Mr.Saravanan a/l Perampalam that the call logs (including for prepaid numbers) were available up to 7 years from any given point and this evidence was obtained pursuant to the request of the Observers to have higher level Maxis personnel attend the SUHAKAM Inquiry and give evidence – thereby obtaining the evidence in Exhibit 125 & 126;
- 50.13. Further the evidence of IW14 ASP Zulfadhly bin Yacob in line 19-28 pg 106 of the NP 10 where he gives the reason for wanting to find out who contacted Pastor Joshua Hilmy stands in conflict with his evidence at pgs 83- 86 of NP 20 where IW14 says repeatedly that the reason he chose to request for the month of October 2016 from En.Azhar Baba (IW23) was just on a random basis, although it was pointed out that the couple was

⁶³ See line 22 pg. 100 of NP 10

⁶⁴ See line 36 pg. 100 - line 4 pg. 101 NP 10

last seen on 30.11.2016 and evidence was given that a threatening/disturbing phone call was received by Pastor Joshua Hilmy on 30.11.2016. IW14 also confirms that he was unaware that the call logs were available for 7 years!⁶⁵ and says he was not informed by Maxis officer that he was in touch with nor any senior PDRM Officer of such available information by telcos. The cursory inquiries made at low levels of communications with corporate bureaucracy following mechanical ticking boxes replies of standard form shows the utter lack of focus and probing investigation until Suhakam officials (who are not professional law enforcement experts) yielded definitive outcomes and clarity.

50.14. When IW14 was asked about the investigations on the allegations that Cabinet Minister YB Khairy Jamaluddin has been named as the one who threatened Pastor Joshua Hilmy via e-mail and asked Pastor Joshua to leave the country, IW14 said that he interviewed YB Khairy who denied knowing Pastor Joshua Hilmy. Despite the fact that several e-mails purportedly bearing the Government of Malaysia Crest and the names of high-level government officials appear on the Exhibits 70 (a) to (d) and Exhibits 76(a) to (i) – there was no investigation by PDRM on any misuse of Government Logo or misuse of names of Cabinet Ministers (all crimes under Penal Law) coupled with the contents of the e-mails contain strong words and veiled threats.

D.5 The Special Branch, Religious Policing and Awaluddin's Speech

51. Both Joshua and Ruth's disappearances need to be placed within the series of events that implicate the PDRM's Special Branch in the

⁶⁵ See line 33 pg. 86 of the NP 20

disappearances of Amri Che Mat and Raymond Koh as well. These disappearances arguably arise from extra-legal and extra-judicial religious policing in light of the abolishment of Internal Security Act ("ISA") replaced by Prevention of Terrorism Act 2015 ("POTA") and Prevention of Terrorism Act 2015 ("SOSMA").

52. Awaluddin Jadid joined PDRM in 1977 and retired on 1 July 2018 as Commissioner of Police – the highest police rank below IGP or Deputy IGP – as the head of Special Branch's E2 Division. He retired one day before he was scheduled to attend the Amri Che Mat SUHAKAM Inquiry as a subpoenaed witness.
53. As a Special Branch officer, he was assigned to the Joshua Jamaluddin Osman and Hilmy Nor's ISA detention cases in 1987.⁶⁶ Both were Malay-Muslim converts to Christianity who were detained without trial for allegedly proselytizing to other Malay-Muslims.
54. After the ISA was repealed and replaced by SOSMA in 2012, Awaludin said that his E2 division worked "*hand-in-glove*" with the Islamic authorities because the repeal of the ISA meant that "there were no laws that would permit us to take action" directly against religious "extremists".⁶⁷ Awaludin defined the "extremists" who came under his division's purview as people and groups whose activities fall "outside the norms" of acceptable Islamic teachings, which would invite his division's surveillance.⁶⁸
55. The former IGP Tan Sri Khalid Abu Bakar also asserted that PDRM have to enforce fatwas issued by Islamic authorities, just as it is PDRM's responsibility to enforce any government policy forbidding something. He claimed that an act against a national fatwa does not

⁶⁶ ACM SUHAKAM Inquiry NP17, p.101, lines 26-27 and l.36

⁶⁷ See Amri Che Mat SUHAKAM (ACM) Inquiry NP17, p.55, lines 20-29 and p.62, line 21

⁶⁸ See ACM Inquiry NP20, p.49, lines 9-20

necessarily have to threaten public order before the police take action. In fact, the former IGP said that PDRM assists the Islamic authorities in detaining and rehabilitating those whom these authorities deem to be deviants⁶⁹.

56. On 6.11.2016, Awaluddin delivered his speech (40-minute) at a seminar on terrorism at the KDN Complex in Kuala Lumpur, the salient contents of which are the following:

56.1. He claimed that when the State was too busy looking at terrorist groups like the Islamic State, it had forgotten who the "*real enemies*" were : liberals, like the electoral reform group Bersih, Christian proselytisers and Shia converts, assisted by conspirators in the judiciary, civil service, and even in JAKIM and the police⁷⁰;

56.2. He bemoaned the loss of the ISA, which he acknowledged was a "luxury" as it made it easy for the police to take action against these enemies in the past;

56.3. He claimed that the new laws (POTA and SOSMA) were inadequate for their needs because both necessitated detainees to be produced before a court⁷¹;

56.4. He alleged that when the Barisan Nasional lost its two-thirds majority in the 2008 general election, this was the "cut-off" date after which apostasy became a problem, because "*Muslims were no longer united*";

56.5. He claimed that after 2008, churches were emboldened to make new demands, like insisting on using Allah in church. He further linked this to the churches' alleged sponsorship of Christian proselytisers whom he claimed prey on vulnerable Muslim

⁶⁹ See ACM Inquiry NP24, p.28, lines 20-24; p.29, lines 5-13; p.61, lines 1-13

⁷⁰ See ACM Inquiry Exhibit 68(b), at 36.05 min

⁷¹ See ACM Inquiry See Exhibit 68(b), 7.58 min

groups like single mothers, those with HIV, and the homeless to convert them;

56.6. He pointed out that among those involved were "*paderi Melayu*" (Malay pastors), including in the past, Joshua Jamaludin and Hilmy Mohd Nor, who were today protected and hidden by the churches, especially in Sabah and Sarawak;

56.7. He ended by giving his opinion on the best way to deal with these enemies. He claimed that the Jabatan Agama Islam was powerless to act. His proposed way is not by using the laws of the land, as POTA and POCA requires actual proof of violent intention which these "extremists" are not displaying: "*Kalau dia pegang saja pistol, kita akan tangkap dengan POTA.*".

57. For Awaluddin, the way forward is extra-legal:

"...it's very simple, orang putih cakap: it takes a thief to catch a thief. Maksudnya, kalau kita nak tangkap pencuri, kita mesti menjadi pencuri...".

Putting words into action?

58. After Awaluddin's speech, a number of events unfolded within that same month and few months later:

58.1. On 18 November 2016 (eve of Bersih 5) police raided and detained *inter alia*, Bersih chairperson Maria Chin Abdullah under SOSMA 2012. Maria was released 10 days later (on 28 November 2016), after filing a *habeas corpus* application on 22 November 2016 to challenge her detention which was under solitary confinement without being brought to a Magistrate. It

would perhaps seem that Awaluddin was correct: a straightforward raid and arrest under SOSMA would not work decisively in dealing with *real enemy* of the State;

58.2. On 24 November 2016, Amri Che Mat, whom Awaluddin's E2 Division admitted was under their surveillance for allegedly proselytising Shi'ism, was abducted on a street near his home in Kangar, Perlis;

58.3. By 30 November 2016, Joshua Hilmy and his wife Ruth Sitepu are believed to have been enforced disappeared; and

58.4. On 13 February 2017, Raymond Koh was abducted while driving in Petaling Jaya.

E. SUBMISSIONS

59. Premised on the above highlighted evidence, it is our submission that the requirements of Article 2 ICPED have been fulfilled.

Failure of the PDRM to utilise all their investigative powers within their disposal to investigate the case diligently

60. It is the duty and responsibility of PDRM as State officers to ensure that the fundamental liberties of life, liberty, freedom of religion that are enshrined in the Federal Constitution are respected by all parties for each person found within the jurisdiction of Malaysia.

61. It is noted that there are at least 3 police reports, Police Report by Ram Ram Elisabeth dated 28.02.2018, Police Report No.

SGWAY/002209/18, Police Report by Peter Pormannan⁷², and finally the Police Report by Ketua Wira Perkasa⁷³.

62. It is noteworthy that no follow up on the Chembong Police report which contained virulent attack against Joshua was made (pertinently, Chembong is in area of Khairy Jamaluddin 's constituency). The Impersonator that engaged Pastor Joshua in emails exchanges claimed to be Khairy. It's startling and incomprehensible that when the IO was queried why he did not pursue the person who made the Chembong report as to effect as being "a person of interest," the IO express no view as to having any "theory of the case *that may point to direction of why Joshua and Ruth is missing*".
63. Further noteworthy is that when siblings of Joshua were approached by PDRM none stepped forward to co-operate save and except a sister at Subang and even then, she and the other siblings fell into strange silence and refused to communicate or co-operate with the IO inquiry. Stranger still is when queried the IO refused to confirm that he found this behavior strange. We submit that the PDRM is concerned to navigate away from a controversial area and/or even more troubling, that the PDRM has if not intentional concealment and willful blindness.
64. It is submitted that the PDRM have the necessary enforcement powers, authority and resources at their disposal to investigate the matter thoroughly but did not appear to do so from the testimony of the final Investigating Officer, Inspector Zulfadly.

⁷² Exhibit 1

⁷³ Exhibits 101 and 109C-J

65. The investigation powers include:

a) **Police Act 1967**, particularly:

- i. **Section 24.** Power of police officers to inspect licences, vehicles, etc,
- ii. **Section 25.** Power to detain and search aircraft,
- iii. **Section 26.** Power to erect road barriers;

b) **Communication and Multimedia Act 1998**, particularly:

- i. **Chapter 3, Section 246.** Power to investigate,
- ii. **Section 247.** Search by warrant,
- iii. **Section 248.** Search and seizure without warrant,
- iv. **Section 249.** Access to computerized data,
- v. **Section 250.** List of things seized,
- vi. **Section 251.** Release of things seized,
- vii. **Section 252.** Power to intercept communications,
- viii. **Section 253.** Obstruction to search,
- ix. **Section 254.** Additional powers,
- x. **Section 255.** Power to require attendance of person acquainted with case;

c) **Criminal Procedure Code**, particularly:

- i. **Section 111.** Police officer's power to require attendance of witnesses,
- ii. **Section 112.** Examination of witnesses by police,
- iii. **Section 113.** Admission of statements in evidence,
- iv. **Section 114.** No discouragement from making statement to police
- v. **Section 115.** Power to record statements and confessions,
- vi. **Section 116.** Search by police officer,
- vii. **S.116A** Search and seizure without warrant,
- viii. **S.116B** Access to computerized data,

- ix. **S.116C** Interception of communication and admissibility of intercepted communications,
 - x. **Section 117.** Procedure where investigation cannot be completed within twenty-four hours
 - xi. **Section 118.** Police officer may require bond for appearance of complainant and witnesses
 - xii. **Section 119.** Diary of proceedings in investigation.
- d) We note also the PDRM will have resources and Reciprocal agreements with Interpol and allied law enforcement agencies e.g. FBI in USA to pursue investigation of registered party of wifigurl at yahoo. PDRM failed to do so or lackadaisical about doing so notwithstanding that there was a representation that the person is communicating using or impersonating as Minister.

66. Instead in this case, clear evidence that Pastor Joshua and Pastor Ruth were harassed by texts , phone calls, and e-mails, including being asked to leave the country by one who identified/ impersonated himself as a Minister in the Government of Malaysia and representing that it is within power and authority and copied such e-mails to names of the Prime Minister and Deputy Prime Minister who were serving at that time.
67. To date more than 5 years after the disappearance of the couple, PDRM has no evidence to share with SUHAKAM as to the origins of the phone calls or e-mails despite having the investigative mechanism and process as expounded above and full resources at their disposal.
68. When asked whether PDRM had more urgency which accompany missing Western individuals there was a bare denial in response.

There appears to be indifference to plight of Ruth as if she is like many Indonesian workers or migrants who went missing voluntarily.

69. So, whilst there may not be direct evidence that the agents of State have deprived Pastor Joshua Hilmy and Ruth Sitepu of their liberties by extra- legal, extra-judicial measures, there is sufficient evidence to show that PDRM has allowed and/or acquiesced to those who have perpetrated this deprivation of liberty, with authorization, support and/or acquiescence of the State by its lack of focused and dedicated investigation which was shown in this Inquiry.
70. Therefore, the burden of proof that lies firmly on the State has discharged their duty has manifestly been unsatisfied.
71. In fact, the contrary is evident – many witnesses have come forward with love for the couple even with their anxieties to give evidence of their relationship with the disappeared couple and share all they knew of the couple's lives but a few expressed real fear at even coming forward to give evidence and requested for "in-camera" sessions. More than one witness clearly expressed the reason for not lodging a police report – that PDRM works with the Government of the day and acts in accordance with ministerial directives. In reality, these witnesses fear the very State agent that has been empowered to protect them and assure them of all liberties guaranteed under the Federal Constitution.
72. It is truly a sad and lamentable state of affairs when Awaluddin gave speeches at events opened by Cabinet Ministers like YB Khairy Jamaluddin which openly advocates extra-legal and extra-judicial measures by lamenting their loss of arbitrary detention powers under the notorious ISA on persons who PDRM characterize as a '*threat to Islam*', and such action has indeed been carried out against Pastor Raymond Koh and Amri Che Mat as found by SUHAKAM in the First

Panel. No member of the Executive arm of the government of Malaysia has ever decried such speeches calling extra-legal actions against minority faith communities. That silence is deafening and indeed speaks volumes and reinforces of submissions that this is a case of enforced disappearance.

73. It would have been very difficult for us as Family Observers to submit that the elements of Article 2 ICPED have been fulfilled if the PDRM have demonstrated and discharged their duties and the expectations of concerned citizenry and Indonesian government (in the course of the close to 2 years of the SUHAKAM Inquiry into the Disappearance of Pastor Joshua Hilmy and Ruth Sitepu). Instead, it was left to the SUHAKAM Officers and dogged questions from Observers that shed more light.
74. It is on that note that we submit there has been a willful *"refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared persons, which place such a person outside the protection of the law"* on the part of PDRM by treating the disappearances of Pastor Joshua Hilmy and Ruth Sitepu as a standard "missing persons" case with NO SOP in place for treating it as an enforced disappearance in light of the involvement fundamental liberties of minority faith communities, resulting in an "NFA" (no further action) status being given at the earliest opportunity by IW19 DSP (Rtd) Omar bin Hassan.
75. We reiterate the opening statement of Mr Philip Koh at the commencement of the SUHAKAM Inquiry into the disappearance of Pastor Joshua Hilmy and Ruth Sitepu that *"...that the conditions there were demonstrative that the couple exited their residence with intention to return"* and that what kept the couple from returning (unlike previous occasions) was "enforced disappearance" executed

upon Ruth and her spouse. Was she a victim because she accompanied her husband and cruel evil hands which executed the nefarious disappearances found it convenient in silencing and stopping Joshua she too must be silenced?

Similar fact evidence

76. In this regard, the current test for admissibility of similar fact evidence is elucidated by the Learned Evrol Mariette Peters JC in the High Court case of **Pannir Selvam Sinnaiyah & Anor v. Tan Chia Foo & Ors** [2019] 1 LNS 2031⁷⁴ as the following:

[73] Striking similarity has long been the measure of probative value in courts of the commonwealth countries, following the case of Director of Public Prosecutions v. Boardman [1975] AC 421. However, recently the requirement of striking similarity has been diluted by the Federal Court in PP v. Mohamad Roslan bin Desa [2009] 4 CLJ 824; [2011] 4 MLJ 826, which was followed subsequently in Mohammad bin Abdullah v. PP [2011] 2 CLJ 481; [2011] 4 MLJ 549, CA, Wong Kok Chun lwn. PP [2012] 1 LNS 419; [2012] 3 MLJ 593, CA and Al-Bakhtiar bin Samat v. PP [2012] 7 CLJ 458; [2012] 4 MLJ 713.

[74] Although striking similarity is no longer a condition for the admissibility of similar fact evidence, other characteristics which are indicative of the probative value of the similar facts are still significant, such as the underlying link between the previous incidences and the current one, a nexus, similarities establishing

⁷⁴ Tab 4 BOA, See also Evidence by Roderick Munday, Chapter 7 (Tab 5 BOA)

a system, facts forming part of the same activity, and similar surrounding circumstances.⁷⁵

77. The disappearance of Pastor Raymond Koh and Amri Che Mat had been found by this Honorable Panel to be enforced disappearance as defined under Art 2 of the ICPPED in its decision dated 3.4.2019.
78. Unlike the case of Pastor Raymond Koh and Amri, the disappearance and/or the cause of disappearance of both Joshua and Ruth were not witnessed and hence, the absence of direct evidence.
79. Nevertheless, there are common features between the disappearances of Joshua; Ruth; Pastor Raymond and Amri:
- a. They were embroiled in religious issues
 - b. There were prior threats / harassments
 - c. There is a lackadaisical attitude from the police in investigation of the disappearance of the above individuals
 - d. To disappear individuals who are driving there would have been a posse of individuals and organization necessary to effect the abduction forcibly.
80. In light of the above, there is probative force which requires this Honorable Panel to take into account the enforced disappearances of Pastor Raymond and Amri and make an inference that:
- a. Joshua and Ruth are abducted and/or deprived of liberty in similar manner: their whereabouts and body is never found and also the vehicle they drove;
 - b. That there is a pattern of hostility by State agencies as against apostasy (Murtad) and also individuals that either considered

⁷⁵ See Chapter 7.10 Tab 5 BOA,

proselytizing or spreading non-Islamic teachings to Muslims to involuntarily "disappear";

- c. That Joshua and Ruth's' practice of Christianity as an ethnic Malay and Indonesian triggered the need a dark response of which enforced disappearance;
- d. That the common features point to an "underlying link" that the abduction and deprivation of liberty of Joshua and Ruth is an act of State or agents known or unknown;
- e. The "underlying link" is the special branch's extra-legal and extra-judicial measures against "*real enemies*" of the State, the category of which Pastor Raymond; Amri; Pastor Joshua and Ruth all fall under in the eyes of the Awaluddin and/or the Special Branch; and
- f. As such, it cannot be dismissed as a mere coincidence that immediately following Awaluddin's speech, each of these victims of enforced disappearance fall neatly within his categories of "enemies" that need to be dealt with.

81. It is apt to return to 1987's Operation Lalang and Awaludin's first foray into the State's early attempts to justify detention without trial for Muslim "deviants" on the grounds of "national security". In **Minister for Home Affairs v Jamaluddin Othman [1989] 1 MLJ 418⁷⁶**, Malaysia's highest court held that converting Malays to Christianity "*cannot...by itself be regarded as a threat to the security of the country.*"

82. As a young SB desk officer, Awaludin had to stand by and watch Joshua Jamaluddin and Hilmy Nor be released by the court on the grounds that even the draconian ISA could not apply to apostates-

⁷⁶ Tab 10 BOA

turned-proselytisers. The only recourse had to be extralegal and extrajudicial.

The Exited Malay Muslim converts who came under Joshua 's teachings and Baptism

83. A significant evidence that was laid before the Inquiry that was uncovered is a Malay Couple who are Muslim converts who were baptized and thereafter sheltered by Pastor Joshua when they face persecution from the Malaysian Muslim community and Authorities due to their conversion to Christianity and sought refuge in Australia. This is covered and elucidated in the decision by the Australian Immigration Administrative Appeals Tribunal **1618769 (Refugee) [2018] AATA 5982 (9 July 2018)**⁷⁷:

84. Pastor C in the said decision, is in fact, Pastor Joshua, which is confirmed by the Malay Muslim Couple's lawyer, George Botros in his email with Philip Koh dated 9.3.2020.⁷⁸

85. Australian Immigration Administrative Appeals Tribunal made the following findings:

"Are the applicants refugees?"

39. The Tribunal is satisfied that the applicants are of Malaysian nationality and have no right to enter and reside in any country other than Malaysia.

40. The parent applicants fear that if they return to Malaysia, their conversion to Christianity will become the focus of official

⁷⁷ Tab 6 BOA, [https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2018/5982.html?context=1;query=1618769%20\(Refugee\);mask_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2018/5982.html?context=1;query=1618769%20(Refugee);mask_path=)

⁷⁸ Tab 7 BOA

investigation and action, and that they may be arrested, prosecuted, punished by fines and caning, and forcibly detained and required to attend 're-education' if they refuse to revert to the Muslim faith by the Religious Department, religious police and the Royal Malaysian Police. They also fear that they will be physically harmed by more radical Muslims (including from within the religious authorities or other state bodies) because of their conversion – and that this risk persists throughout the country. The parent applicants fear that the child applicants will be taken from them and raised by Muslims, meaning they will be unable to practise their faith or marry a fellow Christian. The family fears being targeted and harmed by the religious department, the Royal Malaysian Police, extremist community members, and by their own families and friends due to their conversion to Christianity if they return to Malaysia. The Tribunal is satisfied that the harms feared by the applicants include a threat to the applicants' life or liberty, significant physical harassment of the applicants and significant physical ill treatment of the applicants. The Tribunal finds that the harm feared by all applicants is serious harm.

41. The Tribunal accepts that the applicants' conversions have been the subject of official report to the State religious department and police on charge of apostasy. Those reports were lodged after they left the country. The applicants fear being arrested, prosecuted, subject to penalty of caning and fine, detained and harassed by the Religious Department due to their conversion if they return to Malaysia. The Tribunal has accepted that they have also been threatened with death or other severe punishment by complete strangers within the Malaysian Muslim community once their apostasy became known, as well as having received threats and abuse from former friends and their own families.

The Tribunal has found that the harm they fear constitutes serious harm.

42. *The Tribunal accepts that the parent applicants were persecuted by family and other members of the wider Muslim Malay community once their conversion became known and that their fear of losing their children (and in the children's case, of being taken from their parents) and of the parent applicants being arrested, charged, indefinitely incarcerated and 're-educated' was the trigger for the family to flee Malaysia in January 2016.*

43. *The Tribunal has taken into account the existing country information and what is known about recent changes in political circumstances in Malaysia. The Tribunal has also noted that [several Christian] pastors have [been abducted in recent years]. The Tribunal considers these abductions by unknown persons and confirmed in the official country information as noted above, to be significant and powerful indicators that the situation for Muslim converts in Malaysia is (and is reasonably considered to remain) dangerous for the foreseeable future. [Details deleted]."*

86. We humbly urge this Panel to take a similar approach that was taken in Pastor Raymond Koh's final decision⁷⁹ where the Panel "...adopted a more inclusive rather than exclusive approach..." and therefore took into consideration "... hearsay, circumstantial or presumption evidence when determining the cumulative effect of the evidence adduced in the Public Inquiry". And in so doing, to conclude that the witnesses have been courageous, truthful and honest witnesses who

⁷⁹ para 79 pg 34 Tab 2 BOA

have come forth and given evidence despite the fear they faced in giving evidence of such a deeply sensitive nature.

87. There has been sufficient evidence that the threats are connected to the nature of their activities in helping many including Malay Muslims who have become Christians - which resulted in communications from individuals holding themselves out as high-level prominent state figures. The glaring omission in Police investigations toward these allegations must lend itself to an adverse inference against the State.
88. Therefore, we submit that para (a) of the Terms of Reference should be concluded in the Affirmative – that the disappearance of Pastor Joshua Hilmy and Ruth Sitepu are victims of an enforced and involuntary disappearance.
89. With regard to para (b) of the Terms of Reference: -
 - 89.1. We humbly submit that the enforced disappearance of Pastor Joshua Hilmy and Ruth Sitepu came about as a result mainly of threats/disturbance *by persons or group of persons acting with the authorization, support or acquiescence of the State* in dealing with minority faith communities within Malaysia who are in any way involved with Muslims converting out of the Islamic faith or State endorsed strain of Islamic faith, affirmed by Awaluddin's remarks in the above paragraphs. Therefore, the violations towards the fundamental liberties of Pastor Joshua Hilmy and Ruth Sitepu came about as a result of the glaring omission and deafening silence of the Malaysian Government in responding effectively to such voices that espoused measures outside the legal process and eschewed the Rule of Law; and
 - 89.2. It is therefore submitted that when such voices come from an agent of State namely PDRM in events sponsored by the Government of Malaysia – it can be said that the administrative

directives or procedures, or arrangements come from the State, and it is the State that is ultimately responsible for such violations.

90. With regard to para (c) of the Terms of Reference, we urge the Panel to see clearly the dichotomy between what the IOs have said i.e. that their focus was to find/locate the disappeared persons and what in fact the investigations actually were focused on i.e. that anyone wanting to look for someone would have as a starting point two (2) things: -

90.1. What are the possible reasons the couple had disappeared and to pursue the most likely angle wholeheartedly – in our case PDRM repeatedly and consistently refused to even acknowledge the angle that this couple (Pastor Joshua Hilmy and Ruth Sitepu) had disappeared because of the sensitive works that they were involved in – namely that there were indeed Muslims that had converted to Christianity through their sharing of their lives and experience and these who were converted were also then baptized by the couple (ample evidence adduced to support this) – a sign of being received into the community of the Christian faith. PDRM officers also repeatedly and consistently refused and rejected every question to draw a similarity between this case and the case of Pastor Raymond Koh. How then could they even possibly hope to look in the right direction for the disappeared couple?

90.2. To start by asking those who last saw the disappeared couple and who knew their movements well – here the glaring omissions of never interviewing IW10 who last saw the couple on the night of 30.11.2016 and only interviewing IW2 and IW3 (the children of IW1) who lived in the same house as the disappeared couple almost 3 years after the police report was

lodged and only just before the SUHAKAM inquiry started most surely reeks of an insincere effort and an eyewash for the Public.

91. Instead, IW14 chooses to obtain information from JPN on the Family tree of IW8 and interview the Inquiry Witnesses who were baptized by the disappeared couple, namely IW16 and IW18– it is no wonder that KONTRAS repeatedly asked about witness protection programme in cases of enforced disappearance.
92. Accordingly, we submit that not only has there been no adequate steps taken by PDRM to investigate this case, but rather PDRM's approach has underscored the fears of the witnesses who have come to give evidence at SUHAKAM's Public Inquiry.

Recommendations

93. At the outset, we support and therefore reiterate and adopt herein the recommended measures and guidelines given by the Panel of Inquiry in Pastor Raymond Koh's inquiry.⁸⁰
94. Further to the above, we believe that the following recommendations are of paramount importance as well:
 - 94.1. That SUHAKAM would urge this Government to be the signatory to ICPPED and ratify the same into domestic laws;⁸¹
 - 94.2. That national law enforcement agencies must have independent unit with the requisite; sufficient and effective investigatory

⁸⁰ See paragraph 172 – 198, pgs 74 – 82 Tab 2 BOA

⁸¹ A former Suhakam Commissioner Dato Dr Khaw Lake Tee in conversation with Philip Koh regretted that when Suhakam was looking into recommending Malaysia to be signatory to ICPPED it was considered unnecessary as it was not thought that Enforced Disappearances did not occur and will not in Malaysia.

powers and/or authorities to investigate enforced disappearances⁸²⁸³.

94.3. The immediate release of the investigation report by the special task force set up by then Home Affairs Minister Muhyiddin Yassin in 26th June 2019 on alleged enforced disappearance of Raymond Koh and Amri Che Mat, which was due since January 2020; and

94.4. Domestic laws which prescribe the manner, timeline and any other necessary prescriptions in relation to the initiation, conduct and conclusion of investigations by law enforcement agencies following SUHAKAM's findings on enforced disappearance.

F. CONCLUDING STATEMENT

95. We bring this Honourable Panel to the attention of two videos, i.e.:

1. a video about Ibu Rosmawati Ginying, the sister-in-law of Ruth (wife to Iman Sitepu, brother of Ruth) at a Kontras event, ie, Kontras Complaints to Indonesian National Commission of Woman (Komnas Perempuan) dated November 5, 2021; and
2. a video about Ram Ram Elizabeth dated 20 January in a 2021 Webinar from Indonesia i.e., "Demanding State Protection in cases of Enforced Disappearance of Indonesian Citizen in Malaysia".⁸⁴

96. No doubt that the disappearances affected not only Pastor Joshua and Ruth but their family and individuals who hold them dearly. The United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) assesses the impact of this crime on

⁸² See Chapter 8 of Enforced Disappearance Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance by Marthe Lot Vermeulen (Tab 3 BOA)

⁸³ Juvenal, the Roman poet has a well-known saying, "Quis Custodiet Ipsos Custodes (Who will guard the Guards?)

⁸⁴ [<https://www.youtube.com/watch?v=MVdZsKxAl00> (from minute 22.01 – 25.23 mark)]

victims within the larger and more serious context of the societies in which this crime occurs:

*"The Working Group is still firmly of the view that enforced or involuntary disappearances constitute the most comprehensive denial of human rights in our time, bringing boundless agony to the victims, ruinous consequences to the families, both socially and psychologically, and moral havoc to the societies in which they occur".*⁸⁵

97. The particularly egregious consequence of an enforced disappearance is the fact that as long as the fate or whereabouts of the victim are unknown, his or her loved ones are frozen in grief. The anguish in *"...not knowing whether a loved one is dead or alive defies emotional comprehension"* and ⁸⁶ *"Ambiguity destroys the customary markers of life or death, so a person's distress is never validated. The community loses patience with the lack of closure, and families become isolated. Ambiguity causes even the strongest of people to question their view of the world as a fair, safe and understandable place."*

98. The impact of this ambiguity on victims' loved ones has been recorded in many enforced disappearance cases around the world, and they tend to have in common the recurrence of deep trauma, never ending grief, lack of closure and guilt about letting go of the belief their loved one is still alive:

⁸⁵ See WGEID report 23 January 1985, UN document E/CN.4/1985/15, Section IV: Conclusions and Recommendations; para 291 (page 82)

⁸⁶ See Pauline Boss, 'Ambiguous loss in families of the missing', *The Lancet*, Vol, 360, December 2002, page 1, col.1, para 1

"Her brother's disappearance is not something that happened at a given time and place, but rather something that continues to happen inside her every time she comes close to that grief. For ten years she dreamt of her brother's return, and clung to the idea that he was alive, but at the same time she imagined that he was suffering, and had the conflicting wish that he should no longer be alive. When a person dies naturally or due to an accident, there is a body and a social rite that helps to accept that this person is no longer there. On the tenth anniversary of her brother's disappearance, her father said 'I do not think that your brother will return', and then she felt that she had permission to leave that illusion behind, something that she had to do to be able to continue living. The witness stated that 'it is very cruel, very unjust, perverse, that it is oneself, one who loves the missing person, and who awaits him, who has to kill him;.'"⁸⁷

99. Enforced disappearance also places the victim outside the protection of the law, which brings about special violations on its own. Primarily, this violates a person's fundamental right to be recognised as a person equal before the law and entitled to equal protection of the law, as set out in Article 8(1) of the Federal Constitution. This is often the objective of perpetrators committing this crime: by deliberately placing their victim outside the protection of law, state actors attempt to evade the full scrutiny of the law, while also using the excuse of "no body, no crime" to justify inaction in investigations.

100. This position is reiterated by Sir Nigel Rodley, the Special Rapporteur of the Commission on Human Rights in his 3 July 2001 report to the United Nations General Assembly:

⁸⁷ See *Molina-Theissen v Guatemala*, IACTHR (Reparations and Costs) 3 July 2004, para 30 (b): Testimony of Ana Lucrecia Molina Theissen, the victim's sister

"... The Special Rapporteur would like to emphasize that the working definition of 'disappearance' refers also to the refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty. This is an intentional act directly affecting close family members. Being fully aware that they are hurling family members into a turmoil of uncertainty, fear and anguish regarding the fate of their loved one(s), public officials are said to maliciously lie to the family, with a view to punishing or intimidating them and others."⁸⁸

Comparative analysis of what outcome possible from other Truth and Justice Commission in other jurisdictions

101.A leading Canadian Intellectual, Michael Ignatieff has written cogently that through such Inquiries (e.g., Serbia – Croatia, Rwanda, Latin American and South Africa Apartheid⁸⁹, the search for Truth and Reconciliation through Justice is painful, perplexing and even futile. Ignatieff warns that men of uniform do not consider that they are lying when concealing truth and even if (in some instance) :

"the military, security, and police establishments were prepared to let the truth come out about individuals cases of disappearance. Factual truth they could live with; moral truth was out of the question. They fought tenaciously of security personnel and against shouldering responsibility for their crimes. To have conceded ethical responsibility would have weakened their power as institutions. Such was the resistance of the military in Argentina and Chile that the

⁸⁸ See Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/56/156, 3 July 2001, para 12(p. 5, col.1)

⁸⁹ see The Warrior's Honor : Ethnic War and the Modern Conscience (Chatto & Windus (1998) chapter of The Nightmare from which We are trying to Awake at Tab 8 BOA

elected government that created the Commissions had to choose between justice and their own survival, between prosecuting the criminals and risking a military coup or letting them go and allowing a democratic tradition to take root.

102. We seek leave from this Honourable Tribunal and ask Members of this Honourable Panel that what is the guilt of Joshua Hilmy and more so Ruth Sitepu?

103. Joshua was born a Malay and raised as a Muslim. Article 160 of the Federal Constitution defines a Malay as:

"a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and—

(a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore,

or is on that day domiciled in the Federation or in Singapore; or

(b) is the issue of such a person"⁹⁰

104. Upon Joshua embraced of Christian faith he no longer can be construable as a Malay within the definition of under Article 160 of the Federal Constitution. Joshua taught in English and from his emails and writings he does not habitually speak Malay language nor conforms to Malay custom. He does not profess the religion of Islam and according to Article 11 of Federal Constitution "every person has the right to profess and practice his religion and subject to Clause (4), to propagate it. Ruth is NOT a Malay but an Indonesian nevertheless the Federal Constitution extends the Freedom of Religion protection even to her due to the phrase of "every person".

⁹⁰ Tab 1 BOA

105. The abridgement of freedom is according to Article 11 Clause (4) which states:

(4) State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.

106. For example, in Selangor the Non-Islamic Religions (Control of Propagation Amongst Muslims Enactment 1998 En.1/1988⁹¹ prescribes the following offences and penalties if found guilty:

"Section 4. Offence of persuading, influencing or inciting a Muslim to change faith.

(1) A person commits an offence if he persuades, influences or incites a Muslim-

(a) to be inclined towards any non-Islamic religion, or

(b) to become a follower or member of a non-Islamic religion; or

(c) to forsake or disfavour the religion of Islam.

(2) A person who commits an offence under subsection (1) shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand ringgit or to both.

(3) It shall not be a defence to a charge under subsection (1) that the Muslim was not affected by anything said or done by the accused to him."


⁹¹ Tab 9 BOA

107. Are the penalties too minimum in eyes of those who have a view that the activities of Joshua and Ruth are in contravention of the law? Resorting to extra-legal and extra-judicial measures is an affront to the Malaysian way of life and also the Rukun Negara with one of its central tenet being the "Rule of Law." It is as to be emphasized a grievous unconstitutional act which undermines the foundation of our democratic pluralistic way of life.
108. Therefore, if either Joshua or Ruth is to be found to have committed any criminal misconduct under law there are legal and judicial process that the State may seek redress.
109. Joshua's favorite segment of the Bible is Jesus's Sermon on the Mount in Matthew 5:4 blessed are those who mourn for they will be comforted.
110. The family, friends of Ruth and Joshua cannot even mourn and are comfortless.
111. Ruth Sitepu Rutanga a name that reminds us of a poignant and yet powerful narrative from the Bible, *i.e* Ruth (Hebrew) means "friend / companion", a Moabite woman who decided to journey and accompany Naomi, her mother-in-law despite being widowed young and admonished by Naomi to return to her homeland. Ruth Sitepu too upon marrying Joshua decided to make Malaysia her home. Ruth said to Naomi:

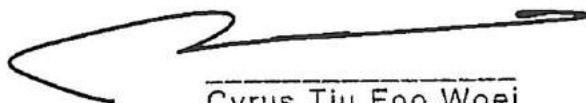
"Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go, wherever you lodge I will lodge; your people will be my people, and your God my God. Where you die, I will die, and there I will be buried. Thus and more may the Lord do to me: if anything but death parts me from you (Ruth 1: 16-17)"

112. *Quis Custodiet Ipsos custodes?* (Juvenal Satires VI, lines 347-348) 110 AD (Who will guard the guards themselves?) – despite written in 1st Century and now 21 centuries later its truth reverberates through the years.

Dated this 17th day of January 2021



Philip Koh Tong Ngee
Messrs Mah-Kamariyah & Philip
Koh
Advocates & Solicitors
Professor (Adjunct), University
Malaya



Cyrus Tiu Foo Woei
Messrs Azri, Lee Swee Seng &
Co
Advocates & Solicitors



Audrey Jacqueline Pillai
Messrs Audrey J. Pillai
Advocates & Solicitors



Alex Kong Jing Sharn
**Messrs Mah Kamariyah & Philip
Koh
Advocates & Solicitors**

This **WRITTEN SUBMISSION** is collectively prepared by Messrs Mah-Kamariyah & Philip Koh, Advocates & Solicitors; Messrs Azri Lee Swee Seng & Co, Advocates & Solicitors; and Messrs Audrey J. Pillai, Advocates & Solicitors with a primary address for service at Unit 3A07, Block B, Pusat Dagangan Phileo Damansara II, Jalan 16/11, Off Jalan Damansara, 46350 Petaling Jaya, Selangor.
Tel. No. +603-7956 8686

Fax. No. +603-7956 2209

**HUJAHAN BERTULIS
PEGAWAI
PEMERHATI PDRM
PADA 17/01/2022**

**PENDENGARAN SIASATAN AWAM SUHAKAM
BERKENAAN KES KEHILANGAN
JOSHUA HILMY DAN RUTH SITEPU**

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1. Pengenalan

Satu Pendengaran Siasatan Awam telah dikendalikan oleh SUHAKAM bermula dari 18 Februari 2020 sehingga 1 Disember 2021 untuk menyiasat kes kehilangan ke atas individu bernama Joshua Hilmy dan Ruth Sitepu. Seramai 26 orang saksi iaitu 13 orang awam, 7 orang pegawai polis, 1 orang pegawai SKMM, 1 orang pegawai Imigresen dan 4 orang pegawai Maxis yang telah dipanggil untuk memberi keterangan di hadapan Panel Siasatan Awam SUHAKAM.

2. Terma Rujukan Pendengaran Siasatan Awam

Terma rujukan pendengaran siasatan awam ini adalah sepertimana berikut:

- a. Untuk mengenal pasti sama ada kes-kes ini adalah **kes kuatkuasaan kehilangan** seperti yang dinyatakan / diterangkan dalam "*International Convention for Protection of all persons from Enforced Disappearances*" (ICPPED) atau kes-kes ini merupakan **kes-kes kehilangan ketidakrelaan yang melanggar undang-undang jenayah dan / atau sivil undang-undang hak asasi manusia** (selepas ini dirujuk sebagai "*pelanggaran yang diperkatakan atau pelanggaran*").
- b. Jika (a) telah ditentukan pada Inkuiri:-
 - i. Bagaimana pelanggaran yang diperkatakan atau pelanggaran ini timbul.
 - ii. Apakah panduan / arahan atau prosedur atau rangkaian yang mengakibatkan pelanggaran yang diperkatakan atau pelanggaran.
 - iii. Untuk mengenal pasti orang / orang-orang atau agensi / agensi-agensi bertanggungjawab bagi pelanggaran yang diperkatakan atau pelanggaran.

- c. Untuk mengambil kira sama ada pihak berkuasa, secara khususnya PDRM telah mengambil langkah-langkah sewajarnya untuk menyiasat pelanggaran yang diperkatakan atau pelanggaran.
- d. Untuk mencadangkan langkah-langkah / garis panduan untuk diambil bagi memastikan pelanggaran yang diperkatakan atau pelanggaran sebegini tidak berlaku semula.

3. Senarai Saksi

Seramai 26 orang saksi telah dipanggil untuk memberi keterangan di dalam Pendengaran Siasatan Awam SUHAKAM ini. Saksi-saksi yang dipanggil memberi keterangan adalah seperti berikut:

- Peter Pormannan a/l Annamalai (IW 1)
- Grace Thangamalar a/p Peter Pormannan (IW 2)
- Josiahnandan Emmanuel a/l Peter (IW 3)
- Ramanathan a/l Manickavasagan (IW 4)
- Selvakumar Peace John Harris (IW 5)
- Ram Ram Elisabeth (IW 6)
- Iman Setiawan Sitepu (IW 7)
- (IW 8)
- (IW 9)
- Susandi bin Basari (IW 10)
- ASP Shafiee bin Marsidi (IW 11)
- Insp Nurul Huda binti Bustami (IW 12)
- ASP Hairol Azhar bin Abdul Aziz (IW 13)
- Insp Zulfadhly bin Yaacob (IW 14)
- DSP Supari bin Muhammad (IW 15)
- Iqbal Mirza bin Mohd Jalaludin (IW 16)
- CP (B) Dato' Awaludin bin Jadid (IW 17)
- Fadzlina binti Amran (IW 18)
- DSP (B) Omar bin Hassan (IW 19)

- Reverend Dr. Hermen Shastri (IW 20)
- PP Junainh binti Dalugamin @ Dulgamin (IW 21)
- Zulkarnain bin Mohd Yasin (IW 22)
- Azhar bin Baba (IW 23)
- Saravana a/l Perampalam (IW 24)
- Tan Lai Shing (IW 25)
- Lai Sau Ping (IW 26)

4. Analisis Keterangan Saksi-Saksi

4.1 Peter Pormannan a/l Annamalai (IW1 / Pengadu)

IW1 merupakan kawan baik Joshua Hilmy dan Ruth Sitepu serta mengenali Joshua Hilmy dan Ruth Sitepu pada tahun 2012 di pejabat Bayu Tinggi, Klang, Selangor. Joshua Hilmy dan Ruth Sitepu telah duduk di rumah sewa mak mentua IW1 selama setahun di Kampung Jawa, Klang dan berpindah ke Ipoh atau Penang. Selepas itu, Joshua Hilmy memaklumkan IW1 bahawa Joshua Hilmy dan Ruth Sitepu telah berpindah ke Petaling Jaya.

Pada 16 Mac 2017 jam 1.43 petang, IW1 telah membuat laporan polis sepertimana Sg. Way Repot 2249/17 (Eksibit 1) di Balai Polis Sg. Way, Petaling Jaya, Selangor. Di dalam laporan polis tersebut, IW1 menyatakan tidak dapat menghubungi rakannya bernama Joshua Hilmy dan Ruth Sitepu bermula kira-kira November 2016 sehingga kini. IW1 telah cuba menghubungi beberapa kali tetapi gagal dan percaya Joshua Hilmy dan Ruth Sitepu telah hilang dan bimbang tentang keselamatan mereka.

IW1 telah menyatakan bahawa anaknya bernama Grace Thangamalar a/p Peter Pormannan (IW2) telah memaklumkan bahawa semasa mengambil kunci rumah daripada **Rossy Aming iaitu isteri kepada Susandi bin Basari (IW10) yang duduk di rumah Joshua Hilmy dan Ruth Sitepu, Rossy Aming telah memberitahu bahawa telah mendengar percakapan atau perbalahan melalui telefon oleh Joshua Hilmy atau Ruth Sitepu seperti 'I am not disturbing you, why are you disturbing me?'. Kemudian, dimaklumkan Joshua Hilmy dan Ruth Sitepu telah keluar rumah secara tergesa-gesa.**

4.2 Grace Thangamalar a/p Peter Pormannan (IW2)

IW2 merupakan anak perempuan kepada Peter Pormannan a/l Annamalai (IW1) yang duduk bersama Joshua Hilmy dan Ruth Sitepu di Kampung Tunku.

IW2 menyatakan selalu berjumpa Joshua Hilmy dan Ruth Sitepu, kecuali sekiranya Joshua Hilmy dan Ruth Sitepu keluar pada waktu pagi dan balik lewat malam semasa IW2 sedang tidur. Selalunya Joshua Hilmy dan Ruth Sitepu akan memberitahu IW2 pergerakan seperti pulang ke Alor Setar selama 2 atau 3 minggu.

Pada bulan **Disember 2015**, IW2 menyatakan **Joshua Hilmy dan Ruth Sitepu pernah memberitahu IW2 dan adiknya bernama Josiahnandan Emmanuel a/l Peter (IW3)** bahawa Joshua Hilmy dan Ruth Sitepu akan tinggalkan rumah pada waktu malam tersebut untuk tinggal di tempat lain selama 1 bulan serta telah menghubungi IW2 dan Josiahnandan Emmanuel a/l Peter (IW3) dengan menggunakan no. telefon lain disebabkan telah menerima panggilan telefon yang berbau ugutan.

IW2 menyatakan semasa IW2 balik ke rumah Kampung Tunku, IW2 telah dimaklum oleh **Rossy Aming** iaitu isteri kepada **Susandi bin Basari (IW10)** yang duduk di dalam rumah tersebut bahawa Joshua Hilmy telah menerima panggilan telefon dan Joshua Hilmy telah menyebut 'Saya tidak kacau kamu, kenapa kamu kacau saya' serta Joshua Hilmy dan Ruth Sitepu keluar pada waktu malam tersebut dalam keadaan tergesa-gesa dengan menggunakan kenderaan Joshua Hilmy dan Ruth Sitepu.

IW2 menyatakan panggilan telefon berbau ugutan bermula selepas kehadiran satu keluarga yang terdiri suami (Iqbal Mirza bin Mohd Jalaludin (IW16)), isteri (Fadzlina binti Amran (IW18)) dan 3 orang anak yang pernah datang dari pukul 1.00 pagi sehingga 6.00 pagi dengan menaiki kenderaan Proton Preve sepertimana dimaklumkan oleh Josiahnandan Emmanuel a/l Peter (IW3).

4.3 Josiahnandan Emmanuel a/l Peter (IW3)

IW3 merupakan adik kepada Grace Thangamalar a/p Peter Pormannan (IW2) dan anak kepada Peter Pormannan a/l Annamalai (IW1) yang tinggal bersama di rumah Joshua Hilmy dan Ruth Sitepu pada tahun 2014 sehingga 2017 di alamat kampung Tunku, Petaling Jaya. Ketika itu, Grace Thangamalar a/p Peter Pormannan (IW2) dan IW3 merupakan pelajar City University yang terletak 2 km dari rumah Joshua Hilmy dan Ruth Sitepu.

Pada tahun 2016, IW3 menyatakan terdapat keluarga melayu pernah duduk di dalam rumah Joshua Hilmy dan Ruth Sitepu yang terdiri suami (Iqbal Mirza bin Mohd Jalaludin (IW16)), isteri (Fadzlina binti Amran (IW18)) dan 4 atau 5 orang anak yang tinggal untuk hampir 3 bulan dan salah seorang kanak-kanak tersebut bernama Jibril.

IW3 menyatakan terdapat 4 orang dewasa terdiri daripada seorang perempuan (Fadzlina binti Amran (IW18)) dan 3 orang lelaki berbangsa Melayu (Iqbal Mirza bin Mohd Jalaludin (IW16), Selvakumar Peace John Harris (IW5) dan keluarga IW5) duduk di rumah Joshua Hilmy dan Ruth Sitepu untuk satu malam serta menggunakan kenderaan Proton Preve berwarna Silver dengan no. pendaftaran bermula huruf 'J'.

IW3 menyatakan Joshua Hilmy dan Ruth Sitepu pernah meninggalkan rumah selama 2 bulan dan Joshua Hilmy menghubungi IW3 dengan menggunakan no. telefon lain. Kejadian ini berlaku disebabkan selepas perbalahan di dalam telefon.

IW3 menyatakan bahawa keluarga (Susandi bin Basari (IW10) bersama keluarga) yang menduduki di rumah Joshua Hilmy dan Ruth Sitepu telah memberitahu kepada Grace Thangamalar a/p Peter Pormannan (IW2) bahawa Joshua Hilmy telah menerima panggilan telefon berbaur ugutan dan telah meninggalkan rumah dengan tergesa-gesa. Joshua Hilmy dan Ruth Sitepu keluar rumah

pada hari tersebut dengan menaiki kendera kancil berwarna merah, no. pendaftaran ACW 7498.

Pada bulan April 2017, IW3 menyatakan IW3 dan Grace Thangamalar a/p Peter Pormannan (IW2)) telah mengambil dan menyimpan barang-barang serta dokumen-dokumen peribadi Joshua Hilmy dan Ruth Sitepu seperti dokumen di bilik pejabat, gambar-gambar di ruang tamu serta bilik tidur dan Bible di ruang tamu di dalam kotak sebelum keluar dari rumah. **IW3 telah menyimpan kotak tersebut di dalam bilik IW3 di rumahnya di Klang tanpa pengetahuan orang lain.** Salah satu dokumen tersebut, IW3 mendapati **terdapat salinan emel antara Joshua Hilmy dengan wifigur12376@yahoo.com bertarikh 21 November 2015 dan 23 November 2015 yang mengandungi ugutan (Eksibit 76(a) dan Eksibit 76(b)) seperti 'Saya pun tak ada masa, saya pun tak ada masa layan orang degil macam Pastor. Tapi pemikiran saya, saya lebih suka Pastor keluar dari Malaysia', 'Jangan salahkan diri saya jika anda ditahan oleh mereka. Saya sudah jalankan kerja saya menghubungi Pastor' serta '*Pastor, please read and think properly before your regret your current negative attitude has threatened your life and bring dark future*' dan surat rasmi kerajaan (Eksibit 70(a)) yang dipercayai dihantar oleh Khairy Jamaluddin. **Selepas itu, kunci rumah Joshua Hilmy dan Ruth Sitepu telah dibuang oleh IW3 selepas keluar dari rumah disebabkan tiada keperluan untuk IW3 untuk masuk semula ke dalam rumah Joshua Hilmy dan Ruth Sitepu lagi serta tiada keperluan untuk serahkan kepada Selvakumar Peace John Harris (IW5) memandangkan Joshua Hilmy telah menukar semua kunci rumah tersebut.****

IW3 menyatakan rakaman percakapan IW3 di ambil oleh pihak polis (11 Februari 2020) selepas sesi pendengaran SUHAKAM pertama (18 Februari 2020) berkaitan kehilangan secara paksa. IW3 menyatakan tidak menyerahkan kotak tersebut kepada pihak polis disebabkan IW3 terlupa mengenai kotak tersebut serta penglibatan Joshua Hilmy terlibat dengan aktiviti keagamaan dan mereka adalah

Melayu masuk agama Kristian yang merupakan perkara sensitif di dalam Malaysia. **IW3** menyatakan **IW3** dan **Grace Thangamalar a/p Peter Pormannan (IW2)** telah memaklumkan kotak tersebut kepada **Peter Pormannan a/l Annamalai (IW1)** selepas dipanggil oleh **SUHAKAM (18 Februari 2020 dan 2 Mac 2020)**.

Pada 27 Februari 2020, **IW3** menyatakan telah serahkan kesemua barang-barang dan dokumen-dokumen milik Joshua Hilmy dan Ruth Sitepu di dalam kotak kepada Philip Koh, Peguam keluarga Ruth Sitepu (Eksibit 15).

4.4 Ramanathan a/l Manickavasagan (IW4)

IW4 merupakan penulis blog write2rest atau Rest Stop Thought mengenai *Citizens Against Enforced Disappearances (CAGES)*. **IW4** membuat anggapan bahawa kehilangan Joshua Hilmy dan Ruth Sitepu mempunyai kaitan dengan Amri Che Mat dan Raymond Koh disebabkan kehilangan ketiga-tiga kes ini adalah berdasarkan '*faith-based workers*'.

4.5 Selvakumar Peace John Harris (IW5)

IW5 merupakan pemilik rumah yang diduduki oleh Joshua Hilmy dan Ruth Sitepu di Kampung Tunku, Petaling Jaya. **IW5** membenarkan Joshua Hilmy dan Ruth Sitepu duduk di rumah tersebut.

Pada 1 Januari 2015, **IW5** bersama keluarga telah datang di rumah Joshua Hilmy dan Ruth Sitepu di Kampung Tunku, Petaling Jaya serta telah berjumpa Iqbal Mirza bin Mohd Jalaludin (**IW16**) dan Fadzlina binti Amran (**IW18**) di dalam rumah tersebut untuk dibaptiskan oleh Joshua Hilmy dan Ruth Sitepu.

Pada bulan Disember 2015, **IW5** menyatakan telah menerima panggilan telefon daripada Joshua Hilmy dan **Joshua Hilmy telah menyatakan telah menerima ugutan daripada YB Khairy Jamaludin** serta telah menyatakan ingin keluar daripada rumah dan telah membuat perancangan untuk meninggalkan Malaysia.

Pada bulan **May 2016**, IW5 telah mengetahui daripada Joshua Hilmy bahawa **Joshua Hilmy telah diugut oleh YB Khairy Jamaludin, Menteri Sukan** melalui emel tersebut adalah *'it is better for you to leave the country'* dan IW5 telah melihat emel tersebut semasa **Joshua Hilmy datang ke rumah IW5 di Sungai Bakap, Pulau Pinang**. IW5 mendakwa ugutan emel ini ada kaitan dengan posting pembaptisan Iqbal Mirza bin Mohd Jalaludin (IW16) dan Fadzlina binti Amran (IW18) di dalam Facebook yang telah dimuat turun oleh Joshua Hilmy.

IW5 menyatakan perbualan emel di antara Joshua Hilmy dan YB Khairy Jamaludin lebih kepada perbualan mesra dalam perbincangan agama berkaitan ajaran Jesus. IW5 menyatakan ajaran Joshua Hilmy adalah tidak mengikut apa yang diajar oleh gereja dan ajaran Joshua Hilmy berdasarkan buku 'Gospels' tetapi Joshua Hilmy pergi ke semua Gereja. IW5 juga menyatakan Joshua Hilmy percaya kepada ajaran Jesus tetapi tidak mengendahkan ajaran Gereja.

4.6 Ram Ram Elisabeth (IW6)

IW6 merupakan adik kepada Ruth Sitepu yang tinggal di Dusun Pasar 1, Desa Padang Cermin, Kecamatan Selesai, Kabupaten Langkat, Sumatera Utara, Indonesia dan bekerja sebagai guru di tadika.

Pada bulan Disember 2016, IW6 dimaklumkan oleh sepupunya bernama Guna Sitepu melalui isteri kepada Iman Setiawan Sitepu (IW7) bernama Rosmawati Beruginting bahawa anaknya bernama Harry Sitepu telah beritahu tidak dapat menghubungi Ruth Sitepu bermula November 2016.

Pada 26 Februari 2018, IW6 menyatakan telah datang ke Malaysia bersama Iman Setiawan Sitepu (IW7) untuk membuat laporan polis mengenai kehilangan Ruth Sitepu dan Joshua Hilmy.

Pada 27 Februari 2018, IW6 menyatakan telah masuk ke rumah Joshua Hilmy dan Ruth Sitepu di Kg. Tunku, Petaling Jaya bersama Iman Setiawan Sitepu (IW7), Peter Pormannan a/l Annamalai (IW1) dan Josiahnandan Emmanuel a/l Peter (IW3) serta mendapati semua baju-baju Joshua Hilmy dan Ruth Sitepu masih di dalam almari, banyak bahan-bahan makanan masih di dalam peti sejuk dan perhiasan-perhiasan Krismas masih banyak di rumah tersebut.

Pada 28 Februari 2018, IW6 telah hadir ke Balai Polis bersama Iman Setiawan Sitepu (IW7), Pastor Eddie dan Miss Huey untuk membuat laporan polis (Eksibit 8) dan sehingga kini tiada perkembangan siasatan daripada polis.

IW6 menyatakan peguamnya bernama Miss Huey telah mendapat panggilan telefon yang disyaki daripada polis yang telah memberi nasihat IW6 untuk tidak membuat laporan kepada Kedutaan Indonesia.

4.7 Iman Setiawan Sitepu (IW7)

IW7 merupakan adik kepada Ruth Sitepu yang tinggal di Dusun 1, Indah Jaya Desa Sukadamai Kacamatan Kuala Kabupaten Langat, Indonesia dan bekerja di kilang kelapa sawit. IW7 merupakan suami kepada Rosmawati Beruginting.

Pada tahun 2009, IW7 menyatakan Joshua Hilmy pernah memberitahu Joshua Hilmy pernah diancam dengan orang kaya tetapi Joshua Hilmy memaklumkan tidak takut dengan ancaman tersebut semasa pengebumian bapa di kampung Nambiki, Indonesia.

IW7 menyatakan semasa Ruth Sitepu balik ke Indonesia untuk hadir kematian ibunya, Joshua Hilmy tidak hadir bersama. **Ruth Sitepu telah memaklumkan Joshua Hilmy tidak dapat datang disebabkan masalah paspot.**

Pada bulan November 2016, IW7 menyatakan mengetahui kehilangan Ruth Sitepu daripada isterinya bernama Rosmawati Beruginting melalui Guna Sitepu iaitu abang kepada IW7. Anak Guna Sitepu bernama Harry Sitepu yang bekerja di Malaysia telah memberitahu tidak dapat menghubungi Ruth Sitepu.

Pada pertengahan bulan Disember 2016, Rosmawati Beruginting iaitu isteri kepada IW7 pernah cuba telefon Ruth Sitepu sebanyak 2 kali tetapi tidak dijawab.

Pada bulan Januari 2017, IW7 menyatakan IW7 dan Ruth Sitepu serta Joshua Hilmy merupakan teman di dalam Facebook tetapi IW7 tidak dapat lagi melihat Facebook Ruth Sitepu dan Joshua Hilmy seperti disekat.

Sebelum datang ke Malaysia, IW7 menyatakan kawan Ruth Sitepu bernama Ibu Imelda serta Christine telah datang berjumpa IW7 di rumah untuk memberitahu tentang kehilangan Ruth Sitepu dan Joshua Hilmy serta telah menasihatkan IW7 untuk membuat laporan polis di Malaysia. IW7 juga menyatakan Ibu Imelda yang menguruskan perjalanan IW7 ke Malaysia.

Pada 27 Februari 2018, IW7 menyatakan semasa datang ke Malaysia bersama kakaknya bernama Ram Ram Elisabeth (IW6), IW7 dan Ram Ram Elisabeth (IW6) di bantu oleh Pastor Eddie yang fasih berbahasa Indonesia. **IW7 menyatakan IW7 dan Ram Ram Elisabeth (IW6) telah datang ke rumah Ruth Sitepu dan Joshua Hilmy pada hari yang sama serta telah melihat di luar dan dalam rumah bersama Peter Pormann a/l Annamalai (IW1) dan anak Peter bernama Josiahndan Emmanuel a/l Peter (IW3).** IW7 menyatakan Peter Pormann a/l Annamalai (IW1) ada memberitahu bahawa Peter Pormann a/l Annamalai (IW1) telah membuat laporan polis (Eksibit 1) mengenai kehilangan Ruth Sitepu.

Pada 28 Februari 2018, IW7 menyatakan telah datang ke Balai Polis untuk membuat laporan polis bersama Ram Ram Elisabeth (IW6) dan Pastor Eddie. IW7 menyatakan selepas Ram Ram Elisabeth (IW6) memberi keterangan kepada Sarjan Sibee. Kemudian, Miss Huey iaitu Peguam telah memaklumkan bahawa polis menasihati IW7 dan Ram Ram Elisabeth (IW6) untuk tidak pergi Kedutaan Indonesia di Malaysia dan biar pihak polis yang mencari Ruth Sitepu dahulu.

Pada 24 April 2018, IW7 menyatakan telah membuat laporan polis di Balai Polis Jakarta, Indonesia berkaitan kehilangan Ruth Sitepu dan Joshua Hilmy.

Pada bulan September 2018, IW7 menyatakan bapa angkat Joshua Hilmy bernama Bebas Bagun, pernah memberitahu bahawa Joshua Hilmy ada menghubungi **Bebas Bagun pada tahun 2016 dan memberitahu Joshua Hilmy pernah diancam untuk dibunuh.**

4.8 [REDACTED] (IW8)

IW8 merupakan kawan kepada Ruth Sitepu dan merupakan seorang suri rumah [REDACTED] [REDACTED] [REDACTED] IW8 mengenali Ruth Sitepu dengan nama Rudangta di antara tahun 2000 dan 2001 semasa menghadiri upacara keagamaan di Canning Garden Methodist Church, Ipoh, Perak.

IW8 menyatakan hanya berjumpa Ruth Sitepu semasa upacara keagamaan di gereja sahaja dan tidak mempunyai no. telefon Ruth Sitepu. IW8 menyatakan kali terakhir berjumpa Ruth Sitepu pada tahun 2001 sebelum IW8 berpindah ke Kuala Lumpur dan kemudian menetap di Hong Kong selama 12 tahun.

Pada akhir bulan November atau Pertengahan November 2017, IW8 mendapat tahu kehilangan Ruth Sitepu daripada Pastor di Canning Garden Methodist Church, Ipoh, Perak semasa hadir di gereja tersebut.

Pada tahun 2018, IW8 telah berjumpa dengan Rossy Aming iaitu anak angkat kepada Joshua Hilmy dan Ruth Sitepu serta suaminya bernama Susandi bin Basari (IW10) di Penang. IW8 memaklumkan sewaktu kehilangan Joshua Hilmy dan Ruth Sitepu, Rossy Aming berada di rumah Joshua Hilmy dan Ruth Sitepu semasa hendak bersalin di Hospital Kuala Lumpur. **Susandi bin Basari (IW10) ada mendengar perbualan seperti 'Jangan ganggu. Saya tak ganggu, kenapa kamu ganggu saya.'**

Pada awal tahun 2018, IW8 menyatakan telah berjumpa (IW9) dan mendapatkan *screen shot* melalui Whatsapp mengenai perbualar. (IW9) bersama Ruth Sitepu dengan menggunakan aplikasi Facebook. Berdasarkan *screen shot* tersebut, terdapat gambar Najib bersama perempuan bernama Fazlina binti Amran. IW8 menyatakan Ruth Sitepu memberitahu (IW9) bahawa Fazlina binti Amran mempunyai hubungan sulit dengan Khairy, Menteri Besar Seremban dan Najib.

IW8 menyatakan (IW9) **ada menceritakan Ruth Sitepu selalu menerima ugutan bunuh dan gangguan daripada penguatkuasa agama atau kerajaan berdasarkan anggapan (IW9).** IW8 juga menyatakan (IW9) dan Selvakumar Peace John Harris (IW5) memberitahu ada melihat emel daripada Khairy atau Najib kepada Joshua Hilmy.

4.9

(IW9)

IW9 merupakan bekas guru menjahit kepada orang-orang OKU di Christian Center, Batu Pahat dan telah berhenti kerja pada bulan Ogos 2020 dan IW9 sekarang tinggal di Taman Kem Jai Yen, Sandakan, Sabah.

Pada tahun 2013, IW9 menyatakan mengenali Ruth Sitepu dan Joshua Hilmy melalui Facebook. Ruth Sitepu telah mohon untuk berkawan dengan IW9 di dalam Facebook, IW9 telah menerima permohonan Ruth

Sitepu disebabkan Ruth Sitepu merupakan orang Indonesia dan IW9 banyak kawan di Indonesia serta Ruth Sitepu merupakan orang Kristian. Joshua Hilmy juga merupakan kawan di dalam senarai IW9 disebabkan Joshua Hilmy merupakan suami kepada Ruth Sitepu.

IW9 menyatakan IW9 banyak berbual dengan Ruth Sitepu berbanding dengan Joshua Hilmy di Facebook. **IW9 menyatakan Ruth Sitepu ada menceritakan kepada IW9 mengenai masalah-masalah Ruth Sitepu hadapi seperti banyak orang tidak menyukai Ruth Sitepu dan Joshua Hilmy serta masalah-masalah sekeliling iaitu kawan-kawan melalui Facebook.**

Pada 18 Jun 2016, IW9 juga menyatakan Ruth Sitepu ada mengadu masalah yang dihadapi Ruth Sitepu dengan merujuk gambar bekas Perdana Menteri, Dato' Seri Najib bersama perempuan dan masalah bersama Menteri Besar Negeri Sembilan dan Khairy Jamaludin. IW9 menyatakan Ruth Sitepu memberitahu masalah ini berpunca daripada Fadzlina binti Amran (IW18) di dalam gambar bersama Dato' Seri Najib yang telah dibaptiskan oleh Ruth Sitepu.

Pada **15 November 2016**, IW9 menyatakan telah datang ke Kuala Lumpur untuk urusan perbaharui paspot di Kedutaan Filipina. Ruth Sitepu dan Joshua Hilmy telah mengesyorkan IW9 duduk bersama di rumah Ruth Sitepu dan Joshua Hilmy selama empat malam melalui Facebook. Ruth Sitepu dan Joshua Hilmy telah menjemput IW9 di lapangan terbang dan itu merupakan kali pertama IW9 berjumpa dengan Ruth Sitepu dan Joshua Hilmy.

IW9 menyatakan sepanjang duduk di rumah Ruth Sitepu dan Joshua Hilmy sehingga **19 November 2016**, IW9 menyatakan hanya berbual mengenai aktiviti Ruth Sitepu dan Joshua Hilmy. IW9 juga menyatakan Ruth Sitepu ada berbual berkaitan masalah yang dihadapi berkaitan Fadzlina binti Amran (IW18) di dalam gambar bersama Dato' Seri Najib. **IW9 juga menyatakan Ruth Sitepu ada memberitahu Ruth Sitepu**

dan Joshua Hilmy baharu sahaja balik ke rumah selepas melarikan diri beberapa bulan di Kulim, Kedah.

IW9 menyatakan semasa IW9 duduk di rumah Ruth Sitepu dan Joshua Hilmy, terdapat satu keluarga duduk bersama iaitu Rossy Aming iaitu isteri kepada Susandi bin Basari (IW10), ibu kepada Rossy Aming dan adik perempuan kepada Rossy Aming. Selain keluarga Rossy Aming, terdapat dua budak kolej (Grace Thangamalar a/p Peter Promanannan (IW2) dan Josiahmamdam Emmanuel a/l Peter (IW3)) yang tidak dikenali oleh IW9 duduk bersama di dalam rumah Ruth Sitepu dan Joshua.

Pada **tahun 2019**, IW9 mengenali ██████████ (IW8) melalui Whatsapp semasa permulaan sesi pendengaran Joshua Hilmy dan Ruth Sitepu. **IW9 dan ██████████ (IW8) telah dikumpul oleh pihak KONTRAS dan IW9 telah serahkan perbualan IW9 dengan Ruth Sitepu melalui Facebook kepada ██████████ (IW8).** IW9 menyatakan selepas serahkan kepada ██████████ (IW8), IW9 telah buang gambar tersebut sebab takut.

4.10 Susandi Bin Basari (IW10)

IW10 bekerja sebagai pembantu hidupan liar di Jabatan Perhilitan di Wilayah Persekutuan Labuan dan tinggal di Blok 11, Taman Mutiara, 87000 Labuan, Wilayah Persekutuan Labuan. IW10 berkawan dengan Joshua Hilmy dan Ruth Sitepu melalui Facebook.

Pada tahun 2014, IW10 menyatakan kali pertama berjumpa Joshua Hilmy dan Ruth Sitepu di Christ Church, Pulau Pinang dan perjumpaan kali kedua pada tahun 2015 semasa perayaan Hari Krismas di Christ Church, Pulau Pinang. IW10 menyatakan selalu berhubung dengan Joshua Hilmy dan Ruth Sitepu serta mengikuti aktiviti keagamaan Joshua Hilmy dan Ruth Sitepu melalui Facebook.

Pada 1 November 2016, IW10 telah menghantar isterinya bernama Rossy Aming di Hospital Kuala Lumpur untuk pemantauan pihak Hospital Kuala Lumpur disebabkan Rossy Aming iaitu isteri kepada IW10 mempunyai sejarah masalah jantung dan dihendaki bersalin di Hospital berdekatan Institut Jantung Negara. Kemudian, IW10 telah balik semula ke Pulau Pinang untuk bekerja.

Pada 4 November 2016, IW10 menyatakan doktor membenarkan isteri kepada IW10 untuk keluar dari Hospital Kuala Lumpur serta Joshua Hilmy serta Ruth Sitepu telah mengambil Rossy Aming iaitu isteri kepada IW10 di Hospital Kuala Lumpur. Kemudian membawa Rossy Aming iaitu isteri kepada IW10 ke rumah Joshua Hilmy dan Ruth Sitepu di Kampung Tunku, Petaling Jaya untuk tinggal.

Pada 7 November 2016, IW10 menyatakan telah menghantar kakak ipar kepada IW10 iaitu kakak kepada Rossy Aming ke rumah Joshua Hilmy dan Ruth Sitepu untuk menjaga Rossy Aming dan IW10 pulang semula ke Pulau Pinang.

Pada 14 November 2016, IW10 telah menghantar ibu mertua kepada IW10 iaitu ibu kepada Rossy Aming pula ke rumah Joshua Hilmy dan Ruth Sitepu untuk menjaga Rossy Aming dan pulang semula ke Pulau Pinang.

Pada 21 November 2016, IW10 telah bercuti untuk menjaga Rossy Aming di rumah Joshua Hilmy dan Ruth Sitepu dan pada 22 November 2016, IW10 telah membawa Rossy Aming ke wad Hospital Kuala Lumpur semula sehingga 10 Disember 2016. Sepanjang isteri IW10 di dalam Hospital Kuala Lumpur, IW10 menyatakan telah duduk di rumah Joshua Hilmy dan Ruth Sitepu bersama ibu mertua kepada IW10 dan kakak ipar kepada IW10.

IW10 telah menyatakan sepanjang duduk di rumah Joshua Hilmy dan Ruth Sitepu dari 22 November 2020 sehingga 10 Disember 2020,

terdapat 1 perempuan ██████████ (IW9)) duduk bersama di dalam rumah Joshua Hilmy dan Ruth Sitepu. **IW10 menyatakan mengenali ██████████ (IW9) semasa perbincangan sebelum datang ke sesi pendengaran SUHAKAM.** IW10 menyatakan mengetahui ██████████ (IW9) duduk di rumah Joshua Hilmy dan Ruth Sitepu atas urusan paspot. Selain itu, IW10 menyatakan terdapat 2 beradik (Grace Thangamalar a/p Peter Promanannan (IW2) dan Josiahnandan Emmanuel a/l Peter (IW3)) duduk bersama di rumah Joshua Hilmy dan Ruth Sitepu sepanjang IW10 duduk di dalam rumah tersebut.

IW10 menyatakan sepanjang duduk di rumah Joshua Hilmy dan Ruth Sitepu, **Joshua Hilmy dan Ruth Sitepu selalu keluar pagi dan balik petang serta kehidupan mereka seperti orang normal dan tiada sebarang aduan mengenai ugutan yang diterima oleh Joshua Hilmy.** IW10 menyatakan sepanjang isteri IW10 duduk di rumah tersebut, **isteri IW10 pernah menyatakan Joshua Hilmy dan Ruth Sitepu pernah bermalam di Cameron Highlands dalam tempoh dua atau tiga hari.**

Pada 30 November 2016 pukul 8.00 malam, IW10 menyatakan telah mendengar pertengkaran Joshua Hilmy semasa Joshua Hilmy menggunakan telefon (Eksibit 126) dari bilik mereka semasa IW10 bersama keluarga berada di dalam dapur. Pada pukul 9.30 malam, Joshua Hilmy ketuk bilik kami (IW10 dan keluarga) untuk mengambil buku di bilik tersebut dan ketika itu, IW10 mendengar suara Ruth Sitepu yang sedang berada di luar rumah. IW10 menyatakan ada menanyakan kepada Joshua Hilmy 'hendak pergi mana' dan **Joshua Hilmy memberi jawapan 'ADA ORANG PANGGIL, SAYA PERGI SAHAJALAH'.** IW10 juga menyatakan keadaan Joshua Hilmy tidak kelihatan stress sangat dan sempat bergurau dengan Ruth Sitepu. IW10 menyatakan Joshua Hilmy dan Ruth Sitepu keluar dengan menaiki kenderaan Kancil berwarna merah milik Joshua Hilmy.

Pada 3 Disember 2016, IW10 menyatakan isteri IW10 telah menghantar SMS kepada Grace Thangamalar a/p Peter Pormannan (IW2) mengenai Joshua Hilmy dan Ruth Sitepu sudah lama tidak balik rumah dan **jawapan Grace Thangamalar a/p Peter Pormannan (IW2) adalah Joshua Hilmy dan Ruth Sitepu pernah tidak balik rumah dalam tempoh yang lama.**

Pada 10 Disember 2016, IW10 menyatakan pernah cuba menghubungi Joshua Hilmy tetapi masuk *voice mail*. IW10 juga pernah hantar Whatsapp tetapi hanya satu *tick* sahaja.

IW10 menyatakan nama Joshua Hilmy pernah keluar dari televisyen disebabkan **Joshua Hilmy telah memuat naik benda-benda sensitif di dalam laman Facebook milik Joshua Hilmy dan salah satu contoh adalah memburuk-burukkan Agama Islam dengan ISIS.**

4.11 ASP Shafiee bin Marsidi (IW11)

IW11 merupakan bekas Ketua Polis Balai Sg. Way yang bertugas pada bulan Januari 2017 sehingga Disember 2017 dan sekarang sedang bertugas sebagai Pengarah, Bahagian Penguatkuasaan, Jabatan Pendaftaran Pertubuhan Malaysia, Kementerian Dalam Negeri.

Pada 06 Mac 2017, IW11 menyatakan telah menerima laporan polis daripada Peter Pormannan a/l Annamalai (IW1) dan laporan polis ini disiasat oleh Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way.

IW11 menyatakan telah mengarahkan Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way untuk mengambil rakaman percakapan IW1 untuk mendapatkan butiran-butiran lanjut berkaitan dengan laporan polis yang dibuat dan cuba mengesan Joshua Hilmy dan Ruth Sitepu melalui alamat yang diberikan oleh Peter Pormannan a/l Annamalai (IW1). IW11 menyatakan telah mengarahkan Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way untuk membuat

semakan keluar masuk dengan Jabatan Imigresen Malaysia dan alamat terkini dengan Jabatan Pendaftaran Negara ke atas Joshua Hilmy dan Ruth Sitepu serta kesan sahabat-sahabat dan ahli keluarga untuk mendapatkan maklumat lanjut. IW11 menyatakan ada mengarahkan Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way untuk membuat lawatan rumah Joshua Hilmy dan Ruth Sitepu dan Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way telah membuat lawatan bersama Koperal Jamil, Unit Cawangan Pencegahan Jenayah, Balai Polis Sg. Way serta memberi maklum balas yang diberikan adalah rumah tersebut dalam keadaan terbiar iaitu tiada penghuni.

Pada 07 April 2017, IW11 menyatakan Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way telah mengambil rakaman percakapan Peter Pormannan a/l Annamalai (IW1) dan kelewatan ini disebabkan IW1 tidak mahu mengangkat telefon serta pernah diangkat oleh individu lain yang mengenalkan diri sebagai peguam kepada Peter Pormannan a/l Annamalai (IW1) dan peguam kepada Peter Pormannan a/l Annamalai (IW1) menyatakan sekiranya hendak berjumpa Peter Pormannan a/l Annamalai (IW1) hendaklah melaluinya dan peguam kepada Peter Pormannan a/l Annamalai (IW1) akan memberitahu Peter Pormannan a/l Annamalai (IW1) untuk menghubungi IW11 tetapi selepas itu tiada sebarang perhubungan. Selain itu, IW11 menyatakan terdapat lagi satu rakaman percakapan yang diambil oleh Sarjan Ahmad Sibee bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way iaitu adik kepada Joshua Hilmy (Huzir bin Hanim pada 18 Disember 2017) tetapi tidak ingat siapa dan bila diambil rakaman percakapan.

IW11 menyatakan PDRM mempunyai SOP berkaitan orang hilang, pemantauan dibuat, rakaman percakapan pengadu, membuat lawatan ke alamat, jika dinyatakan dan membuat siasatan dengan pihak-pihak berkenaan seperti JPN, RELA dan persatuan penduduk dan turut membuat hebahan melalui media dan hebahan kepada balai-balai polis

satu Malaysia berkaitan dengan orang hilang. Bagi orang asing, perlu dihantar Situation Report (Sitrep) kepada kedutaan.

IW11 menyatakan siasatan ini juga dipantau oleh DSP Omar bin Hassan (IW19), Ketua Bahagian Pengurusan Daerah IPD Petaling Jaya dan ASP Affendi, ASP Pentadbiran, Bahagian Pengurusan Daerah IPD Petaling Jaya. IW11 juga menyatakan terdapat mesyuarat berkala dibuat oleh Ketua Bahagian Pengurusan Daerah IPD Petaling Jaya dua minggu atau sebulan sekali untuk memastikan arahan yang diberikan dalam kertas siasatan diambil dan ingin mengetahui status siasatan. Selain itu, IW11 juga menyatakan pegawai penyiasat kadangkala dipanggil secara individu ke Bahagian Pengurusan Daerah IPD Petaling Jaya.

Pada awal bulan Mac 2017, IW11 menyatakan telah memberi arahan kepada Sarjan Ahmad Sibe bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way untuk membuat semakan sekiranya orang yang hilang pernah ditangkap atau disaman oleh PDRM. Pada pertengahan bulan April 2017, hasil pemeriksaan oleh Koperal Jamil mendapati Joshua Hilmy pernah disiasat di bawah seksyen 4 Akta Hasutan 1948 [Akta 15] dari Bahagian Siasatan Jenayah IPD Rembau oleh Inspektor Nurul Huda binti Bustami (IW12) pada tahun 2014 yang mana status siasatan adalah *No Further Action* (NFA).

IW11 menyatakan ini bukan kali pertama IW11 menyiasat orang hilang dan kes orang hilang bukannya kerap dilaporkan. Kadang-kadang budak remaja tidak balik ke rumah selama tiga atau empat hari dan kembali balik ke rumah. Kadang-kadang hilang ikut teman lelaki tetapi tetap berjaya dikesan. Kadang-kadang meninggalkan rumah disebabkan bergaduh dengan ahli keluarga pun berjaya dikesan.

IW11 menyatakan siasatan kehilangan Joshua Hilmy dan Ruth Sitepu dibantu oleh ASP Supari bin Muhammad (IW15), Pegawai Penyiasat Kanan Jenayah, IPD Petaling Jaya untuk memantau dari segi

pencegahan jenayah dengan siasatan. IW11 menyatakan ASP Supari bin Muhammad (IW15) akan membantu semua siasatan termasuklah siasatan harta benda dan jenayah kekerasan dalam Bahagian Siasatan Jenayah dan siasatan Balai Polis Sg. Way iaitu yang berlaku di dalam zonnya.

IW11 menyatakan satu *Task Force* kecil telah ditubuhkan dan dianggotai oleh Sarjan Ahmad Sibe bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way serta Bahagian Siasatan Jenayah terlibat untuk membantu di dalam tindakan dan siasatan kes kehilangan Joshua Hilmy dan Ruth Sitepu. *Task Force* ini diketuai oleh ASP Supari memandangkan kes kehilangan Joshua Hilmy dan Ruth Sitepu berlaku di dalam zonnya. *Task Force* ini akan melaporkan perkembangan siasatan kepada Ketua Bahagian Pengurusan Daerah.

IW11 menyatakan pernah dimaklumkan oleh Bahagian Siasatan Jenayah IPD Petaling Jaya telah bergerak ke utara iaitu Penang atau Kedah untuk mengesan orang hilang.

Sebelum IW11 berpindah pada bulan Disember 2017, IW11 menyatakan mengetahui mengenai status semakan JPJ, Imigresen dan Telco daripada Sarjan Ahmad Sibe bin Nordin, Sarjan Aktiviti Balai Polis Sg. Way adalah tiada maklum balas daripada agensi berkenaan dan IW11 digantikan dengan ASP Hairol Azhar bin Abdul Aziz (IW13).

4.12 Inspektor Nurul Huda binti Bustami (IW12)

IW12 bekerja sebagai Inspektor Kebajikan di Ibu Pejabat Polis Kontinjen Kuala Lumpur dan telah bekerja sebagai telah bertugas sebagai pegawai kebajikan lebih kurang 3 tahun. Sebelum ini bekerja sebagai Pegawai Penyiasat di Bahagian Siasatan Jenayah, Ibu Pejabat Polis Daerah Rembau dari tahun 2012 sehingga 2017.

IW12 menyatakan tidak tahu mengenai kes kehilangan Joshua Hilmy dan hanya tahu apabila menerima panggilan telefon dari Balai Polis Sg.

Way pada awal tahun 2017 semasa bertugas di Ibu Pejabat Polis Daerah Sentul yang menanyakan status siasatan IW12 ke atas Joshua Hilmy.

Pada 27 Jun 2014, IW12 menyatakan semasa bertugas sebagai pegawai penyiasat telah terima laporan polis bersabit Chembong repot 1417/14 daripada Encik Mat Salam bin Sarif dari Wira Perkasa DUN Chembong berkaitan tidak berpuas mengenai satu kenyataan di **laman Facebook yang dimuat naik oleh penama Joshua Hilmy iaitu 'apa punya bodohlah Muhammad itu, semua jadi bahan bendinya, anjing bagi cicak padahal binatang itu baik, anjing boleh jaga rumah, babi makanan yang enak dan orang yang memakannya boleh pandai dan maju. Orang yang tidak menerima ajaran olehnya disuruh bunuh, Muhammad memang pesuruh syaitan dan Allah itu Syaitan, sepak kepada Allah'**. Selain terdapat dua lagi laporan polis yang dibuat daripada wakil Wira Perkasa DUN Chembong yang lain iaitu Chembong repot 1418/14 dan 1419/14 tetapi kandungan laporan polis tersebut adalah sama dengan Encik Mat Salam bin Sarif. Ketiga-tiga pengadu telah hadir pada hari yang sama dan rakaman percakapan telah diambil pada hari yang sama.

IW12 menyatakan telah menghantar permohonan ke Bahagian Siber, Jabatan Siasatan Jenayah Komersil, Bukit Aman dan Suruhanjaya Komunikasi Multimedia, Putrajaya untuk mengetahui lebih lanjut Joshua Hilmy di laman Facebook.

Pada 15 September 2014, maklum balas yang diterima daripada Bahagian Siber JSJK, Bukit Aman adalah tiada sebarang maklum balas manakala dari SKMM, Putrajaya, adalah sekeping gambar yang mempunyai satu lelaki dan satu perempuan bersama sebuah kereta kancil berwarna merah yang mempunyai no. pendaftaran ACW7498. IW12 telah membuat semakan dengan JPJ berdasarkan no. pendaftaran ACW7498. Manakala bagi pemeriksaan Astro dan LHDN maklum balas diterima adalah tidak dapat didedahkan.

Pada 24 September 2014, maklum balas daripada JPJ adalah pemilik kenderaan bernama Hilmy bin Hanim bersama no. kad pengenalan terkini serta alamat di No. 89A, Taman Fair Park, Ipoh, Perak. Kemudian, IW12 membuat semakan kad pengenalan di dalam sistem Police Report System dan memperolehi alamat di B6-415, Jalan Bagan 21, Taman Banga, Butterworth, Penang serta no. telefon 0111-6355081 untuk laporan polis yang dibuat oleh Hilmy bin Hanim pada tahun 2012. **IW12 menyatakan telah cuba hubungi no. telefon tersebut dan dijawab oleh seseorang tetapi memberi jawapan sekejap ya, sekejap tidak sebagai Hilmy bin Hanim. Kemudian, IW12 cuba sekali lagi hubungi no. telefon tersebut tetapi tidak boleh lagi selepas itu dan kemudian cuba mendapatkan lokasi no. telefon tersebut tetapi tidak berjaya.**

Pada 30 September 2014, IW12 menyatakan telah pergi ke alamat No. 89A, Taman Fair Park, Ipoh, Perak serta Taman Bangai, Butterworth, Penang dan mendapati tiada penghuni di rumah. **IW12 juga telah membuat pertanyaan lanjut dengan jiran-jiran dan mendapati mereka tidak mengetahui siapa yang duduk di dalam rumah tersebut.**

Pada awal bulan Oktober 2014, IW12 menyatakan telah menyenaraihitamkan Hilmy bin Hanim setelah menerima arahan daripada Ketua Bahagian Siasatan Jenayah, ASP Abdul Karim selepas memaklumkan status siasatan serta saspek tidak dapat dijumpai. Kemudian kertas siasatan ini telah dipanggil oleh Jabatan Peguam Negara, Putrajaya. IW12 menyatakan telah merujuk kertas siasatan tersebut kepada Bahagian Pendakwaan / Undang-Undang (D5), Jabatan Siasatan Jenayah, Ibu Pejabat Polis Kontinjen Negeri Sembilan dan Bukit Aman sebelum hadir mesyuarat bersama Jabatan Peguam Negara, Putrajaya. IW12 menyatakan ini merupakan prosedur biasa sekiranya siasatan di bawah seksyen 4(1) Akta Hasutan.

Pada 1 November 2014, IW12 menyatakan telah merujuk semula kertas siasatan ke Jabatan Peguam Negara, Putrajaya dan arahan adalah kertas siasatan adalah No Further Action (NFA) atas alasan tiada petunjuk untuk kes ini setelah usaha untuk kesan penama serta senarai hitam atau ditangkap. IW12 telah membatalkan senarai hitam Hilmy bin Hanim berdasarkan arahan yang diterima daripada Pejabat Peguam Negara, Putrajaya.

Pada akhir tahun 2014, IW12 menyatakan telah memberi maklum balas kepada Encik Mat Salam bin Sarif berkaitan kes ini adalah berkeputusan NFA melalui surat rasmi iaitu pemberitahuan 3 dan Encik Mat Salam bin Sarif dari Wira Perkasa DUN Chembong tidak cakap apa-apa selepas itu.

IW12 menyatakan Encik Mat Salam bin Sarif dari Wira Perkasa DUN Chembong juga ada membuat laporan polis berkaitan penggunaan perkataan Allah oleh penama Reverend Dr. Eu Hong Seng disebabkan rasa tidak puas hati dan juga apa tindakan yang boleh diambil kepada kenyataan-kenyataan tersebut. **IW12 juga menyatakan Wira Perkasa DUN Chembong adalah wakil-wakil dalam komuniti untuk menggerakkan bangsa Melayu, memperjuangkan Bangsa-Bangsa Melayu dan merapatkan silaturrahim antara mereka serta bukannya ahli parti politik di Rembau.**

4.13 ASP Hairol Azhar bin Abdul Aziz (IW13)

IW13 bekerja sebagai Inspektor Ketenteraman Awam di Ibu Pejabat Polis Daerah Kemaman, Terengganu bermula bulan November 2018 sehingga kini. Sebelum ini bertugas sebagai Ketua Polis Balai Sg. Way pada pertengahan Januari 2018 sehingga 22 November 2018.

Pada 28 Februari 2018, IW13 menyatakan telah terima laporan Sg. Way repot 2209/18 (Eksibit 11) dari Balai Polis Petaling Jaya yang dibuat oleh Ram Ram Elisabeth (IW6) dan laporan polis diklasifikasikan sebagai

Refer Other Report (ROR) kepada Sg. Way Repot 2249/17 (Eksibit 1) untuk tindakan selanjutnya pegawai penyiasat.

Pada 5 Oktober 2018, IW13 menyatakan telah dipanggil oleh Ketua Bahagian Siasatan Jenayah Daerah untuk menyambung siasatan kes Joshua Hilmy dan Ruth Sitepu yang disiasat oleh Sarjan Ahmad Sibee bin Nordin dengan arahan-arahan terkini iaitu mengesan alamat terkini, semasa dan kedudukan Joshua Hilmy dan Ruth Sitepu.

IW13 telah membuat pemeriksaan ke atas kertas siasatan mendapati Sarjan Ahmad Sibee bin Nordin telah mengambil lima rakaman percakapan iaitu Peter Pormannan a/l Annamalai (IW1) iaitu pengadu, Huzir bin Hanin iaitu adik kepada Joshua Hilmy, Ram Ram Elisabeth (IW6) iaitu adik ipar kepada Joshua Hilmy, Iman Setiawan Sitepu (IW7) adik ipar kepada Joshua Hilmy yang tinggal di Indonesia dan Firdaus bin Hanim iaitu adik kepada Joshua Hilmy.

Dalam tempoh 2 hari selepas menerima kertas siasatan, IW13 menyatakan pada waktu siang, IW13 telah pergi ke alamat terkini Joshua Hilmy dan Ruth Sitepu di alamat yang dikata hilang iaitu No. 61, Jalan SS1/22, Kampung Tunku, Petaling Jaya untuk membuat pemantauan di luar kawasan rumah untuk melihat sekiranya ada penghuni balik ke rumah tersebut selamat 45 minit dan telah mengambil rakaman percakapan dua orang jiran yang menduduki sebelah rumah. **Hasil rakaman percakapan mendapati, kedua-dua jirannya tidak mengenali Joshua Hilmy dan Ruth Sitepu.**

Pada 8 Oktober 2018, IW12 menyatakan tindakan yang telah dibuat untuk mengesan Joshua Hilmy adalah melalui Jabatan Pendaftaran Negara (JPN), Jabatan Imigresen Malaysia (JIM), beberapa syarikat telekomunikasi, Suruhanjaya Pilihan Raya (SPR), Kumpulan Wang Simpanan Pekerja (KWSP), tempat kejadian dan mengambil rakaman percakapan saksi-saksi yang berkaitan serta mendapati alamat lain adalah alamat di Bagan, Pulau Pinang. Maklum balas yang diterima

daripada Digi adalah no telefon tersebut bukan di bawah Digi manakala Celcom tidak menerima sebarang maklum balas. **Bagi maklum balas SPR adalah masih sama dan aktif dan maklumat KWSP kali terakhir aktif pada tahun 1999. Manakala maklum balas JIM adalah kali terakhir keluar Malaysia pada 19 Julai 2007 dan tiada maklumat masuk semula ke dalam Malaysia.**

Pada 10 Oktober 2018, IW13 menyatakan pegawai Bahagian Siasatan Jenayah, ASP Kwek ada memberi bantuan dengan mendapatkan Bil Air dan Bil Elektrik rumah di Kampung Tunku, Petaling Jaya serta memberi maklumat alamat pemilik rumah Kampung Tunku, Petaling Jaya di Pulau Pinang.

Pada 11 Oktober 2018, IW13 menyatakan telah pergi ke rumah pemilik asal Kampung Tunku, Petaling Jaya di Pulau Pinang bernama Encik Selvakumar Peace John Harris (IW5) dan hasil rakaman percakapan adalah Joshua Hilmy duduk di rumah Kampung Tunku tanpa membayar sewa dan tidak mengetahui kedudukan Joshua Hilmy. IW13 telah meminta kebenaran untuk membuat siasatan di dalam rumah Kampung Tunku, Petaling Jaya tetapi **Encik Selvakumar Peace John Harris (IW5) hanya membenarkan siasatan dibuat di kawasan rumah sahaja bukan di dalam rumah dan membenarkan gambar di dalam rumah diambil menerusi tingkap dengan menyelak langsir serta membenarkan IW13 memecahkan kunci mangga di pagar rumah tersebut dengan menggantikan kunci mangga baharu.**

Selepas itu, IW13 menyatakan telah pergi ke alamat B6-4-15, Jalan Bagan 21, Taman Bagan, 13400 Butterworth, Pulau Pinang dan mendapati rumah tersebut berkunci serta tiada penghuni. IW13 telah mengambil rakaman percakapan jiran iaitu seorang lelaki berbangsa India di Pulau Pinang dan **hasil rakaman percakapan adalah jiran tersebut tidak mengetahui sesiapa yang tinggal di rumah tersebut.**

Semasa IW13 berada di Penang, IW13 ada menghubungi abang kepada Joshua Hilmy bernama Harun bin Hanim dan adik perempuan kepada Joshua Hilmy (Nurani binti Hanim) bagi tujuan untuk mengambil rakaman percakapan. IW13 menyatakan semasa menghubungi Harun, anak lelakinya telah mengangkat serta memberitahu bapanya, Harun bin Hanim tiada dan IW13 telah meminta bapanya, Harun bin Hanim untuk menghubungi semula untuk mengambil rakaman percakapan tetapi selepas panggilan tersebut, tiada sebarang maklum balas. **Manakala adik perempuan kepada Joshua Hilmy (Nurani binti Hanim) menyatakan sibuk dengan menguruskan keluarga, tidak mahu masuk campur, sudah lama tidak menghubungi Hilmy dan berjumpa serta sudah lama tidak mengambil tahu hal masing-masing.**

Pada waktu siang, IW13 menyata telah pergi ke rumah di alamat No. 61, Jalan SS1/22, Kampung Tunku, Petaling Jaya bersama seorang jurufoto dan beberapa anggota Cawangan Pencegahan Jenayah (CPJ) untuk siasatan. Anggota CPJ telah membantu untuk memotong kunci mangga pagar dan jurufoto telah mengambil gambar di luar kawasan rumah manakala gambar di dalam rumah, jurufoto telah mengambil gambar menerusi tingkap. IW13 menyatakan siasatan di rumah tersebut mengambil masa lebih 1 jam.

Pada 23 Oktober 2018, IW13 menyatakan telah serah semula kertas siasatan kepada DSP Shamsuri, Ketua Bahagian Siasatan Jenayah Daerah Petaling Jaya dengan memberi taklimat status dan tindakan yang telah dibuat.

IW13 menyatakan sepanjang bertugas sebagai Ketua Polis Balai Sg. Way, Sarjan Ahmad Sibeer bin Nordin telah bertukar ke Balai Polis Petaling Jaya. Selepas IW13 bertukar ke IPD Kemaman, Ketua Polis Balai yang baharu adalah Inspektor Zulfadhly bin Yacob (IW14).

4.14 Inspektor Zulfadhly bin Yaacob (IW14)

IW14 bertugas sebagai Ketua Polis Balai Sg. Way dari 12 November 2018 sehingga kini. Sebelum ini, IW14 bertugas sebagai Inspektor Gangsterism di Jabatan Siasatan Jenayah, Ibu Pejabat Polis Kontinjen Selangor.

Pada 30 November 2018, IW14 menyatakan telah terima kertas siasatan kes kehilangan Joshua Hilmy dan Ruth Sitepu daripada Lans Koperal Masniza, anggota pentadbiran Balai Polis Sg. Way. Hasil semakan di dalam kertas siasatan tersebut, IW14 mendapati terdapat arahan di kertas minit oleh DSP Zamzuri, Ketua Bahagian Siasatan Jenayah Daerah Petaling Jaya bertarikh 21 November 2018 untuk melihat Minit 10 iaitu tindakan-tindakan yang telah diambil oleh IW13 dan mengkaji tindakan-tindakan perlu diambil di dalam siasatan.

IW14 menyatakan telah mengkaji kertas siasatan dan mendapati terdapat sembilan rakaman percakapan telah diambil iaitu Encik Peter Pormannan a/l Annamalai (IW1) selaku pengadu (A1) pada 10 April 2017, Huzir bin Hanim selaku adik kepada Joshua Hilmy (A2) pada 18 Disember 2017, Ram Ram Elisabeth (IW6) selaku adik kepada Ruth Sitepu (A3) pada 28 Februari 2018, Firdaus bin Hanim selaku adik kepada Joshua Hilmy (A4) pada 19 Disember 2017, Naeim bin Hanim selaku adik kepada Joshua Hilmy (A5), Encik Selvakumar Peace John Harris (IW5) selaku pemilik rumah (A6) pada 11 Oktober 2018, Encik Supprumaniam a/l Manikam selaku jiran kepada Joshua Hilmy (A7) di Butterworth, Penang pada 11 Oktober 2018, Rozaina binti Md Ribi selaku jiran kepada Joshua Hilmy (A8) di Kampung Tunku pada 21 Oktober 2018 dan Syed Mohd Farhad selaku jiran kepada Joshua Hilmy (A9) di Kampung Tunku pada 22 Oktober 2018.

IW14 menyatakan **keterangan A2 (Huzir bin Hanim) diambil oleh Sarjan Ahmad Sabee bin Nordin dan dalam keterangan telah memberitahu kali terakhir berjumpa dengan Joshua Hilmy pada bulan 3 Mac 2016 di Pejabat Tanah dan Galian, Larut Matang**

Selama, Taiping, Perak mengenai urusan tanah keluarga. A2 menyatakan mengetahui Joshua Hilmy berkahwin dengan perempuan Indonesia dan tidak pasti sekiranya Joshua Hilmy mempunyai musuh, masalah kesihatan atau masalah hutang.

IW14 menyatakan **keterangan A3 (Ram Ram Elisabeth (IW6)) diambil oleh Sarjan Ahmad Sibe bin Nordin dan dalam keterangan** memberitahu dimaklumkan oleh abang sepupu bernama Guna Sitepu bahawa Ruth Sitepu tidak dapat dihubungi sejak bulan Disember 2016.

IW14 menyatakan **keterangan A4 (Firdaus bin Hanim) diambil oleh Insp Nor Haidy dan dalam keterangan** memberitahu telah bertemu dengan Joshua Hilmy pada tahun 2012 di Taman Teluk Molek, Butterworth, Penang serta mengetahui kehilangan Joshua Hilmy serta tidak mengesyaki sesiapa di atas kehilangan Joshua Hilmy. Selain itu, A4 menyatakan tiada halangan Joshua Hilmy untuk menganut agama lain.

IW14 menyatakan **keterangan A5 (Naiem bin Hanim) diambil oleh Inspektor Somad dan dalam keterangan** memberitahu kali terakhir berjumpa Joshua Hilmy pada tahun 2012 serta menyatakan Joshua Hilmy ada menggunakan kenderaan jenis kancil. Selain itu, A5 menyatakan mengetahui Joshua Hilmy sudah berkahwin dengan Ruth Sitepu warganegara Indonesia yang beragama Kristian.

IW14 menyatakan **keterangan A6 (Selvakumar Peace John Harris (IW5)) diambil oleh ASP Hairol Azhar bin Abdul Aziz (IW13) dan dalam keterangan** memberitahu telah membenarkan Joshua Hilmy tinggal di rumah beralamat No. 61, Jalan SS1/22, Kampung Tunku, Petaling Jaya tanpa apa-apa bayaran dan kali terakhir berhubung Joshua Hilmy melalui Facebook pada November 2016. A6 juga menyatakan telah ke rumah tersebut pada Disember 2016 dan mendapati Joshua Hilmy dan Ruth Sitepu tiada di rumah tersebut.

IW14 menyatakan A7 (Suppramaniam a/l Manikam) merupakan **jiran di Butterworth, Pulau Pinang dan keterangan A7 diambil oleh ASP Hairol Azhar bin Abdul Aziz (IW13) serta dalam keterangan memberitahu tidak pernah mengenali Joshua Hilmy yang tinggal di rumah tersebut.**

IW14 menyatakan A8 (Rozaini binti Md Rib) merupakan **jiran beralamat No. 63, Kampung Tunku, Petaling Jaya dan keterangan A8 diambil oleh ASP Hairol Azhar bin Abdul Aziz (IW13) serta dalam keterangan memberitahu tidak mengenali atau berjumpa Joshua Hilmy.**

IW14 menyatakan A9 (Syed Mohd Farhad) merupakan **jiran beralamat No. 65, Kampung Tunku, Petaling Jaya dan keterangan A9 diambil oleh ASP Hairol Azhar bin Abdul Aziz (IW13) serta dalam keterangan memberitahu tidak mengenali Joshua Hilmy.**

IW14 menyatakan catatan yang dibuat oleh Sarjan Ahmad Sibe bin Nordin bahawa telah terima laporan polis bersabit Sg. Way Repot 2249/17 (Eksibit 1) pada 6 Mac 2017 oleh IW1 di Balai Polis Klang Selatan. Sarjan Ahmad Sibe bin Nordin telah membuat panggilan telefon kepada IW1 tetapi IW1 tidak mengangkat panggilan telefon tersebut. Pada 14 Mac 2017, ASP Shafiee bin Marsidi (IW11) telah menelefon IW1 dan IW1 telah mengangkat telefon serta telah memaklumkan untuk hadir ke Balai Polis Sg. Way untuk merakam keterangan berkaitan laporan polis yang dibuat mengenai laporan polis yang dibuat oleh IW1. Pada 7 April 2017, Sarjan Ahmad Sibe bin Nordin telah membuka kertas siasatan kes orang hilang berdasarkan lapora polis IW1. Pada 10 April 2017, IW1 telah hadir di Balai Polis Sg. Way untuk merakam keterangan IW1.

Pada 8 April 2017, Sarjan Ahmad Sibe bin Nordin telah membuat semakan rekod keluar masuk Malaysia oleh Joshua Hilmy kepada Jabatan Imigresen Malaysia (JIM) dan maklum balas yang diterima oleh

JIM adalah kesilapan no. KPT Joshua Hilmy yang diberikan tidak betul (Eksibit 122(a)). Pada tahun 2018, IW13 telah menghantar semula kepada JIM dan maklum balas yang diterima daripada JIM adalah terdapat rekod keluar Malaysia oleh Joshua Hilmy pada 19 Julai 2007 (Eksibit 122(a)2). Pada 8 September 2020, **IW14 telah mengambil rakaman percakapan Puan Junainh binti Dalugamin @ Dulgamin (IW21), Timbalan Penolong Pengarah Imigresen Shah Alam mengenai hanya terdapat rekod keluar Malaysia sahaja pada 19 Julai 2007 dan keterangan diberikan adalah kemungkinan Joshua Hilmy masuk ke dalam Malaysia ini melalui jalan tidak diwartakan.** IW14 menyatakan telah meminta Puan Junainh binti Dalugamin @ Dulgamin (IW21), Timbalan Pengarah Imigresen Shah Alam untuk membuat **semakan semula rekod keluar masuk Malaysia oleh Joshua Hilmy dan maklum balas adalah terdapat lagi rekod keluar Malaysia pada 28 Disember 2011 dan masuk semula Malaysia pada 7 Januari 2012 (Eksibit 122(a)3) tetapi tiada rekod negara dikunjungi oleh Joshua Hilmy.**

IW14 menyatakan pada 19, 20 dan 22 April 2017, Sarjan Ahmad Sibee bin Nordin telah menghubungi IW1 untuk mengetahui perkembangan apa-apa maklumat berkaitan Joshua Hilmy dan Ruth Sitepu. Sarjan Ahmad Sibee bin Nordin ada membuat pergerakan kertas siasatan untuk mendapatkan arahan lanjut daripada IW11 bersama tindakan yang telah diambil oleh Sarjan Ahmad Sibee bin Nordin.

Pada 17 Ogos 2017, IW11 telah menghantar kertas siasatan kepada DSP Omar, Ketua Bahagian Pengurusan Daerah mengenai tindakan yang telah diambil oleh Sarjan Ahmad Sibee bin Nordin dan mendapatkan arahan lanjut. IW14 menyatakan tujuan kertas siasatan dirujuk disebabkan tiada petunjuk untuk teruskan siasatan dan untuk mendapatkan panduan selanjutnya untuk arahan terbaharu daripada pegawai atasan.

Pada 28 Ogos 2017, arahan yang diterima oleh Sarjan Ahmad Sibee bin Nordin daripada DSP Omar bin Hassan (IW19), Ketua Bahagian Pengurusan Daerah adalah Kemas Untuk Simpan (KUS) sehingga ada arahan terbaharu. Terdapat SOP yang menyatakan sekiranya tiada apa-apa petunjuk selama setahun setelah tindakan-tindakan telah diambil, kertas siasatan boleh KUS tetapi perlu disemak semula setiap enam bulan setahun selama lima tahun.

IW14 menyatakan tindakan lain yang telah dibuat oleh pegawai penyiasat sebelum ini adalah membuat semakan dengan JPN Negeri Selangor, Syarikat Telekomunikasi iaitu Digi, Maxis dan Celcom, SPR Negeri Selangor, KWSP dan Perbadanan Bekalan Air Pulau Pinang untuk semakan alamat-alamat Joshua Hilmy dan Ruth Sitepu.

IW14 menyatakan Sarjan Ahmad Sibee bin Nordin dan IW13 telah memohon semakan JPN Negeri Selangor untuk mendapatkan 'family tree' dan hasil semakan mendapat ibu bapa Joshua Hilmy telah meninggal dunia dan Joshua Hilmy mempunyai enam adik beradik iaitu Hisham bin Hanim, Hilmy bin Hanim, Firdaus bin Hanim, Naeim bin Hanim, Huzir bin Hanim dan Nurani bin Hanim.

IW14 cuba mengesan Hisham bin Hanim di Ipoh, Perak dengan mengarahkan anggota untuk menyerahkan perintah di bawah seksyen 111 Kanun Prosedur Jenayah tetapi tidak dapat dikesan penama Hisham bin Hanim yang tinggal di sana manakala Nurani binti Hanim cuba mengelak dari memberi keterangan dengan memberi kedudukan di Ipoh, Perak apabila dihubungi tetapi IW14 telah membuat semakan JPJ dan mendapati Nurani binti Hanim berada di Kota Warisan, Sepang, Selangor. Pada Bulan Ogos 2020, Nurani binti Hanim memberi keterangan iaitu mengesahkan Joshua Hilmy adalah abangnya bernama Hilmy bin Hanim dan selepas itu, menyatakan tidak mahu memberi keterangan apa-apa dan tidak mahu memberi kerjasama.

Pada 11 April 2017, IW14 menyatakan Sarjan Ahmad Sibe bin Nordin ada menghantar permohonan semakan kepada SKMM untuk semakan rekod panggilan keluar masuk dan tiada maklum balas. Pada 18 Ogos 2020, IW14 telah membuat permohonan kepada SKMM dengan menghantar salinan emel yang diterima daripada Bahagian Perundangan Bukit Aman berkaitan emel Joshruith2005@yahoo.com wifigirl2376@yahoo.com, Minaira@gmail.com dan Jasminishak@gmail.com dan **maklum balas yang diterima adalah pihak SKMM meminta salinan asal emel tersebut disebabkan salinan yang dihantar tidak jelas (Eksibit 122(g)).**

Pada 20 Mac 2018, IW14 menyatakan Sarjan Ahmad Sibe bin Nordin ada menghantar permohonan kepada Maxis, Digi serta Celcom dan maklum balas hanya diterima daripada Digi pada bulan April 2018 yang menyatakan tidak didaftar di dalam Digi. Manakala, Pada bulan Oktober 2018, IW13 ada menghantar permohonan semakan kepada Digi, Maxis serta Celcom dan maklum balas Digi adalah tiada didaftar di dalam Digi manakala Celcom tiada jawapan. IW14 menyatakan telah menerima maklum balas daripada Maxis dan maklum balas tersebut menyatakan milik Joshua Hillmy adalah 0125405752 iaitu aktif pada 22 Disember 2013 dan tamat pada 19 Februari 2017 manakala Ruth Sitepu adalah 01116355081 iaitu aktif pada 18 Ogos 2012 dan tamat 4 April 2017 pada serta 01116355082 iaitu aktif pada 18 Ogos 2012 dan tamat pada 6 April 2017. **Maxis juga menyatakan tiada rekod panggilan keluar dan masuk disebabkan pengguna adalah *prepaid* (Eksibit 122(e)).**

IW14 menyatakan permohonan semakan yang dibuat oleh IW13 kepada SPR (Eksibit 122(b)), KWSP (Eksibit 122(d)) dan Perbadanan Bekalan Air Pulau Pinang bagi tujuan alamat terkini Joshua Hilmy dan maklum balas yang diterima adalah di B6-4-15, Jalan Bagan 21, Taman Bagan, 13400, Butterworth, Pulau Pinang.

IW14 juga menyatakan tindakan yang telah diambil adalah mengedarkan risalah mengenai kehilangan Joshua Hilmy dan Ruth

Sitepu pada bulan April 2019, Julai 2019 dan Disember 2019 di kawasan Sg. Way, Petaling Jaya serta ditampal di papan-papan kenyataan balai polis, stesen minyak, kedai serbaneka 7-Eleven dan tempat-tempat lain yang biasa ditampal. Selain itu, IW14 juga membuat hebahan di dalam Facebook Balai Polis Sg. Way pada Februari 2020 mengumpulkan maklumat-maklumat berkaitan kehilangan Joshua Hilmy dan Ruth Sitepu laman sosial berkaitan sesi pendengaran SUHAKAM mengenai kehilangan Joshua Hilmy dan Ruth Sitepu. IW14 juga telah memaklumkan bahawa **Joshua Hilmy dan Ruth Sitepu telah disenaraikan di dalam Notis Kuning (Yellow Notice) oleh Interpol.**

IW14 menyatakan telah mengambil rakaman percakapan Datin Siti Rahmah binti Haji Yunos iaitu jiran yang menduduki alamat No. 59, Jalan SS1/22, Kampung Tunku, Petaling Jaya, IW2, IW3, Encik Azhar bin Baba (IW23) iaitu pegawai Maxis, Encik Philip Koh iaitu peguam kepada keluarga Ruth Sitepu, Lans Koperal Yasin iaitu jurufoto yang bersama dengan IW13 serta Koperal Leju a/k Talok dan Lans Koperal Khaizir iaitu anggota polis membantu dan memotong kunci mangga semasa bersama IW13.

IW14 menyatakan kertas siasatan ini dirujuk dan dipantau oleh Ketua Bahagian Siasatan Jenayah Daerah Petaling Jaya memandangkan IW14 menerima kertas siasatan ini daripada Ketua Bahagian Siasatan Jenayah Daerah Petaling Jaya. Kertas siasatan ini juga dirujuk kepada Bahagian Perundangan Bukit Aman untuk mendapatkan arahan lanjut sekiranya tindakan yang telah diambil masih belum memperolehi sebarang petunjuk. IW14 menyatakan kertas siasatan ini telah dirujuk kepada Bahagian Perundangan Bukit Aman sebanyak lapan kali dan juga telah dirujuk ke peringkat Jabatan Peguam Negara.

IW14 menyatakan telah membuat semakan ke atas akaun Maybank di Ipoh Garden milik Joshua Hilmy dan **maklum balas yang diterima di dalam penyata Maybank milik Joshua Hilmy adalah terdapat urusan dibuat pada tahun 2017 (Eksibit 123).**

IW14 juga menyatakan telah merakam percakapan YB Khairy Jamaludin bin Abu Bakar berkaitan emel (Eksibit 76(a) sehingga Eksibit 76 (i)) dan surat berlogo jata negara (Eksibit 70(a)). **Hasil rakaman percakapan YB Khairy Jamaludin bin Abu Bakar, beliau telah menyatakan tidak mengetahui berkaitan emel (Eksibit 76(a) sehingga Eksibit 76(i)) dan surat berlogo jata negara (Eksibit 70(a)) tersebut serta surat tersebut tidak mengikut format kerajaan.**

4.15 DSP Supari bin Muhammad (IW15)

IW15 bertugas sebagai Ketua Bahagian Siasatan Jenayah Daerah Melaka Tengah, Melaka dan sebelum ini pernah berkerja sebagai Pegawai Penyiasat Kanan, Bahagian Siasatan Jenayah, Ibu Pejabat Polis Daerah Petaling Jaya di dalam zon Kelana Jaya serta laporan polis mengenai kehilangan Joshua Hilmy dan Ruth Sitepu berlaku di dalam zon tersebut.

IW15 menyatakan pernah membantu siasatan Sarjan Ahmad Sibee bin Nordin disebabkan laporan polis yang dibuat di Balai Polis Klang oleh Peter Pormannan a/l Annamalai (IW1) adalah sangat ringkas dan Peter Pormannan a/l Annamalai (IW1) tidak dapat dihubungi oleh Sarjan Ahmad Sibee bin Nordin dan orang lain. IW15 cuba menghubungi Peter Pormannan a/l Annamalai (IW1) untuk mendapatkan alamat rumah Joshua Hilmy dan Peter Pormannan a/l Annamalai (IW1) telah menyatakan akan membawa IW15 ke rumah Joshua Hilmy di No. 61, Jalan SS1/22, Kampung Tunku, Petaling Jaya.

IW15 menyatakan lawatan ke rumah Joshua Hilmy dibuat seminggu selepas laporan polis dbuat oleh Peter Pormannan a/l Annamalai (IW1). Semasa lawatan dibuat IW15 bersama satu anggota bernama Kpl Yusuf manakala Peter Pormannan a/l Annamalai (IW1) bersama satu lelaki berbangsa Cina. Lelaki berbangsa Cina tersebut yang memegang kunci dan telah membuka rumah tersebut. IW15 telah membuat pemeriksaan di dalam rumah dan mendapati tiada orang di dalam rumah dan tiada sebarang unsur-unsur jenayah yang berlaku di dalam rumah.

Selepas itu, IW15 telah maklum kepada Sarjan Ahmad Sibee bin Nordin bahawa rumah orang hilang telah dikenalpasti iaitu berdekatan sini dan mengarahkan siasatan lanjut diambil oleh Sarjan Ahmad Sibee bin Nordin untuk siasatan orang hilang.

IW15 menyatakan telah membuat pemeriksaan CCTV serta membuat pertanyaan jiran-jiran dan hasil adalah tiada sebarang maklumat yang boleh mengaitkan Joshua Hilmy kena culik atau dilarikan.

IW15 menyatakan terdapat siasatan dibuat ke atas Joshua Hilmy pada tahun 2014 yang disiasat di bawah seksyen 4(1) Akta Hasutan bersabit laporan polis Chembong.

IW15 menyatakan penglibatan KBSJD disebabkan kertas siasatan kehilangan Joshua Hilmy dan Ruth Sitepu telah menjadi kes menarik, namun demikian, pemantauan kertas siasatan Joshua Hilmy dan Ruth Sitepu masih di bawah KBPD. Kertas siasatan ini telah diambil alih oleh Ketua Polis Balai.

Pada 2 Ogos 2018, IW15 menyatakan IW15 telah berpindah ke Ibu Pejabat Polis Daerah Ampang disebabkan kenaikan pangkat.

4.16 Iqbal Mirza bin Mohd Jalaludin (IW16)

Mengenali Joshua Hilmy daripada rakannya bernama Chan Wan Tack yang bekerja di Bahagian Human Resources, Malaysian Institute apabila IW16 menceritakan kepada Chan Wan Tack mengenai masalah *spiritual* dan kesihatan yang dihadapi oleh IW16.

IW16 menyatakan mengalami masalah *spiritual* selepas berkahwin dengan isterinya bernama Fadzlina binti Amran (IW18) pada tahun 2000 yang mana IW16 telah diganggu makhluk halus dan mimpi buruk. IW16 juga menyatakan isterinya (IW18) dan anaknya mengalami masalah yang sama disebabkan diganggu makhluk halus.

Pada akhir 2014, IW16 menyatakan telah **membuat temujanji dengan Joshua Hilmy pada 1 Januari 2015 untuk mendapat rawatan dan mengubati masalah spiritual dan kesihatan keluarga IW16.**

Pada 1 Januari 2015, IW16 menyatakan pernah hadir bersama bersama Fadzlina binti Amran (IW18) telah datang ke rumah Joshua Hilmy selepas Maghrib di Kampung Tunku, Petaling Jaya dan berjumpa dengan Joshua Hilmy dan Ruth Sitepu. IW16 telah menceritakan masalah yang dihadapi kepada Joshua Hilmy dan **Joshua Hilmy telah memberitahu bahawa Joshua Hilmy mampu merawat masalah spiritual dan kesihatan IW16 dan Fadzlina binti Amran (IW18).**

IW16 menyatakan Joshua Hilmy telah memandikan IW16 untuk dibaptiskan sambil melafazkan 'In the name of the father and Jesus and the Holy Spirit' manakala Fadzlina binti Amran (IW18) telah dimandikan oleh Ruth Sitepu. IW16 menyatakan tujuan dibaptiskan adalah untuk merawat masalah spiritual dan kesihatan yang dialami oleh IW16 dan Fadzlina binti Amran (IW18).

IW16 menyatakan telah membuat perjumpaan sebanyak 2 kali selepas dibaptiskan bersama Joshua Hilmy di Kampung Tunku yang mana perjumpaan kali kedua, hanya IW16 seorang sahaja manakala perjumpaan ketiga, IW16 bersama Fadzlina binti Amran (IW18) dan 2 orang anaknya pada bulan Januari 2015 (Eksibit 14(e)).

IW16 menyatakan mengenali Pastor Raymond Koh melalui Fadzlina binti Amran (IW18) apabila Fadzlina binti Amran (IW18) pernah meminta bantuan daripada Harapan Komuniti semasa bapa mentua IW16 menghadapi kanser usus tahap 4 pada tahun 2012.

Pada tahun 2015, IW16 menyatakan IW16 dan Fadzlina binti Amran (IW18) telah berjumpa Pastor Raymond Koh untuk merawat masalah

spiritual dan Pastor Raymond Koh telah membaptiskan IW16 serta Fadzlina binti Amran (IW18) di rumah kawannya di Petaling Jaya bagi tujuan rawatan untuk mengubati masalah spiritual yang dihadapi. IW16 menafikan mengenai pengetahuan dan kewujudan sijil baptis yang dikeluarkan oleh Reverend Raymond Koh (Eksibit 14(a)) ke atas nama IW16 serta Fadzlina binti Amran (IW18).

IW16 menyatakan gambar Fadzlina binti Amran (IW18) bersama YB Dato' Sri Mohd Najib bin Tun Abd Razak (Eksibit 14(c)) telah diubahsuai dan gambar sebenarnya adalah gambar Fadzlina binti Amran (IW18) semasa di Cameron Highlands (Eksibit 103(a)) dan mengesahkan gambar asal YB Dato' Sri Mohd Najib bin Tun Abd Razak adalah bersama YB Dato' Seri Utama Haji Mukhriz bin Tun Dr. Mahathir (Eksibit 104).

IW16 menyatakan IW16 dan Fadzlina binti Amran (IW18) tidak mengenali rapat YB Dato' Sri Mohd Najib bin Tun Abd Razak, Menteri Besar Negeri Sembilan dan YB Khairy Jamaludin bin Abu Bakar. IW16 menafikan Fadzlina binti Amran (IW18) mempunyai hubungan sulit dengan YB Dato' Sri Mohd Najib bin Tun Abd Razak, Menteri Besar Negeri Sembilan dan YB Khairy Jamaludin bin Abu Bakar serta menyatakan kenyataan di (Eksibit 14(d)) adalah fitnah.

IW16 menyatakan tidak pernah dihubungi oleh Jabatan Agama Islam Selangor (JAIS) atau Majlis Agama Islam Selangor (MAIS) selepas dibaptiskan oleh Joshua Hilmy dan Pastor Raymond Koh.

IW16 menyatakan mempunyai nama *western* iaitu Allan (Eksibit 105) manakala Fadzlina binti Amran (IW18) adalah Lynn bagi memudahkan IW16 bekerja di dalam golongan rakannya yang beragama Kristian.

4.17 CP (B) Dato' Awaludin bin Jadid (IW17)

IW17 merupakan Ketua Penolong Pengarah E2 Cawangan Khas, Bukit Aman (kini sudah bersara) telah berkhidmat di dalam Cawangan Khas lebih kurang 15 tahun. Tugas E2 adalah memantau golongan ekstremis yang merupakan golongan melebihi batasan undang-undang atau golong di luar norma manusia.

IW17 menyatakan Joshua Hilmy dan Ruth Sitepu bukan di bawah pemantauan E2, Cawangan Khas disebabkan tidak tergolong di dalam golongan *ekstremis*. E2 merupakan unit yang membuat pemantauan dan menyalurkan maklumat kepada agensi yang berkaitan sebagai contoh; sekiranya melibatkan murtad, E2 akan menyalurkan maklumat tersebut kepada Jabatan Agama Islam untuk tindakan lanjut. Tugas E2 adalah sebagai pencegahan awal bagi mengelakkan golongan ekstremis menjadi golongan pengganas. Sasaran utama adalah melihat tindak balas rakyat ke atas kenyataan yang dibuat oleh orang yang murtad dan memastikan tiada rakyat atau orang yang murtad menjadi pengganas.

IW17 menyatakan Joshua Jamaluddin dan Hilmy Mohd Nor ditahan di bawah ISA atas asas keselamatan pada tahun 1987 di bawah operasi yang dikenali 'OPS Lalang'. Ini disebabkan keadaan ketika itu sedang bergolak dengan isu politik serta isu-isu lain yang hangat yang boleh mengugat keselamatan. Joshua Jamaluddin diselamatkan dan dimasukkan ke dalam ISA bagi tujuan pemulihan. ISA digubalkan dengan menggunakan peruntukan di bawah Perkara 149 dan 150 Perlembagaan Persekutuan. Penahanan di bawah ISA adalah di bawah peruntukan seksyen 73(1) Akta Keselamatan Dalam Negeri [Akta 82] dan dibaca bersama di bawah seksyen 8 akta yang sama. IW17 menyatakan tidak mahu memberi pandangan ke atas keputusan SUHAKAM berkaitan isu kehilangan Amri Che Mat dan Pastor Raymond Koh memandangkan pandangan tersebut adalah dari panel SUHAKAM dan bukan daripada IW17 berkaitan ISA dimansuhkan.

Tidak mahu memberi pandangan ke atas isu berkaitan ceramah yang diberikan oleh IW17 semasa di Dewan Auditorium, Kementerian Dalam Negeri, Kuala Lumpur berkaitan Seminar Belia Menentang Keganasan yang dirasmikan oleh YB Khairy Jamaludin bin Abu Bakar disebabkan ceramah itu perlu dilihat secara keseluruhan dan bukannya dituju kepada ceramah IW17 sahaja.

4.18 Fadzlina binti Amran (IW18)

IW18 merupakan isteri kepada **Iqbal Mirza bin Mohd Jalaludin (IW16)** serta individu yang berjumpa dengan Joshua Hilmy untuk pembaptisan. IW18 telah berkahwin dengan suaminya bernama Iqbal Mirza bin Mohd Jalaludin (IW16) pada 3 Jun 2000 dan mempunyai 2 orang anak. Ketika ini, IW18 bekerja sebagai tukang jahit dan membuat kraftangan.

IW18 menyatakan mempunyai masalah gangguan dari kecil lagi dan semakin teruk apabila selepas berkahwin. IW18 telah cuba mendapatkan rawatan daripada beberapa orang ustaz dari tahun 2000 sehingga 2014 setiap kali mengalami gangguan. Rawatan yang diterima adalah dimandikan dengan menggunakan bunga atau limau disertakan dengan ayat-ayat Al-Quran dan diberi air minuman. Kebanyakan ustaz menyatakan IW18 mempunyai saka atau telah disantau atau disihir disebabkan ada manusia yang tidak berpuas hati atau dengki dengan IW18.

Akhir tahun 2014, IW18 menyatakan semasa balik ke rumahnya di Rawang, IW18 telah menjumpai dua (2) bungkusan kain berwarna kuning di pintu hadapan dan belakang di dalam rumah. Hasil pemeriksaan mendapati bungkusan pertama mengandungi telur (Eksibit 106(a)) manakala bungkusan kedua mengandungi beras (Eksibit 106(b)).

IW18 menyatakan telah berpindah ke rumahnya di Damansara Damai dan semasa di Damansara Damai, IW18 pernah muntah sebanyak

dua kali. Muntah kali pertama, IW18 pernah mengeluarkan paku berkarat sepanjang 1 jengkal (Eksibit 106(c)) manakala muntah kali kedua mengandungi kaca besar.

Pada tahun 2014, IW18 menyatakan pernah dimandikan oleh Pastor Victor di dalam kolam renang di apartment Damansara Damai (Eksibit 107) yang dikenalkan oleh kawan kepada IW18 dari Sabah.

IW18 menyatakan telah pergi ke rumah Joshua Hilmy sebanyak 3 kali pada bulan Januari 2015. Perjumpaan kali pertama pada 1 Januari 2015, apabila IW18 melihat suaminya bernama Iqbal Mirza bin Mohd Jalaludin (IW16) seperti dirasuk semasa memandu kenderaan dan **pada hari tersebut IW18 telah dibaptiskan oleh Ruth Sitepu manakala Iqbal Mirza bin Mohd Jalaludin (IW16) dibaptiskan oleh Joshua Hilmy bagi tujuan rawatan masalah yang hadapi oleh mereka.** Pada malam tersebut, terdapat 4 orang lain yang dipercayai tuan rumah yang terdiri daripada seorang lelaki berbangsa India (Selvakumar Peace John Harris (IW5)), seorang perempuan berbangsa India dipercayai isteri kepada lelaki India tersebut dan 2 orang anak mereka. Perjumpaan kedua adalah pada minggu seterusnya dan perjumpaan ketiga, IW18 telah membawa 2 orang anak mereka (Eksibit 14(e)).

IW18 menyatakan mengenali Pastor Joshua Hilmy melalui pekerja Harapan Komuniti bernama Marie warganegara Filipina. IW18 berhubung dengan Marie apabila cuba minta bantuan daripada Harapan Komuniti untuk membantu bapanya pada tahun 2012 semasa menghadapi kanser usus tahap 4 di Hospital Selayang.

Pada 5 Februari 2015, IW18 menyatakan IW18 bersama Iqbal Mirza bin Mohd Jalaludin (IW16) dan 2 orang anaknya telah dibaptiskan oleh Pastor Raymond Koh di rumah kawan Pastor Raymond Koh di Petaling Jaya. Semasa pembaptisan terdapat seorang kawan Pastor Raymond Koh turut hadir.

IW18 menyatakan suaminya bernama Iqbal Mirza bin Mohd Jalaludin (IW16) mempunyai nama *western* iaitu Allan sebagai gelaran semasa bekerja manakala IW18 selalu dieja sebagai Lin atau Lyn atau Lynn atau Leen.

IW18 menyatakan gambar IW18 bersama YB Dato' Sri Mohd Najib bin Tun Abd Razak (Eksibit 14(c)) telah diubahsuai dan gambar sebenarnya adalah gambar IW18 semasa berada di Cameron Highlands (Eksibit 103(b)) dan mengesahkan gambar asal YB Dato' Sri Mohd Najib bin Tun Abd Razak adalah bersama YB Dato' Seri Utama Haji Mukhriz bin Tun Dr. Mahathir (Eksibit 104).

IW18 menyatakan tidak mengenali rapat YB Dato' Sri Mohd Najib bin Tun Abd Razak, Menteri Besar Negeri Sembilan dan YB Khairy Jamaludin bin Abu Bakar. IW18 menafikan mempunyai hubungan sulit dengan YB Dato' Sri Mohd Najib bin Tun Abd Razak, Menteri Besar Negeri Sembilan dan YB Khairy Jamaludin bin Abu Bakar serta menyatakan kenyataan di (Eksibit 14(d)) adalah fitnah.

IW18 menyatakan gambar IW18 di Cameron Highlands telah dimuat naik di dalam Facebook milik beliau (IW18).

4.19 DSP (B) Omar bin Hassan (IW19)

IW19 merupakan Ketua Bahagian Pengurusan, IPD Petaling Jaya pada 14 Ogos 2017 sehingga 31 Julai 2018 dan sebelum ini berkhidmat sebagai Ketua Bahagian Siasatan Jenayah, IPD Klang. Penugasan semasa di IPD Petaling Jaya lebih kepada pentadbiran serta memantau serta menyelia KEP Orang Hilang, Kebakaran dan Mati Mengejut.

IW19 menyatakan mengetahui kes kehilangan Joshua Hilmy dan Ruth Sitepu selepas 2 minggu lapor sebagai Ketua Bahagian Pengurusan, IPD Petaling Jaya. Ketika itu, Sarjan Ahmad Sibe bin

Nordin telah mentaklimatkan perkembangan kes dan IW19 telah mengarahkan tindakan-tindakan lanjut perlu dilaksanakan oleh beliau.

IW19 menyatakan selepas 2 atau 3 kali Sarjan Ahmad Sibee bin Nordin mentaklimat perkembangan kes, IW19 telah mengarahkan KEP tersebut di-KUS setelah meneliti perbuatan yang telah diambil oleh Sarjan Ahmad Sibee bin Nordin mencukupi untuk di-KUS sehingga terdapat maklumat lanjut, namun tiada arahan untuk menghentikan siasatan.

IW19 menyatakan Sarjan Ahmad Sibee bin Nordin telah cuba mengesan lokasi Joshua Hilmy dan Ruth Sitepu melalui permohonan Jabatan Pendaftaran Negara (JPN), Jabatan Imigresen Malaysia (JIM) dan Suruhanjaya Komunikasi Multimedia (SKMM).

IW19 menyatakan Siasatan KEP Orang Hilang akan dibantu daripada bahagian lain sebagai contoh; Bahagian Siasatan Jenayah (BSJ) akan bantu untuk permohonan SKMM memandangkan BSJ mempunyai hubungan baik dengan SKMM manakala Cawangan Khas hanya perlu dimaklumkan berkaitan orang hilang sepertimana di dalam SOP Orang Hilang.

IW19 menyakan sekiranya hasil siasatan KEP Orang Hilang mempunyai unsur jenayah, siasatan tersebut akan diserahkan kepada BSJ untuk siasatan lanjut.

4.20 Reverend Dr. Hermen Shastri (IW20)

IW20 merupakan individu yang memegang jawatan sebagai General Secretary di dalam Council of Churches of Malaysia selama 25 tahun. IW20 menyatakan di dalam Malaysia terdapat 3 badan yang memantau aliran Kristianiti iaitu Council of Churches of Malaysia (CCM), Catholic Bishop's Coverence of Malaysia (CBCM) dan National Evengelical Christian Fellowship (NECF). Bagi CCM dan

IW20 menyatakan CBCM diketuai oleh Bishop berdasarkan aliran yang dijaga, manakala NECF lebih kepada aliran yang bebas.

IW20 menyatakan **CCM ditubuhkan bagi tujuan menjaga dan memantau aliran Kristianiti serta sebagai badan yang menjalankan siasatan sekiranya terdapat aduan atau tohmahan salah laku ke atas gereja atau ajaran yang dibawa serta menyediakan khidmat nasihat mengenai aliran Kristianiti.**

IW20 menyatakan Baptism adalah bertujuan untuk membersihkan diri dari segi *spiritual* sebelum memasuki Kristian dengan mempercayai dan mengakui ajaran Kristian. *Baptism* dilakukan disebabkan Jesus telah dibaptiskan untuk keluar daripada ajaran Judism. Mana-mana orang yang ingin menganut ajaran Kristian hendaklah menjalani Baptism sebagai pangakuan dan mempercayai ke atas ajaran Kristian serta menyucikan diri kecuali situasi yang tidak mengizinkan.

Setiap orang yang menukar agama ke dalam Kristian mempunyai rekod mengikut aliran Gereja tersebut termasuklah orang islam yang menukar agama ke dalam Kristian. **Terdapat prosedur yang perlu diikuti untuk baptis mengikut aliran Kristianiti tersebut dengan kata lain mengikut prosedur gereja.** Setiap rekod Priest, Reverend dan Pastor yang dilantik di dalam Malaysia disimpan oleh 3 badan tersebut serta disimpan oleh setiap gereja mengikut aliran Kristianiti.

Tidak mengenali Pastor Joshua Hilmy dan Ruth Sitepu serta memaklumkan Pastor Joshua Hilmy dan Ruth Sitepu bukan di daftar di dalam gereja aliran IW20 (Methodist). Tidak mengetahui aktiviti-aktiviti yang dilakukan oleh Joshua Hilmy dan Ruth Sitepu serta tidak mengikut aktiviti perkembangan Joshua Hilmy dan Ruth Sitepu di dalam Facebook.

4.21 PP Junainh binti Dalugamin @ Dulgamin (IW21)

IW21 merupakan pegawai imigresen yang bertugas di Bahagian Keselamatan Pasport Shah Alam dari bulan Januari 2019 sehingga kini. Penugasan IW21 adalah mengenai mengeluarkan paspot Malaysia kepada warganegara Malaysia serta mengeluarkan pengesahan rekod keluar dan masuk Malaysia kepada agensi penguatkuasa Malaysia yang memohon;

IW21 menyatakan Joshua Hilmy mempunyai no. paspot : A36522166 yang berkuatkuasa pada 24 November 2015 sehingga 24 November 2020 dan paspot ini tidak mempunyai sebarang rekod pergerakan (Eksibit 114). Manakala no. paspot : A118868445 yang berkuatkuasa 6 Mei 2008 sehingga 10 Julai 2013, pergerakan terakhir keluar pada 28 Disember 2011 dan masuk semula pada 7 Januari 2012 (Eksibit 114);

IW21 menyatakan bagi no. paspot : AR681830 milik Ruth Sitepu, tiada sebarang rekod di dalam Malaysia (Eksibit 114). **IW21 menyatakan kemungkinan Ruth Sitepu menggunakan paspot lain atau menggunakan jalan yang tidak diwartakan di dalam Malaysia.**

IW21 menyatakan pada 19 Julai 2007, Joshua Hilmy pernah keluar Malaysia tetapi tiada rekod masuk semula ke dalam Malaysia (Eksibit 114). **Rekod ini tidak diperolehi disebabkan kemungkinan Joshua Hilmy masuk semula ke dalam Malaysia melalui jalan yang tidak diwartakan.**

IW21 menyatakan Joshua Hilmy tidak mempunyai sebarang rekod 'Emergency Certificate' yang dikeluarkan oleh Kedutaan Malaysia di Indonesia sekiranya paspot beliau telah tamat tempoh atau ditangkap oleh Polis Indonesia berdasarkan kenyataan di dalam buku yang dikeluarkan oleh Joshua Hilmy bertajuk : Sermon on the mount (Eksibit 6) di muka surat 19, Para 7 iaitu:-

“I was arrested by the Indonesian authorities because my passport had expired. I should be charged and jailed for 5 years or fined RP25 million. A muslim policeman helped to come back to Malaysia.”

IW21 menyatakan Joshua Hilmy telah disenaraihitamkan oleh Lembaga Hasil Dalam Negeri (LHDN) untuk keluar dari Malaysia pada 9 Oktober 2020 dan memaklumkan jalan yang tidak diwartakan adalah jalan yang tidak selamat dan boleh menyebabkan kehilangan nyawa seseorang sekiranya menggunakan jalan tersebut.

4.22 Zulkarnain bin Mohd Yasin (IW22)

IW22 telah bertugas sebagai pegawai Suruhanjaya Komunikasi dan Multimedia Malaysia (SKMM) pada 5 Mei 2000 dan telah bertugas sebagai Ketua Pengawai Kawal Selia bermula tahun 2019.

IW22 menyatakan SKMM berfungsi melalui peruntukan undang-undang di bawah Akta Komunikasi dan Multimedia 1998 [Akta 588] dan Akta Suruhanjaya Komunikasi dan Multimedia Malaysia 1998 [Akta 589]. SKMM juga tertakluk di bawah Akta Rahsia Rasmi 1972 [Akta 88] dan Akta Perlindungan Data Peribadi 2010 [Akta 709] disebabkan SKMM merupakan Badan Berkanun Kerajaan.

IW22 menyatakan mana-mana agensi penguatkuasa boleh menghantar permohonan kepada SKMM mengenai rekod panggilan keluar dan masuk dan SKMM akan membantu untuk mendapat rekod yang diminta. SKMM menggalakkan agensi penguatkuasa untuk membuat permohonan secara terus kepada Syarikat Telekomunikasi berkenaan memandangkan SKMM tidak mempunyai akses secara langsung rekod tersebut.

IW22 menyatakan SKMM tidak mempunyai kuasa untuk mendapatkan data daripada Syarikat Yahoo yang terletak di Amerika

Syarikat. SKMM memaklumkan untuk mendapatkan data tersebut, agensi berkenaan perlu mendapatkan waran daripada mahkamah Malaysia dan diendoskan di Mahkamah Amerika Syarikat atau menggunakan kaedah di bawah Akta Bantuan Bersama Dalam Perkara Jenayah 2002 [Akta 621] dengan membuat permohonan melalui Pejabat Peguam Negara untuk dimajukan kepada Kementerian Luar Negeri.

IW22 hanya membantu secara teknikal dalam mengenalpasti pengguna emel tersebut untuk agensi penguatkuasa yang memohon dan bukannya melihat kandungan emel tersebut.

IW22 menerangkan maklum balas yang diberikan kepada PDRM pada tahun 2020 adalah SKMM memerlukan maklumat emel dengan jelas supaya SKMM tidak memberi maklumat yang salah kepada PDRM serta bagi memudahkan tindakan lanjut boleh dilaksanakan oleh PDRM.

4.23 Azhar bin Baba (IW23)

IW23 telah bertugas sebagai pegawai Maxis di Bahagian Payment Services selama 16 tahun dan Bahagian Law Enforcement Agency Unit selama 8 tahun. Tugas IW23 adalah untuk menerima permohonan, memproses permohonan dan memberi maklum balas permohonan. Pemeriksaan dibuat berdasarkan sistem Maxis yang boleh diakses oleh IW23.

IW23 menyatakan telah menerima tiga (3) permohonan daripada PDRM berkaitan kes kehilangan Joshua Hilmy dan Ruth Sitepu serta maklum balas diberikan seperti berikut:-

- i. Permohonan ASP Hairol Azhar bin Abdul Aziz (IW13)
Permohonan diterima pada 23 Oktober 2018 (Eksibit 11(a))
dan maklum balas diberikan bahawa permohonan tidak

lengkap disebabkan tidak meletakkan tarikh rekod panggilan telefon keluar dan masuk yang dimohon (Eksibit 117(b));

- ii. Permohonan Insp Zulfadhly bin Yaacob (IW14)
Permohonan diterima pada 8 April 2019 (Eksibit 11(a)) dan maklum balas diberikan bahawa permohonan tidak lengkap disebabkan tidak mempunyai dokumen berbentuk format pdf (Eksibit 118(b); dan
- iii. Permohonan Insp Zulfadhly bin Yaacob (IW14)
Permohonan diterima pada 24 Jun 2019 (Eksibit 119(a)) dan maklum balas diberikan berdasarkan permohonan yang dimohon oleh pegawai penyiasat (Eksibit 119(b)).

IW23 menyatakan telah menerima permohonan daripada SKMM untuk mendapatkan rekod keluar dan masuk di dalam kes kehilangan Joshua Hilmy dan Ruth Sitepu dan maklum balas telah diberikan tiada rekod panggilan keluar dan masuk. IW23 tidak boleh menjelaskan tempoh rekod yang disimpan memandangkan rekod simpanan bukan di bawah bidang kerja IW23;

IW23 menyatakan sekiranya permohonan tersebut bukan di bawah bidang IW23, permohonan tersebut akan disalurkan kepada unit lain untuk mengambil tindakan dan memberi maklum balas semula kepada IW23 untuk IW23 memberi maklum balas kepada penguatkuasa undang-undang yang memohon.

4.24 Saravana a/l Perampalam (IW24)

IW24 menyatakan sistem rekod Maxis akan menyimpan rekod dalam tempoh tiga puluh (30) hari dan selepas itu akan disimpan di dalam arkib. Rekod di dalam arkib akan disimpan untuk tempoh 7 tahun untuk pelan prabayar dan pelan pascabayar. Penghapusan rekod akan dibuat oleh *IT Infra Department* mengikut tatacara yang ditetapkan Maxis. Tiada sebarang permohonan pernah dibuat oleh

penguatkuasa undang-undang untuk memadam rekod Maxis di dalam arkib.

IW24 menyatakan sekiranya pengguna menggunakan pelan Maxis di luar negara, rekod panggilan, sms dan *voice sms* akan disimpan oleh Maxis. Berdasarkan rekod pelan pascabayar Ruth Sitepu dan Joshua Hilmy, sepatutnya rekod tersebut boleh diperolehi dari tahun 2014. Rekod yang diminta akan memerlukan masa untuk diperolehi memandangkan rekod tersebut adalah rekod lama yang disimpan di dalam arkib.

4.25 Tan Lai Shing (IW25)

IW25 menyatakan Ruth Sitepu dan Joshua Hilmy menggunakan pelan pascabayar yang biasa yang mana mempunyai *grace period* selama 50 hari dan sekiranya tiada tambah nilai dalam tempoh tersebut, perkhidmatan mereka akan ditamatkan. *Grace period* untuk pelan pascabayar bagi Ruth Sitepu bermula Februari 2017 manakala untuk Joshua Hilmy bermula Januari 2017.

IW25 menyatakan *grace period* merupakan tempoh kebenaran yang diberikan kepada pengguna untuk menerima panggilan telefon, sms atau *voice sms* tetapi tidak boleh membuat panggilan keluar, sms atau *voice sms*. Tambah nilai boleh diperolehi di kedai, atau melalui pembayaran di bank atau melalui aplikasi Maxis dan rekod tambah nilai tersebut akan disimpan oleh Maxis. Pelan tambah nilai yang ditawarkan oleh Maxis adalah seperti berikut:-

- i. RM 5.00 – 5 hari penggunaan;
- ii. RM 10.00 – 10 hari penggunaan; dan
- iii. RM100.00 – 100 hari penggunaan.

4.26 Lai Sau Ping (IW26)

IW26 menyatakan Maxis mempunyai kebolehan untuk mengetahui lokasi pengguna melalui pencawang telekomunikasi dan lokasi

tersebut boleh disimpan dalam tempoh 5 atau 7 hari disebabkan bergantung kepada laluan panggilan telefon ketika itu di pencawang tersebut.

IW26 menyatakan lokasi ini hanya boleh diperolehi secara langsung atas talian sekiranya pengguna membuat panggilan telefon atau tidak menutup telefon. Sekiranya pengguna berada di luar negara, lokasi tidak boleh diperolehi disebabkan Maxis hanya ada akses di dalam pencawang Malaysia sahaja.

5. Tindakan Pihak Polis


- 5.1 Pegawai Penyiasat Kanan, Bahagian Siasatan Jenayah Ibu Pejabat Polis Daerah Petaling Jaya, Selangor telah membuat pemeriksaan di rumah Joshua Hilmy dan Ruth Sitepu dan jiran serta pemeriksaan CCTV di sekitar kawasan rumah tersebut untuk mengetahui sekiranya terdapat unsur-unsur jenayah terlibat di dalam kehilangan Joshua Hilmy dan Ruth Sitepu.
- 5.2 Keterangan pengadu, jiran serta penghuni rumah Joshua Hilmy dan Ruth Sitepu telah diambil oleh pegawai penyiasat bagi mendapatkan maklumat punca kehilangan Joshua Hilmy dan Ruth Sitepu.
- 5.3 Keterangan rakan-rakan baik Joshua Hilmy dan Ruth Sitepu telah diambil oleh pegawai penyiasat bagi mendapatkan maklumat tambahan punca kehilangan Joshua Hilmy dan Ruth Sitepu.
- 5.4 Mendapatkan maklumat terkini daripada agensi-agensi kerajaan dan bukan kerajaan untuk pengesahan alamat terakhir, kedudukan dan pergerakan terkini Joshua Hilmy dan Ruth Sitepu di dalam Malaysia.
- 5.5 Mendapatkan keterangan ahli keluarga Joshua Hilmy dan Ruth Sitepu untuk mengetahui hubungan kekeluargaan dan perwatakan Joshua Hilmy dan Ruth Sitepu.

- 5.6 Membuat analisa ke atas maklumat-maklumat yang dikumpulkan bagi mengetahui kerelevanan dan kesahihan maklumat-maklumat tersebut bagi merangka pola pergerakan rutin harian Joshua Hilmy dan Ruth Sitepu.
- 5.7 Mengkaji pola pergerakan rutin Joshua Hilmy dan Ruth Sitepu bagi mengetahui kemahiran dan pengetahuan Joshua Hilmy dan Ruth Sitepu.
- 5.8 Mengemaskini maklumat terbaharu yang diperolehi daripada agensi-agensi kerajaan dan bukan kerajaan bagi mendapatkan maklumat terkini untuk membantu mengesan Joshua Hilmy dan Ruth Sitepu.
- 5.9 Pasukan Task Force yang terdiri daripada Bahagian Siasatan Jenayah dan Bahagian Pengurusan Ibu Pejabat Polis Daerah Petaling Jaya, Selangor telah ditubuhkan bagi mengesan Joshua Hilmy dan Ruth Sitepu.
- 5.10 Pemantauan kertas siasatan yang melibatkan tiga peringkat telah dilaksanakan iaitu peringkat daerah, kontinjen dan Bukit Aman.
- 5.11 Tindakan kepolisan telah dilaksanakan dengan mengedarkan risalah-risalah dan menghebahkan di dalam *Facebook* bagi mendapatkan maklumat tambahan daripada orang awam.

6. Kesimpulan

- 6.1 Berdasarkan maklumat yang dikumpul, tiada sebarang unsur jenayah terlibat di dalam kes kehilangan Joshua Hilmy dan Ruth Sitepu serta tiada keterangan yang boleh mengaitkan kehilangan Joshua Hilmy dan Ruth Sitepu kepada kes kuatkuasaan kehilangan seperti yang dinyatakan / diterangkan dalam "*International Convention for Protection of all persons from Enforced Disappearances*" (ICPPED) atau kes-kes ini merupakan kes-kes kehilangan ketidakrelaan yang melanggar

undang-undang jenayah dan / atau sivil undang-undang hak asasi manusia.

- 6.2 Kehilangan Joshua Hilmy dan Ruty Sitepu merupakan rutin harian apabila Joshua Hilmy dan Ruth Sitepu selalu menghilangkan diri selama 1 bulan atau 2 bulan atau tempoh yang lama dan duduk di tempat lain sepertimana keterangan Grace Thangamalar a/p Peter Pormannan (IW2), Josiahnandan Emmanuel a/l Peter (IW3) dan Susandi bin Basari (IW10)
- 6.3 Pertengkaran terakhir di dalam telefon yang disaksikan oleh Susandi bin Basari (IW10) sebagai permulaan kehilangan Joshua Hilmy dan Ruth Sitepu telah disangkal bahawa perbualan tersebut adalah bersama rakan baik Joshua Hilmy sepertimana di dalam Eksibit 129.
- 6.4 Punca kehilangan Joshua Hilmy dan Ruth Sitepu dapat diperolehi bahawa mereka mempunyai masalah seperti banyak orang tidak menyukai Joshua Hilmy dan Ruth Sitepu serta masalah-masalah sekeliling iaitu kawan-kawan melalui *Facebook* sepertimana keterangan  (IW9).
- 6.5 Masalah-masalah ini dapat dibuktikan melalui keterangan-keterangan saksi iaitu rakan baik Joshua Hilmy dan Ruth Sitepu serta keluarga Ruth Sitepu bahawa Joshua Hilmy dan Ruth Sitepu pernah diugut, namun Joshua Hilmy menyatakan tidak takut dengan ugutan tersebut sepertimana keterangan Iman Setiawan Sitepu (IW7).
- 6.6 Masalah-masalah yang dihadapi oleh Joshua Hilmy dan Ruth Sitepu disokong dengan salinan e-mel dan surat berjatakan logo kerajaan untuk mengusir Joshua Hilmy keluar dari Malaysia yang mana pelaku tersebut sanggup menyamar sebagai entiti kerajaan untuk menakutkan Joshua Hilmy atas faktor ketidakpuasan hati dengan ajaran yang dibawa oleh Joshua Hilmy sepertimana keterangan Selvakumar Peace John

Harris (IW5) menyatakan kandungan emel tersebut lebih kepada perbincangan ajaran Jesus.

- 6.7 Dokumen-dokumen yang dimiliki (gambar YB Dato' Sri Mohd Najib Bin Tun Abd Razak serta salinan e-mel dan surat berjatakan logo kerajaan yang menggunakan nama YB Khairy Jamaludin bin Abu Bakar) oleh Joshua Hilmy dan Ruth Sitepu telah dibuktikan bahawa terdapat anasir-anasir yang jahat untuk memburukkan entiti kerajaan dengan memalsukan dokumen yang mana dapat dibuktikan melalui keterangan Iqbal Mirza bin Mohd Jalaludin (IW16), Fadzlina binti Amran (IW18) dan YB Khairy Jamaludin bin Abu Bakar.
- 6.8 Punca masalah-masalah ini adalah disebabkan berkemungkinan Joshua Hilmy tidak mengendahkan ajaran gereja sepertimana keterangan Selvakumar Peace John Harris (IW5) atau menghina agama lain sepertimana keterangan Insp Nurul Huda binti Bustami (IW12).
- 6.9 Keinginan Joshua Hilmy untuk keluar dari rumah serta membuat perancangan untuk meninggalkan Malaysia dapat dibuktikan melalui keterangan Selvakumar Peace John Harris (IW5) yang menyatakan dengan jelas pada Disember 2015.
- 6.10 Pengetahuan Joshua Hilmy dan Ruth Sitepu untuk meninggalkan Malaysia dengan menggunakan jalan tidak diwartakan dapat dibuktikan melalui keterangan PP Puan Junainh binti Dalugamin @ Dulgamin (IW21), Timbalan Penolong Pengarah Imigresen Shah Alam yang disokong melalui dokumen Imigresen (Eksibit 114) serta melalui pengakuan Joshua Hilmy sendiri di dalam buku yang dikeluarkan oleh Joshua Hilmy bertajuk : Sermon on the mount (Eksibit 6) di muka surat 19, Perenggan 7.
- 6.11 Kebarangkalian untuk Joshua Hilmy menggunakan jalan tidak diwartakan untuk meninggalkan Malaysia adalah tinggi disebabkan Joshua Hilmy masih mempercayai pihak polis sedang mencari Joshua

Hilmy atas kesalahan yang telah dilakukan bersabit Chembong rpt : 1417/14 apabila menerima panggilan telefon daripada Insp Nurul Huda binti Bustami (IW12) dan disokong dengan keterangan Iman Setiawan Sitepu (IW7) bahawa Joshua Hilmy mempunyai masalah paspot serta keterangan ██████████ (IW9) yang menyatakan Joshua Hilmy dan Ruth Sitepu diganggu oleh penguatkuasa.

- 6.12 PP Puan Junainh binti Dalugamin @ Dulgamin (IW21), Timbalan Penolong Pengarah Imigresen Shah Alam juga mengesahkan jalan yang tidak diwartakan merupakan jalan yang berisiko tinggi dan boleh menyebabkan kehilangan nyawa.
- 6.13 Keterangan dan dokumen daripada saksi-saksi awam boleh dipertikaikan disebabkan dokumen tersebut tidak diserahkan kepada pihak polis untuk kesahihan dan ketulenan dokumen tersebut. Ianya boleh menimbulkan spekulasi bahawa dokumen tersebut ditokok tambah atau diada-adakan serta terdapat perbincangan yang dilakukan bersama KONTRAS sepertimana keterangan ██████████ (IW9) yang mana mengakibatkan salinan asal dokumen tersebut dimusnahkan.
- 6.14 Keengganan saksi-saksi awam memberi kerjasama dengan pihak polis disebabkan beranggapan terdapat penglibatan kerajaan dan campur tangan peguam yang meminta pihak SUHAKAM menjalankan siasatan dahulu.
- 6.15 Sehingga kini, siasatan polis masih diteruskan untuk mengesan Joshua Hilmy dan Ruth Sitepu bagi memastikan keselamatan mereka terjamin.
- 6.16 Sebarang petunjuk baharu di dalam kes ini, ianya akan diproses dan dinilai untuk diambil tindakan serta merta.

SUHAKAM PUBLIC INQUIRY ON
THE DISAPPEARANCE OF
PASTOR JOSHUA HILMY AND RUTH SITEPU

**BAR COUNCIL OBSERVER
TEAM'S
WRITTEN SUBMISSION**

Written Submission to the SUHAKAM Public Inquiry on the Disappearance of Pastor Joshua Hilmy and Ruth Sitepu

1. This is the submission by the Bar Council Observer Team to the SUHAKAM Public Inquiry on the disappearances of Pastor Joshua Hilmy and Ruth Sitepu.

Brief Facts and Terms of Reference

2. On the night of 30th November 2016, at approximately 9.30pm or thereabouts, Pastor Joshua Hilmy and his wife Ruth Sitepu left their residence in Petaling Jaya in their red Perodua Kancil car with licence plate number ACW7498. They have not been seen or heard from again.
3. A police report of their disappearance was lodged on 6th March 2017.
4. The Human Rights Commission Malaysia (SUHAKAM) had on 20th April 2017 received a complaint from a group of civil society organisations on the disappearance of Pastor Raymond Koh, social activist Amri Che Mat and Pastor Joshua Hilmy and his wife, Ruth Sitepu.
5. On 9th August 2017, SUHAKAM during its monthly Commission Meeting deliberated on the cases of the disappearances, considered the merit of the cases based on the facts collected and also the calls by the family members and the members of the CSOs for SUHAKAM to investigate these cases. SUHAKAM decided to conduct a Public Inquiry, initially into the disappearance of Pastor Raymond Koh and Amri Che Mat.

6. SUHAKAM commenced its Public Inquiry into the disappearances of Pastor Joshua Hilmy and Ruth Sitepu on 18th February 2020.

7. The terms of reference of the Public Inquiry are as follows:
 - a) To determine whether there is a case of enforced or involuntary disappearances, as defined under the International Convention for Protection of all Persons from Enforced Disappearances, and whether it constitutes criminal offence, under the national laws;
 - b) If (a) has been established at this inquiry, to determine further:
 - i. how such violations came about;
 - ii. what administrative directives, or procedures, or arrangements contributed to such violations;
 - iii. which person or persons, or agencies, were responsible for such violation;
 - c) to consider whether the authorities, specifically the Royal Malaysia Police, have taken adequate steps to investigate this case;
 - d) to recommend measures or guidelines to be taken to ensure that such violations do not recur.

Is there a case of enforced or involuntary disappearance in relation to pastor Joshua Hilmy and Ruth Sitepu?

8. The meaning of enforced disappearance is laid out in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), at **Tab A of the Bar Council Observer Team's Bundle of Authorities ("BC BOA")**:

"For the purposes of this Convention, "**enforced disappearance**" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

9. As far as the available evidence has shown, there has been no arrest or official detention of Pastor Joshua Hilmy and Ruth Sitepu, "by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State." There is also no direct evidence of any "abduction or any other form of deprivation of liberty" by such persons.
10. What we do know is that on the evening of 30th November 2016, Pastor Joshua Hilmy received a telephone call, very likely on his mobile telephone. In the ensuing conversation, Pastor Joshua Hilmy was heard to be having something like an argument; he was heard to have raised his voice in a high-pitched tone.
11. The principal witness in this regard is Susandi Bin Basari (W10). W10 was living at the house occupied by Pastor Joshua Hilmy and Ruth Sitepu in Petaling Jaya at that time, whilst his pregnant wife underwent medical treatment for a heart condition at

Hospital Kuala Lumpur, monitored by Institut Jantung Negara. He testified that on 30th November 2016, at around 8.30pm, whilst he was having a drink of coffee with his sister-in-law in the kitchen, he heard what sounded like an argument coming from Pastor Joshua Hilmy's bedroom. (Notes of Inquiry, Vol. 2, 01/09/20, at pp. 147ff, and pp.183ff). Initially he thought it was Pastor Joshua Hilmy arguing with his wife, but later realised that it was a telephone conversation (although he never actually witnessed Pastor Joshua Hilmy speaking on the telephone). He subsequently related this to Grace Thangamalar a/p Peter Pormannan (W2), who testified that W10 told her about this incident. (Notes of Inquiry, Vol.1, 18/02/20, p. 69.)

12. W10 went on to say that later that evening, around 9.30pm, Pastor Joshua Hilmy knocked on the door of his office, where W10 was sleeping, to come in to get a book. He told W10 that someone had called him, and that he was going out. He appeared calm and was not in a rush. As he took his leave, W10 told him to take care. After Pastor Joshua Hilmy had left the room, he heard him joking with Ruth Sitepu. He assumes that they then left in their car. That was the last time W10, indeed any of the witnesses called to give evidence, saw Pastor Joshua Hilmy or heard Ruth Sitepu.
13. Based on this testimony, it would appear that Pastor Joshua Hilmy and his wife Ruth Sitepu left their house of their own accord, of their own free will. There is simply no evidence of what happened to them thereafter.
14. It should be noted that Peter Pormannan a/l Annamalai (W1) stated that they had left in a rush. He based this conclusion on the fact that the bedroom occupied by Pastor Joshua Hilmy and Ruth Sitepu was left untidy (when he physically inspected the premises

together with the police later in 2017). However, as he was not physically present in the house on the night of 30th November 2016, his conclusion is purely conjecture on his part. He corrected himself later, saying that only the bedroom was untidy. “The rest of the place was all in order, normal.” (Notes of Inquiry, Vol. 1, 18/02/20, pp. 38, 55, 61.)

Possible role “by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State.”

15. Ramanathan a/l Manickavasagam (W4) gave evidence of his belief that there was a connection between the disappearances of Pastor Raymond Koh and Amri Che Mat with that of pastor Joshua Hilmy and Ruth Sitepu. He was one of the co-authors of the complaint that was presented to SUHAKAM on 20th April 2017. However, he admitted that he had no specific information, meaning to say no “documents or recordings or anything like that”. (Notes of Inquiry, Vol. 1, 02/03/20, pp. 96ff.)

16. However it should be noted that in the speech given by DCP Dato’ Awaludin Jadid (W17) on 6th November 2016 during a “Seminar Belia Menentang Keganasan” (the text of which is marked as Exhibit #3), he equates the conversion of Muslims to Christianity with terrorism. At 7:58 minutes he says, in Bahasa Malaysia:

“Saya samakan bahwa isu terrorism ini sama juga dengan apa yang berlaku di dalam isu memurtadkan....apa ini....orang-orang Islam.”

17. DCP Dato' Awaludin Jadid, who was Deputy Director of the Social Extremism Division of the Special Branch, Royal Malaysia Police, at Bukit Aman, until he retired on 30th June 2018, goes on to say:

“Jadi ini yang sebenarnya yang kita perlu ponder ataupun perlu cari jawapan dan kita sama-sama perlu mengembelengkan tenaga kita untuk membentaras perkara-perkara ini dari segi berterusan.”

18. However, notwithstanding his identification of the conversion of Muslims/Malays to Christianity as a threat, the name of Pastor Joshua Hilmy is not mentioned during this talk. When he appeared as a witness before the Public Inquiry, as W17, he stated that neither Pastor Joshua Hilmy nor Ruth Sitepu came within his surveillance, or that of the Royal Malaysia Police (although he admitted that it was the duty of the Special Branch to be informed of what was happening around them). He said reports might have been received, but they were not viewed as people that required attention. (Notes of Inquiry, Vol. 3, 06/01/21, pp. 10ff.). They were not classified as extremists. In his personal view, he saw Pastor Joshua Hilmy as just a “bomoh”, going here and there healing people. That was what was reported to him by his officers, having observed his postings on Facebook. He had no information about Pastor Joshua Hilmy or Ruth Sitepu’s disappearance.

19. Continuing on this idea of “bomoh”, this is perhaps one way of describing the perspectives of witnesses Iqbal Mirza Bin Mohd Jalaludin (W16) and his wife Fadzlina Binti Amran (W18). Both Selvakumar Peace John Harris (W5) and ██████████ (W8) spoke about this. Both W5’s testimony (Notes of Inquiry, Vol. 1, 02/03/20, p.153ff.)

and that of W8 involved the baptism (according to W5) of W16 and W18 sometime in 2015, although this was strenuously denied by the latter two. Instead they both maintained that they had been pursuing some kind of healing, which involved a ritualistic bathing. We mention W16 and W18 because they are the only witnesses that represent a link between Pastor Joshua Hilmy and Ruth Sitepu on the one hand, and Pastor Raymond Koh on the other. The link is that both W16 and W18 had been baptised/ritualistically bathed by both Pastor Joshua Hilmy and Ruth Sitepu and Pastor Raymond Koh (albeit on separate and unconnected/unrelated occasions). This was disclosed by [REDACTED] (W9). (Notes of Inquiry, Vol. 2, 01/09/2020, p. 69ff.) This is the only, and somewhat tenuous, connection.

20. It should be borne in mind that, if one were to take a step back, the chronology of the disappearances of Pastor Joshua Hilmy, Ruth Sitepu, Pastor Raymond Koh and Amri Che Mat were as follows:

1. talk by DCP Dato' Awaludin Jadid equating conversion out of Islam with terrorism on 6th November 2016;
2. Amri Che Mat was forcibly abducted on 24th November 2016;
3. Pastor Joshua Hilmy and Ruth Sitepu disappeared on 30th November 2016;
4. Pastor Raymond Koh was forcibly abducted on 13th February 2017.

21. This chronology has contributed to the idea that the disappearances are interlinked, especially when interpreted in the context of the talk given by DCP Dato' Awaludin Jadid (W17) equating conversion out of Islam with terrorism. However there has been no concrete or substantive evidence offered or introduced to prove the interconnection.

22. Josiahnandan Emmanuel a/l Peter (W3) also stated that he did think about there being a possible connection between the disappearances of Pastor Joshua Hilmy and Ruth Sitepu with that of Pastor Raymond Koh, once that became known, because of their involvement in religion. That was the reason that he went to his father, W1, who then lodged the police report of 6th March 2017. (Notes of Inquiry, Vol. 1, 02/03/20, p.34ff.) However he offered no evidence of any connection.

Threats to the safety of Pastor Joshua Hilmy and Ruth Sitepu

23. Several witnesses did say that they knew that Pastor Joshua Hilmy was born a Muslim/Malay, but at some point in his life had converted to Christianity. They knew he was involved in church work, spoke in churches, and shared their life stories with people. Selvakumar Peace John Harris (W5) clearly mentioned the threats Pastor Joshua Hilmy received by several emails from “Khairy Jamaluddin” (with one email cc’ed to “Dato’ Seri Najib Tun Razak”) after the baptism of Iqbal Mirza Bin Mohd Jalaludin (W16) and his wife Fadzlina Binti Amran (W18), ultimately advising him, “It’s better you leave the country.” (Notes of Inquiry, Vol. 1, 02/03/20, p. 156ff.) Pastor Joshua Hilmy and Ruth Stepu had spoken of difficulties that they faced because of the nature of the work that they were involved in. Peter Pormannan a/l Annamalai (W1) said that Pastor Joshua Hilmy had mentioned some trouble with the religious department some years before. Pastor Joshua Hilmy had also tried to get the religion of Islam removed from his identity card, but had not succeeded. (Notes of Inquiry, Vol. 1, 18/02/20, p. 40ff.) However, neither Pastor Joshua Hilmy nor Ruth Sitepu went into

any detail about these difficulties, or shared any extensive information about the risks or dangers that they faced, if any, in their line of work.

24. Grace Thangamalar a/p Peter Pormannan (W2) testified that she did not personally know of any threats, but was told of a conversation that occurred and a commotion over the telephone before Pastor Joshua Hilmy and Ruth Sitepu left, before they went missing in November 2016. This was told to her by a Sabahan family who had a newborn baby, living in Penang, who were staying at the house in Petaling Jaya. She said that they had told her that Pastor Joshua Hilmy had received a telephone call and was heard to have said, in Malay, “Saya tidak kacau kamu, kenapa kamu kacau saya.” (Notes of Inquiry, Vol. 1, 18/02/20, p. 68ff.). This however contradicts the testimony of Susandi Bin Basari (W10), who did not say that he had overheard specific words.
25. W2 also spoke of an incident in December 2015, when Pastor Joshua Hilmy and Ruth Sitepu hurriedly left one night and were away for more than a month. She again said that she was told, by Pastor Joshua Hilmy and Ruth Sitepu, that “there were some disturbance over the phone and some threats but they didn’t mention to us in detail. So we only know that there was some threats and they had to leave immediately.” (Notes of Inquiry, Vol. 1, 18/02/20, p. 71.)
26. Josiahnandan Emmanuel a/l Peter (W3) testified about that same incident, where sometime in 2015 Pastor Joshua Hilmy was talking loudly on the telephone and in an angry tone. After that conversation, both Pastor Joshua Hilmy and Ruth Sitepu left, and did not return for two months. (Notes of Inquiry, Vol. 1, 02/03/20, p.21ff, p.29ff.).

However, unlike his sister W2, he said he did not recall the words uttered as he was in his room.

27. When asked whether she suspected anyone, W2 referred to a particular family who had briefly stayed at the Petaling Jaya house for about 5 hours early one morning. W2 said that “[a]fter they left, all these things took place.” However the identity of this family is and remains unknown.
28. There was some witness testimony about a purported connection with “Khairy Jamaluddin”. [REDACTED] also spoke of photographs (the provenance of which is doubtful) of W18 taken with, and/or her supposed involvement with, the former Prime Minister, Khairy Jamaludin, and the former Menteri Besar of the state of Negri Sembilan, Dato’ Seri Utama Haji Mohamad Bin Haji Hasan. (Notes of Inquiry, Vol. 2, 01/09/2020, p. 69ff.) Both Selvakumar Peace John Harris (W5) and [REDACTED] (W8) also spoke about hearing/being told about the relationship with one or more of these three individuals. W5’s testimony involved recounting the baptism (according to W5) of Fadzlina Amran and her husband Iqbal Mirzan. W8’s testimony was of Facebook photographs that she was sent of W18’s purported associations with one or more of these three individuals.
29. [REDACTED] (W9) also said that Ruth Sitepu had spoken to her about “banyak masalah” in their lives. (Notes of Inquiry, Vol. 2, 01/09/2020, p. 31ff.)
30. Having considered the overall testimony and documents tendered in relation to this connection with the former Prime Minister, Khairy Jamaludin, and the former Menteri

Besar of the state of Negri Sembilan, Dato' Seri Utama Haji Mohamad Bin Haji Hasan, we are of the view that this is a "red herring" and was concocted by persons or persons unknown, and for what ultimate purpose it is not clear. However, even if this was "fake news", it nonetheless could have prompted person or persons unknown to adopt of course of action which was ultimately detrimental to the safety and security of Pastor Joshua Hilmy and Ruth Sitepu.

Conclusion

31. Given the above, it is our submission that the disappearances of Pastor Joshua Hilmy and Ruth Sitepu, mysterious and suspicious as they may be, cannot conclusively be characterised as enforced or involuntary as defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED). Their continued disappearance certainly remains troubling and concerning. Even if W2's testimony is correct, the source and identity of those threats cannot be established. And even if W3's suspicions are well-founded, there is no evidence to substantiate it.

32. We call upon the government of Malaysia, the Royal Malaysia Police and other law enforcement and government agencies to re-double their efforts to arrive at- and disclose to the public - the truth of what has happened to this couple.

Did the authorities, specifically the Royal Malaysia Police, take adequate steps to investigate this case

33. The second part of this submission will deal with:
- a) any misconduct and/or inaction either directly or indirectly by the state or state agents; and
 - b) observations on the conduct of the Royal Malaysia Police and other entities involved.
34. It cannot be denied that in investigating the disappearances of Pastor Joshua Hilmy and Ruth Sitepu, there has been some obvious neglect or inaction and/or action by the Royal Malaysia Police. These give rise to serious questions about the efficiency and effectiveness of their investigations and operations.
35. As stated earlier, a police report on the disappearance of Pastor Joshua Hilmy and Ruth Sitepu was filed on 6th March 2017. The person who filed the report, Peter Pormannan a/l Annamalai (W1) said that he was subsequently contacted by the police about a month or two after the filing of the police report, although he could not be sure. (Notes of Inquiry, Vol. 1, 18/02/20, p. 32 ff.)
36. The Royal Malaysia Police did not immediately conduct a search of the Petaling Jaya house until several months had passed after the filing of the police report. Bearing in mind that the police report was filed just over three months after Pastor Joshua Hilmy and Ruth Sitepu were last seen, this would appear to constitute a significant delay.

37. Of even greater delay is the fact that W1's children Grace Thangamalar a/l Peter (W2) and Josiahnandan Emmanuel a/l Peter (W3) were only interviewed by the Royal Malaysia Police on 11th February 2020, a week before they gave evidence to the Public Inquiry. Despite being occupants of the same house in Petaling Jaya with Pastor Joshua Hilmy and Ruth Sitepu for approximately two years, the Royal Malaysia Police apparently did not consider them to be of sufficient importance and materiality as witnesses to be interviewed for close to three years.
38. The telecommunications companies insisting that requests for information regarding telephone accounts had to be made in a particular format also led to delays in gaining access to account information. Instead of assisting the Royal Malaysia Police with its inquiries, at least one telecommunications company rejected the request for non-conformity with its standard procedures. The Royal Malaysia Police also did not respond immediately to the rejection of their inquiries, but delayed in providing the necessary information in the required format.

Observations

39. The Royal Malaysia Police treated the disappearances of Pastor Joshua Hilmy and Ruth Sitepu as mere cases of missing persons. By the time of the filing of the police report regarding their disappearances, news of the abduction of Pastor Raymond Koh was already known. No one sought to link the disappearances of Pastor Joshua Hilmy and Ruth Sitepu with that of Pastor Raymond Koh. The idea that two Christian pastors

could have gone missing within a short space of time between each other did not raise any suspicions or concerns within the Royal Malaysia Police.

40. The power and duty to investigate rests with the authorities, namely the Royal Malaysia Police. It is submitted that the duty to investigate is a duty that cannot be neglected by them.
41. The power has to be exercise in accordance to the laws of this country and the duty has to be carry out in a professional way without fear or favour.
42. The distinction between duty and power was succinctly expounded in by Lee Swee Seng J in the case of **Indira Gandhi a/p Mutho v Ketua Polis Negara [2015] 9 MLJ 301, at Tab B of the BC BOA**, stated as follows:

“[22] There is of course a difference between 'power' and 'duty' in the context of a judicial review application. Whilst the IGP may use his discretion in the exercise of the powers conferred on and vested in him, he has no discretion when it comes to the execution of his duties. He, must of necessity discharge his duties.

[23] The difference between 'duty' and 'power' in the context of administrative law has been elucidated with unrivalled clarity in, MP Jain & SN Jain's Principles of Administrative Law (6th Enlarged Ed, Vol 2, Wadhwa and Company, New Delhi, 2007). On the chapter entitled 'Duty, Discretion or Discretion Coupled With Duty' at pp 1230–1231 the learned authors expounded as follows:

Discretionary power means that the authority has a choice to take an action, or refrain from taking an action. Discretionary power is of permissive or enabling nature and the concerned authority may or may not exercise the same.

...

On the other hand, having a duty means that the authority is obligated to take a prescribed action, and it has no choice in the matter. The authority must perform the duty as laid down in the law, and failure on its part to do so may result in the court legally enforcing the same. Whether an authority has a discretion or is under a duty depends, in any particular case, on the interpretation put by the courts on the statutory provision in question.

When a statutory provision says that the Administration 'shall' do this, it is usually regarded as a mandatory provision imposing a duty.

...

Usually, the word 'may' is regarded as permissive; it is regarded as conferring a discretionary power on the concerned authority to do something if it chooses to do so. But, one can find instances in the case-law where the courts have interpreted 'may' in a statutory provision as either imposing a duty, or conferring a discretion coupled with a duty on the concerned authority rather than conferring a power thereon. By adopting interpretive techniques, it is possible for a court at times to interpret a statutory

provision seemingly conferring a discretion as imposing a duty, or as conferring a power coupled with a duty.

The expression 'discretion coupled with duty' has the connotation that the authority enjoying discretion is duty bound to exercise it, or exercise it in a particular manner, when the conditions for the exercise of the discretion are present. (Emphasis added.)

[24] Where there is a breach of duty on the part of the police or a failure to exercise discretion properly in the discharge of one's duty, that duty and exercise of discretion may be enforced by a mandamus order.”

43. Further, the learned judge in the case of **Ex parte Blackburn [1968] 2 WLR 893**, at **Tab C of the BC BOA**, with approval and stated as follows:

“[25] The applicant drew the court's attention to the case of Regina v Commissioner of Police of the Metropolis, Ex Parte Blackburn [1968] 2 WLR 893, where the English Court of Appeal agreed that a mandamus can issue to the Commissioner of Police to reverse his policy decision of not prosecuting gaming clubs for breaking gaming laws. The relief was however not granted given that counsel for the Commissioner had given an undertaking to court that the policy would be official revoked (at 904C). I agree that the statements made by all three Law Lords deserve utmost consideration:

(at 902F-G) LORD DENNING, MR: I hold it to be the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest

citizens may go about their affairs in peace. He must decide whether or no suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought. But in all these things he is not the servant of anyone, save of the law itself.

No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. (Emphasis added.)

(at 905A-C) SALMON LJ: In my judgment the police owe the public a clear legal duty to enforce the law — a duty which I have no doubt they recognise and which generally they perform most conscientiously and efficiently. In the extremely unlikely event, however, of the police failing or refusing to carry out their duty, the court would not be powerless to intervene. For example, if, as is quite unthinkable, the chief police officer in any district were to issue an instruction that as a matter of policy the police would take no steps to prosecute any housebreaker, I have little doubt but that any householder in that district would be able to obtain an order of mandamus for the instruction to be withdrawn.

(at 913B-G) EDMUND DAVIES LJ: In this context Mr Worsley has addressed to the court an elaborate and learned argument in support of the bald and startling proposition that the law enforcement officers of this country owe no duty to the public to enforce the law. Carried to its logical limit, such a submission would mean that, however brazen the failure of the police to enforce the law, the public would be wholly without a remedy and would simply have to await some practical expression of the court's displeasure. In particular, it would follow that the commissioner would be under no duty to prosecute

anyone for breaches of the Gaming Acts, no matter how flagrantly and persistently they were defied. Can that be right? Is our much-vaunted legal system in truth so anaemic that, in the last resort, it would be powerless against those who, having been appointed to enforce it, merely cocked a snook at it? The very idea is as repugnant as it is startling, and I consider it regrettable that it was ever advanced. How ill it affords with the seventeenth century assertion of Thomas Fuller that, Be you never so high, the law is above you. The applicant is right in his assertion that its effect would be to place the police above the law. I should indeed regret to have to assent to the proposition thus advanced on behalf of the respondent, and, for the reasons already given by my lords, I do not regard it as well-founded. On the contrary, I agree with them in holding that the law enforcement officers of this country certainly owe a legal duty to the public to perform those functions which are the *raison d'etre* of their existence. (Emphasis added.)”

44. It is submitted that there is a common thread in the evidence given by the police officers. There seems to be lacklustre and/or neglect in the police investigation.

45. There is a need to mention the testimony given by police witness No 11, ASP Shafiee bin Marsidi (W11) (Notes of Inquiry Volume 2, 02.09.2020, pages 1-119). Based on the evidence he has adduced, it is submitted that he seems to have forgotten almost every conceivable aspect of the case. He told the Inquiry Panel that he does not know that Ruth Sitepu is an Indonesian citizen, even though it was public knowledge at the material time in the mainstream and social media that Joshua Hilmy and Ruth Sitepu were reported missing. He was told by the Chairman of the Inquiry Panel that effort

must be put in to look for evidence as evidence simply will not come to him. This explains the lack of effectiveness of his testimony.

46. W11 was instrumental in appointing an investigating officer (IO) to the case and responsible for giving directions to the IO. He was not even sure of the term *Senior Investigating Officer* (SIO) when he says 'lebih kurang' when questioned in that context. He named names like Sarjan Ahmad Sibee (IO), DSP Omar and used words to the effect that off and on (*berkala*) meetings were held between them, yet he was not able to produce a single report on those alleged meetings, the chronology of what happened at the meetings and any decisions or steps taken.
47. When queried by the Chairman of the Inquiry Panel as to whether he went back to the police station to access the investigation papers (IP) and the investigation diary (ID) to jog his memory he replied he did not. How then would it be possible, we submit, for the Inquiry Panel to come to a finding as to whether the investigative process was properly conducted in that it complied with the laws and SOPs?
48. It is further submitted there is a breach of section 120(1) of the Criminal Procedure Code (Act 593) (CPC) at **Tab D of the BC BOA**, which mandates every police investigation to be completed without unnecessary delay and the officer making the investigation shall submit to the Public Prosecutor a report of his investigation with the investigation papers. Section 120 (1) of the CPC states:

“(1) Every police investigation under this Chapter shall be completed without unnecessary delay, and the officer making the investigation shall, unless the offence is

of a character which the Public Prosecutor has directed need not be reported to him, submit to the Public Prosecutor a report of his investigation together with the investigation papers in respect of such investigation within one week of the expiry of the period of three months from the date of the information given under section 107.”

Check and Balance and the need for an IPCMC

49. Although we have Enforcement Agency Integrity Commission (EAIC), it is proven that EAIC is not so effective in providing the check and balance that is needed.
50. Therefore, it is our humble submission that there is a need for Independent Police Complaints and Misconduct Commission (IPCMC) as recommended by the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police that was constituted by Seri Paduka Baginda Yang di-Pertuan Agong on 4 February 2004 under the Commission of Inquiry Act 1950 (RCI 2005).
51. The inadequacies highlighted in the RCI 2005 Report are evidently clear in this Suhakam Inquiry and there seems to be no means to check on the police force.
52. On the facts, it is germane to highlight the specific area on enhancing the accountability of the special branch and this has been succinctly laid out in the paper entitled **Royal Commission Report For Police Reform Challenges and Recommendations** by Ramdas Tikamdas, at **Tab E of the BC BOA**, wherein it is stated:

“(9) Enhancing Special Branch Accountability

The Commission observes at Page 316 that like all other intelligence organizations in the world, the Special Branch (SB) operates with a high degree of secrecy and confidentiality to fulfill its tasks. The Commission's inquiries exposed what is already in the public domain of allegation of torture and humiliating and degrading treatment impacted upon ISA detainees. There were also concerns that the SB may be manipulated by a party in power for political purposes. The Commission expressed its concern that *"there appears to be no legal provisions dealing with the functions, powers and duties of the SB. The Police Act does not spell out what 'security intelligence' means and what are the powers vested in the SB. The SB appears to be governed by a Charter issued by the Prime Minister after independence"*. Ominously, even the Royal Commission did not have access to the Charter and they were driven to the bare conclusion that to be valid, the Charter must be made under authority of law.

In addition, to avoid abuse and misuse of the undefined, loose and blanket term "security" for invocation of security laws without objective judicial supervision, the Commission recommended that the term "security" in the relevant laws should be defined as follows:

"The protection of, and of the people of, the Federation and states from:

- a. *espionage*
- b. *sabotage*
- c. *politically or religiously motivated violence*
- d. *communal violence*
- e. *attacks on Malaysia's defence system*
- f. *foreign interference, whether directed from or committed within Malaysia or not*

g. the carrying out of Malaysia's responsibilities to any foreign country in relation to a matter mentioned in paragraph (a)."

53. Further the Commission recommended that the SB must prepare an Annual Report of its activities at the end of each year and submit it to the Prime Minister in Parliament with such deletions which are considered prejudicial to security, the defence of the Federation and the conduct of the Federation's international affairs or privacy of individuals.

54. It is vital to note that there must be a mechanism for accountability in relation to the operation carried out by Special Branch in order to prevent potential abuse of power.

55. The Bar Council Observer Team adopts the conclusion recommended in the RCI 2005 Report wherein it states:

“A PDRM that adopts and adheres to a strong code of ethics; is transparent and accountable to the public; is subject to a credible external oversight mechanism in the form of the proposed IPCMC; is more representative of the various groups in the country; and more responsive to the requirements of the community through programmes such as community policing. It will also be an organisation that is infused with human rights values and discharges its responsibilities towards maintaining law and order in a human-rights compliant way.”

56. At this juncture, we refer the Inquiry Panel to Chapter 14 of the RCI 2005 Report, page 397-424, at **Tab F of the BC BOA**, wherein it states:

“2.2.2 PDRM should also consider implementing IT applications adopted by police services in some developed countries, with the aim of achieving integrated policing services through the IT systems. The integrated systems include the following:

iii. Geographic Information System (GIS) and Quality Analysis MAPS.

Quality analysis MAPS enables the use of computerised crime mapping to identify and solve problem.”

57. These are vital factors in determining the effectiveness and efficiency of PDRM.
58. The Bar Council Observer Team is of the view that there is a need to revise the SUHAKAM Act to give it more autonomy and power to deal with human rights issues so that it is in line with the Paris Principles.
59. There are more recommendations given in the RCI 2005 Report and we have highlighted a few important ones for the consideration of this Inquiry Panel. This does not mean that the Bar Council Observer Team does not want the rest of the recommendations to be implemented as well.
60. The Bar Council Observer Team urges the Panel to adopt holistically the recommendation by the RCI 2005 Report so that there will be a check and balance specifically on the police.

Reform of SUHAKAM and the Paris Principles

61. It is submitted that the SUHAKAM Act is still far from perfect and should be amended to reflect truly the Paris Principles. The Paris Principles set out six main criteria that National Human Rights Institutions (NHRI) are required to meet:

- a) **Mandate and competence:** a broad mandate, based on universal human rights norms and standards (Paragraph 1 and paragraph 2);
- b) **Autonomy from Government (Paragraph 3);**
- c) **Independence** guaranteed by statute or Constitution;
- d) **Pluralism;**
- e) **Adequate resources;** and
- f) **Adequate powers of investigation**

62. The Paris Principles focus on the broad mandate and competence based on universal human rights norms and standards.

The need to ratify International Covenants and Conventions

63. In addition to the above-stated recommendations, it is submitted that there is lack of domestic human rights legislation to deal with enforced disappearance and thus, it is high time for Malaysia to ratify the relevant international convention on enforced disappearance and other international human rights covenants and conventions so that our society and the enforcement agency are in line with the international standards.

64. The international standards are not foreign to our country and this is seen in the case of *Abdul Ghani Haroon v Ketua Polis Negara and Another Application* [2001] 2 MLJ 689, at **Tab G of the BC BOA**, the court granted habeas corpus and released all the detainees on the grounds reflecting Article 5 of the Universal Declaration on Human Rights and Article 7 of the International Covenant on Civil and Political Rights (ICCPR). The court found that the denial to the detainees under arrest, of legal advice and access to their families, where they had no information as to when they might be granted access, amounted to cruel, inhuman and oppressive acts. Even though the right not to be subjected to cruel, inhuman or degrading treatment is not explicitly provided in the Federal Constitution, the Malaysian court was prepared to invoke the standards of the Universal Declaration of Human Rights.

The need for a proactive criminal investigation in a case where questions of alleged enforced disappearance are raised.

65. Allegations of enforced disappearance are serious. They connote criminal ingredients and must not be taken lightly by law enforcement agencies in particular the Royal Malaysian Police. It is submitted that while mere suspicion is not enough to sustain the commission of a criminal offence, the reason to suspect the commission of a seizable offence is enough to trigger proactive criminal investigation which should have been done in this case.

66. The power to carry out proactive investigation is contained in section 110(1) of the CPC at **Tab H of the BC BOA**, which can invoke the role of the Public Prosecutor. It is

submitted section 110(1) of the CPC ought to be invoked in cases of this nature. Section 110(1) of the CPC reads:

“(1) If from information received or otherwise a police officer not below the rank of Sergeant or an officer in charge of a police station has reason to suspect the commission of a seizable offence he shall, unless the offence is of a character which the Public Prosecutor has directed need not be reported to him, immediately send a report of the same to the Public Prosecutor, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to inquire into the facts and circumstances of the case and to take such measures as may be necessary for the discovery and, where not inexpedient, arrest of the offender.”

67. As a conclusion, it is submitted that there is an urgent need to put in place legislation and an appropriate mechanism for a thorough system of checks and balances, integrity and professionalism within our primary law enforcement agencies so that it leaves no room for potential lackadaisical attitudes, delays, inefficiencies and ineffectiveness.

Dated this 19th January 2022

Prepared by:

Roger Chan Weng Keng

Andrew Khoo

Chanravathane S. Ponnudurai

For and on behalf of the Bar Council Observer Team

This Bar Council Observer Team's Written Submission is prepared by Roger Chan Weng Keng, Andrew Khoo, Chanravathane S. Ponnudurai, whose address for service is at Unit 5.01, Level 5 of Wisma Badan Peguam Malaysia, 2 Leboh Pasar Besar, 50050 Kuala Lumpur.

Public Inquiry into the Disappearance of Joshua and Ruth Sitepu

January 17, 2022

To: HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)

c/o Chairman Panel

11th Floor, Menara TH Perdana

Jalan Sultan Ismail, 50250

Wilayah Persekutuan Kuala Lumpur, Malaysia

SUBMISSION OF OBSERVERS FOR THE FAMILY OF RUTH HILMY (NÉE: SITEPU)

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- I. Background**
 - 1. Ruth Sitepu is an Indonesian citizen who married Joshua Hilmy, a Malaysian citizen, in 2006 in Indonesia. After they married, she decided to live with her husband in Malaysia. Both of them worked as Christian missionaries in Malaysia;

2. From day to day, Ruth had always contacted and kept in touch with at least three members of her family; they are (i) Metia (Ruth's niece), (ii) Haeti (Ruth's niece), and (iii) Rosmawati Ginting (Ruth's sister-in-law). However, by December 2016, Ruth's family in Indonesia could no longer reach her. Her previously regularly updated Facebook account also showed her last activity was on November 21, 2016. Similarly, with her spouse, Joshua Hilmy, who became unreachable, also Joshua's Facebook account showed no activity since November 30, 2016;
3. Meanwhile, in Malaysia, Ruth and Joshua Hilmy were last seen by Witness No. 10 Susandi Bin Basari on November 30, 2016. At the time, they left their house in Kampung Tunku, Petaling Jaya, in a hurry in their red Kancil car after they received a call from someone, a call which Joshua answered angrily, "Stop bothering me, I don't do that to you. Why are you harassing me?", and the Witness overheard this then. Since then, Ruth and Joshua Hilmy have been missing and never found;
4. The harassing phone call turned out to be not the only intimidation and threats received by the Hilmys. Iman Setiawan Sitepu, Witness No. 7, said there were two occasions where Joshua said that he was living under threat to his life. The first was in 2009, during a conversation between him and Joshua when they met in Nambiki, Indonesia. The second was in 2015 when Joshua spoke to Bebas Bangun, his Batak adoptive father (as he married Ruth in a Batak ethnic tradition manner, Joshua then gained an adoptive father of Batak ethnicity), over the phone;
5. Another occasion happened in May 2016 when Joshua showed Witness No. 5 Selvakumar Peace John Harris that he had received emails from Khairy Jamaluddin, who was the Minister for Youth and Sports back then. The correspondence mentions a couple's names whom Joshua baptized back on January 1, 2015, and in which Khairy said to Joshua, "It's better for you to leave the country." The Witness saw that the first email from Khairy was official as the email address included "(dot)gov(dot)my" and was carbon-copied to the then Prime Minister, Najib Tuan Razak. He said that in the email, Khairy asked that future email contact should be via a non-official email address;
6. Consistent with the above, Witness No. 9 [REDACTED] heard from Ruth Sitepu that she and Joshua were ordered to refrain from performing baptism by Khairy Jamaluddin and Najib. In addition, she also heard from Ruth that she and Joshua received threats that they were going to be taken away;
7. For the disappearance of Ruth and Joshua Hilmy since November 30, 2016, on March 6, 2017, Witness No. 1 Peter Pormannan later filed a report to the Royal Malaysia Police under report number SG.WAY/002249/17. Then on February 28, 2018, Witness No. 7 Iman Setiawan Sitepu flew from Indonesia and also filed a report to Petaling Jaya Police, Malaysia, under the complaint report number SG/WAY/002209/18;
8. The disappearance of Joshua and Ruth, who worked as Christian missionaries in Malaysia, should be viewed as related to the disappearance of Raymond Koh (a Christian pastor) and Amri Che Mat (a Shia religious leader) in Malaysia, as will be explained in the following section. Meanwhile, the result of the SUHAKAM inquiry for the disappearance case of Amri Che Mat and Pastor Raymond Koh that was published on April 3, 019, concluded that Amri Che Mat and Pastor Raymond Koh were abducted by State agents, namely, the Special Branch, Bukit Aman, Kuala Lumpur.

II. Political Context Analysis

9. Malaysia's Constitution provides the right to profess, practice, and propagate one's religion, yet conversion is restricted. Thus Sharia law and State criminal law penalize the propagation of religious doctrines other than the doctrines and beliefs of the religion of Islam among persons professing the Islamic faith;
10. Even though these laws related to religious conversion are inconsistent with international law and standards, while these laws are still in effect nationally, then all deserve to be treated equally before the law as stated in the Constitution, and therefore all individuals have the right to a fair trial. Including those who are allegedly accused of proselytizing to Muslims, which does not legitimize abusive arrest or enforced disappearance without legal proceedings;
11. In his speech on November 6, 2016, at the event Seminar Belia Menentang Keganasan—a seminar which was opened by the Minister for Youth and Sports Khairy Jamaluddin—DCP Awaluddin Jadid, who was the Principal Assistant Director E2 (Social Extremism) Division, Special Branch, PDRM Bukit Aman, said:

"I still remember Dr. Fathul Bari who helped me during the apostate issue when we went up against several people from the Muslim community or even when several of our Muslims were approached by specific groups of people from the Christian community who call themselves neglected peoples who work on underground organizations that have created to lead Muslims astray and make them apostates."

"Previously, we used the Internal Security Act. When we were using the ISA before, it was a bit of a luxury for us because it was easy for us to take action. However, these laws have been attacked incessantly, and eventually, these laws have to be abolished by the government. Today, even though we have POTA, the new law, POCA, which is the Prevention of Crime Act, and also the Terrorism Act, and they appear to be similar, they still don't work like the previous ISA law. So, with this POTA or POCA or whatever, we need to produce the arrested persons in court for action to be taken. This is what is happening now. We, the police, and all of you have to jointly work together to eradicate the problems associated with terrorism."

"So, we observe whenever the Malay people seem divided; the Muslims are divided, there are certain groups of people who take advantage of the situation. And this, you see, is an issue that continues until today. Previously, we used to make arrests with the ISA, Internal Security Act. I have made such arrests before. If you gentlemen remember, there was Joshua Jamaluddin and Hilmi Mohd Noor, who's the son of the mufti of Selangor state."

"They targeted people who were homeless, the Muslims who contracted AIDS, single mothers, and many others. And we had previously detained these people under the ISA, and half of them are church leaders or pastors."

"These groups, as time goes on, will become much bigger, and we, together with a few Muslim NGOs currently with our joint efforts, are trying to trace these people in order to fight back." (as derived from Witness No. 4 Ramanathan's testimony)

12. After the speech from a high-ranking officer of the Special Branch unit of PDRM made on November 6, 2016, in less than four (4) months, it is recorded that there are at least four reports of disappearance, as shown on the following table:

DATE	EVENT	Description
November 6, 2016	DCP speech by Awaluddin Jadid at Seminar Belia Menentang Keganasan event	Discussing the association between the religious community that make Muslims apostates as terrorism and how it is must be fought
November 24, 2016	Amri Che Mat disappeared	Victim's activity: Shia religious leader
November 30, 2016	Joshua and Ruth Sitepu disappeared	Victims' activity: Christian ministers
February 13, 2017	Raymond Koh disappeared	Victim's activity: Christian pastor

13. There are two similar key findings between the four disappeared persons. Firstly, they openly professed their religions and were actively involved in social work while being so. Secondly, the timing of the victims' disappearances aligned with their activity background, which is related to apostate issues and happened around the time the Principal Assistant Director of the Social Extremism Division made the public statement;
14. Thus the two similar key findings show that agents of the State, specifically in this case the special division of PDRM, is allegedly committed enforced disappearance under the claim of protecting the safety of the State from apostate issues that are considered as associated with terrorism;
15. In actual practice, the State never gave explicit orders to abduct all these people. For comparison, in enforced disappearance cases in Indonesia between 1997-1998, the Commander of Jakarta Raya Military Regional Office made a public statement that they would "secure" groups that were deemed as posing a danger to the national stability and threatening the safety and security of the country. However, this act of "securing" resulted in the disappearance of 23 people, in which nine (9) of the victims were returned alive and were proven to have had been kidnaped and tortured by the State's military at court. One other victim was later found dead, and 13 others have yet to return, and their whereabouts remain unknown to this day;
16. Even though the definition of "terrorism" as referred to by Mr. Awaluddin Jadid in his speech on November 6 is broadly stretched and very much deviated from unlawful acts that are considered as terrorism based on the 19 Universal Legal Instruments Against

Terrorism¹, but in the police and military holds a discipline where subordinates must follow their superior's order. Therefore, the definition of "extremism" that is considered as a threat to the nation and the State would have to be based on the orders that came directly from the upper chain of command and could not have been based on personal judgment of the officers individually;

17. In his statement as Witness No. 17, Awaluddin Jadid stated that he was the Ketua Penolong Pengarah (Principal Assistant Director) of the Social Extremism Division at Bukit Aman. He mentioned that the Social Extremism Division is an agency that monitors all levels from students, politicians, religious groups, NGOs, and every person who is considered as practicing and spreading extremist belief. He viewed religious conversions as a type of extremism, and that extremism is a seed of terrorism and therefore needs anticipation. Consequently, it is clear that in this case, there is a correlation between the activities within the Social Extremism Division, the Special Branch, PDRM Bukit Aman, and the disappearance of the victims who are viewed as spreading religious teachings other than Islam among predominantly Muslim community;
18. In addition, in relation to the ongoing inquiry, we have observed and noticed that during the inquiry, protection was not provided for all witnesses, with the reason being that there had not been any specific request for protection to the Royal Malaysia Police. The fact that witness protection falls under the authority of the police despite the fact that the alleged perpetrators are also from the police becomes one of the causes for the lack of cooperation from the witnesses in exposing this case, which also affects Joshua Hilmy's siblings and members of his congregation. They were afraid to provide testimony related to the enforced disappearance of Joshua and Ruth, or when they had noticed that both Joshua and Ruth had gone missing, they were afraid to report it to the police, which is why the report was filed after four months of their disappearance, and therefore initial steps that could have been taken in the early stage of disappearance were no longer possible;
19. Further legal facts discovered throughout the aforementioned public inquiry will be explained in the following section.

III. Legal Analysis

20. Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance defines "Enforced Disappearance" as follows:

"the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the

¹ Seven instruments regarding civil aviation, one regarding the protection of international staff, one regarding the taking of hostages, two regarding the nuclear material, four regarding the maritime navigation, one regarding explosive materials, one regarding terrorist bombings, one regarding financing or terrorism, one regarding nuclear terrorism.

deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law."

21. Based on the definition of "Enforced Disappearance" by Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, there are three (3) factors of enforced disappearance that must be highlighted: the act of depriving the liberty of one person or more, such action is carried out by or with the authorization of the State, and it is followed by a refusal to acknowledge the deprivation of said liberty. In regards to the disappearance of Ruth Sitepu and Joshua Hilmy, elements of the enforced disappearance case of Ruth Sitepu and Joshua Hilmy are elaborated in the following section.
 - A. The arrest, detention, abduction, or any other form of deprivation of liberty
22. Unlike the abduction case of Raymond Koh and Amri Che Mat that were recorded by CCTVs, the investigation process into the disappearance of Ruth Sitepu and Joshua Hilmy has yet to discover any CCTV recording or any witness who saw their car being surrounded by vehicles and a group of people wearing black masks. This matter has been repeatedly mentioned during the inquiry by the witnesses for PDRM, and it has become their basis for denying the disappearance of Ruth Sitepu and Joshua Hilmy as a criminal act. However, it must be noted that the CCTV recordings from Raymond Koh's and Amri Che Mat's cases were successfully gained due to their families' hard work and initiatives to visit the crime scenes. All the while, the police took years to act, and they did not follow up on important leads as provided in the statements by the witnesses in Ruth and Joshua's case, which is precisely what happened in Amri Che Mat's case. Therefore, there is no basis for refusing to acknowledge that the disappearance of Ruth and Joshua is of a criminal nature.
23. The witnesses identified at least four (4) occasions (as previously written on points number 3-5) where Ruth and Joshua Hilmy experienced intimidation and threats, either through phone calls or emails, even to the extent of death threats on two occasions. In 2016, before Joshua Hilmy became uncontactable, Witness Iman Sitepu mentioned that Joshua Hilmy made a phone call to Bebas Bangun (Joshua's adoptive father by Batak custom) and said, "They're going to kill us, sir." Another statement came from Witness Susandi; he heard Joshua Hilmy speak angrily on the phone and said, "Stop bothering me. I don't do that to you. Why are you harassing me?"
24. Ruth had also mentioned to Witness No. 9 [REDACTED] that she was banned from performing baptism by Minister Khairy Jamaluddin and Prime Minister Najib Tun Razak. Therefore, Ruth and Joshua Hilmy's activity was put under close surveillance by State agents.
25. It is fair to assume that both Ruth and Joshua Hilmy have been arrested or abducted by the same institution that is responsible for the abduction of two other victims (Raymond Koh and Amri Che Mat) as their activity became the target, which is by openly professing their religion and were actively involved in social work while doing so. The institution referred to in this matter is—as stated by the outcome of SUHAKAM's inquiry

on Amri Che Mat's and Raymond Koh's cases on April 3, 2019, which concluded that they were abducted by State agents—the Special Branch, Bukit Aman, Kuala Lumpur. Both victims, Ruth and Joshua Hilmy, have yet to return, and their whereabouts remain unknown.

- B. By agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State
26. Based on the aforementioned chronology of this case, we discovered patterns that show the State's involvement in the disappearance of Ruth and Joshua Hilmy. Here are the patterns of the State's involvement as previously mentioned:
1. Based on SUHAKAM's search as well as Witness Awaluddin Jadid's statement, the police has a special division whose duty is to address social extremism in religions, specifically to combat teachings viewed as a heretic or disrupting to Islam as the majority in Malaysia;
 2. The speech of DCP Awaluddin contains claims of protecting Malay-Muslims from apostate issues that are considered associated with terrorism, arresting people who are viewed as troublesome, and "tracing these people in order to fight back," as written in the statement of Witness Ramanathan. The second similarity between the four disappeared persons (Ruth Sitepu, Joshua Hilmy, Raymond Koh, Amri Che Mat) lies in the time of the disappearance of the victims that aligns with the apostate issues reasoning, and it happened around the time of the speech given by the Principal Assistant Director of the Social Extremism Division.
 3. Threats addressed to Joshua Hilmy through emails sent from an address ending with "(dot)gov(dot)my" by the Minister for Youth and Sports Khairy Jamaluddin that is carbon-copied to Prime Minister Najib Tun Razak. The emails were shown to Witness No. 3 Josiahnandan Emmanuel and Witness Selvakumar Peace John Harris;
 4. According to Witness Juraima's statement, Khairy Jamaluddin and Najib Tun Razak ordered Ruth to stop performing baptism;
 5. In addition, in their statements, the witnesses expressed their fear of giving testimony or reporting Ruth and Joshua's disappearance, as well as their reluctance to get involved in Ruth and Joshua's activity in any way due to the "big names involved." Such statement came from Witness Juraima and Witness Susandi;
 6. In regards to the disappearance of both Ruth and Joshua Hilmy, the witnesses from PDRM who were present throughout the public inquiry showed the sluggishness and passivity of the law enforcement officers in looking for clues or even to follow-up on existing leads. However, it is interesting that according to Witness No. 12 Insp. Nurul Huda bin Bustami's statement, who was the Investigation Officer (IO) in a Sedition

Law case in 2014 where Joshua Hilmy was the Reported Party, showed how the police were actually able to be more proactive in searching and tracking Joshua Hilmy's whereabouts compared to when Joshua Hilmy's has become the victim of enforced disappearance. The Witness sent a request to look into Joshua Hilmy's Facebook account to Siber JSJK Bukit Aman and SKMM Putrajaya. From it, he managed to acquire Joshua's license plate. And after the Witness submitted a request to JPJ, the Witness then gained the name and address of the license plate owner. The Witness also made a visit to that address and asked around the neighborhood. The Witness also traced Joshua's phone number and the address of the phone number owner. The police assertiveness in the Sedition Law case is very in contrast to their passivity in dealing with the disappearance of Ruth and Joshua Hilmy, which shows that they deliberately did not perform to their best ability in finding them both;

7. Lastly, although SAC Fadzil did not testify in the public inquiry of Ruth and Joshua Hilmy, yet another similar pattern from Raymond Koh's and Amri Che Mat's cases occurred. Therefore, the importance of SAC Fadzil's statement in shedding light on the enforced disappearance of Ruth and Joshua Hilmy will be explained in this submission. During the inquiry for Raymond Koh, the Head of the Ops Jejak Paderi Task Force SAC Fadzil and the IO in Raymond Koh case, ASP Supari told the inquiry that CP Huzir in Bukit Aman coordinated and directed the investigation of the three cases (Amri, Raymond, Joshua and Ruth Sitepu), despite his denials. We believe it is not a mere coincidence that the same person directs all three cases with similar patterns in Bukit Aman, and all three investigations are carried out with minimum efforts to provide minimum results as well.

- C. Followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law

27. Regarding the disappearance of Joshua and Ruth Sitepu, we consider the law enforcement to have performed very minimally when working the case. Some state institutions even show a tendency to deny any knowledge of the act of the deprivation of liberty over Joshua and Ruth Sitepu. Supporting reasons for the denial by the State on Joshua and Ruth Sitepu disappearance case based on the statements provided by the witnesses in the Public Inquiry are as follow:

1. Chief of Police Shafiee ASP instructed Sibe to trace the license plate and recent address of Joshua Hilmy and Ruth Sitepu; however, Sibe did not provide him with any information;

2. The Immigration Office does not have any record showing activity of entering from or leaving any country on Joshua and Ruth Sitepu passports in their system;
 3. The intention to investigate this case in a serious manner has not been shown. One occasion is that Sarjan Sibee failed to trace the license plate and phone number of Ruth Sitepu and Joshua Hilmy. Other than that, when the investigation was transferred to another officer, namely Hairol Azhar and Omar DSP, they failed to retrieve any information from Sarjan Sibee when many parts of his investigation result were questionable. The investigators also did not figure out the nature of Ruth and Joshua Hilmy's activity;
 4. A member of the police, Supari DSP, who assisted Sarjan Sibee's investigation, did not discover passports and relevant documents, and therefore, the disappearance of Joshua and Ruth Sitepu was not of criminal nature, according to Supari DSP, different from Pastor Raymond Koh.
28. As the previously explained elements are met, Ruth Sitepu and Joshua Hilmy are, therefore, outside the protection of the law. They are in a state of being without the presence of a lawyer, family and even without access to healthcare or guarantee of being free of torture and/or other inhuman treatments. Consequently, the search for both of them must continue and start as soon as possible.

IV. Conclusion

29. Elements of enforced disappearance are present in the missing of Ruth Sitepu and Joshua Hilmy. Related to the patterns of the two previous cases investigated by SUHAKAM, the four disappeared persons share two keys of similarity. Firstly, they openly professed their religion and were actively involved in social work while doing so. Secondly, the timeline of the disappearance of all victims fits their activity background being related to the apostate issues. Also, the events happened around the time when the Principal Assistant Director E2 (Social Extremism) Division, Special Branch, PDRM Bukit Aman was made.
30. By meeting all three elements of enforced disappearance, it is, therefore, fair to assume that Ruth Sitepu and Joshua Hilmy have fallen victim to arrest or abduction by the same institution that is allegedly responsible for the kidnapping of Pastor Raymond Koh and Amri Che Mat with the target being the victims' background activity. In this matter, the institutions previously referred to are State agents, namely the Special Branch, Bukit Aman, Kuala Lumpur.
31. The absence of protection for witnesses becomes one of the factors for the lack of cooperation from the witnesses in providing testimonies that can help uncover the enforced disappearance of Ruth Sitepu and Joshua Hilmy. However, as long as the authority to provide protection for the witnesses in a case where the alleged perpetrators are also part of the police is under the police, then such a dilemma will keep recurring in

the future and will not induce a process that may bring justice to the victims and the families they left behind.

V. Recommendation

32. The substance of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) contains general principles of international law which are mentioned in the United Nations Charter; they are: refrain from the threat and use of force, and respect for human rights. Theoretically, the principles of international law are one of the primary sources of law, which should be obligated by all of the states, including Malaysia.
33. Enforced disappearance, the prohibition of which is a peremptory norm (*jus cogens*), represents a grave threat to life. In this case, Malaysia is likely to be found to have violated the duty to protect life as well as other rights, such as the prohibition of torture or other inhumane treatment or punishment, the rights to liberty and security of person, and the right to recognition as a person before the law.
34. In human rights law, the State has to respect, protect, and fulfill the human rights of every person in it. If the State has violated human rights, then the State should be responsible for carrying out full reparations, namely revealing the truth and restoring the rights of victims and their families. Internationally, state responsibility is a customary international law as codified through Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA). In this case, Malaysia should be responsible for revealing the truth about the disappearance of Ruth Sitepu and Joshua Hilmy. Also, Malaysia should restore the rights of Ruth Sitepu, Joshua Hilmy, and their families.
35. Based on the explanation above that enforced disappearance is a peremptory norm (*jus cogens*). The State, which is Malaysia, has been enforced disappearance to Ruth Sitepu and Joshua Hilmy. However, Malaysia did not ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Malaysia still has responsibility for revealing the truth of the enforced disappearance of Ruth Sitepu and Joshua Hilmy and restoring the rights of Ruth Sitepu, Joshua Hilmy, and their families.
36. Lastly, the Government of Malaysia is urged to establish a committee for witness protection and victims who are independent and may execute their authority independently. By doing so, the State can be present, protect, and guarantee the work of searching for truths on cases where State agents may be involved, including when the alleged suspect is of law enforcement officers.

This submission is prepared by:

The Commission for the Disappeared and Victims of Violence (KontraS), Indonesia

ATTACHMENT

Points of Witnesses

1.	Peter Pormannan	Witness is a friend of Ruth and Joshua who has encountered the couple numerous times. Witness is the first person to file a missing report on Ruth and Joshua to the police.
2.	Grace Thangamalar	Witness is the daughter of Peter Pormannan, who lives with the couple, Ruth and Joshua. She heard from Susandi bin Basari that Joshua received intimidation by phone.
3.	Josiahndan Emmanuel	Witness is also the child of Peter Pormannan who lives with the couple, Ruth and Joshua. He is the first person that told Peter that the couple had gone missing. For the purpose of securing the essential belongings of the couple, he took and stored several important documents of Ruth and Joshua, such as birth certificates and email printouts from Khairy Jamaluddin that poses threatening messages to Joshua.
4.	Ramanathan	Witness is from the Citizens Against Enforced Disappearances (CAGED), a community focusing on enforced disappearance issues in Malaysia. He provided a statement of the speech by DCP Awaluddin Jadid on November 6, 2016, at the Seminar Belia Menentang Keganasan event. The speech associated the Christian community with terrorism that led to Muslim apostates. In his speech, Awaluddin Jadid invites the police and audience to trace these people who lead Muslim apostates in order to fight back.
5.	Selvakumar Peace John Harris	Witness is the property owner of the house where Ruth and Joshua live. He is aware of and has directly seen the threatening emails from Khairy Jamaluddin to Joshua as Joshua showed them himself. He read that on those emails, Khairy mentioned the couple's name who received baptism from Joshua on January 1, 2015. Khairy said, "It's better for you to leave the country."
6.	Ram Ram Elisabeth	Witness is Ruth's younger sibling. She later also filed a missing report of Ruth to the Malaysian police. She found out that Ruth had gone missing from Ruth's niece, who regularly contacted Ruth, that she could not reach Ruth anymore.
7.	Iman Setiawan Sitepu	Witness is Ruth's younger sibling. He found out on two occasions that Joshua was living under threat to his life. The first was in 2009, during a conversation between him and Joshua when they met in Nambiki, Indonesia. The second was in 2015 when the Witness heard from Bebas

		Bangun (Joshua's adoptive father by Batak custom) that Joshua called him and said, "They're going to kill us, sir."
8.	[REDACTED]	Witness is an acquaintance of Ruth but does not know Joshua. He heard from Susandi bin Basari that Joshua received intimidation by phone. Joshua answered the call in an angry manner; he said, "Stop bothering me. I don't do that to you. Why are you harassing me?"
9.	[REDACTED]	Witness heard from Ruth that she and Joshua were ordered to stop performing baptism by Khairy Jamaluddin. In addition, she also heard from Ruth that she and Joshua were also threatened that they would be arrested. The Witness expressed that she was afraid to get involved in Ruth business in any way due to the "big names involved."
10.	Susandi Bin Basari	Witness knows both Ruth and Joshua. His wife is Rossy Aming; she once spent the night at Ruth's house at the same time [REDACTED] also stayed the night. Witness is the last person to have seen Joshua before he and Ruth disappeared. At the time, he saw Joshua answering his phone and angrily said, "Stop bothering me. I don't do that to you. Why are you harassing me?" After, Joshua and Ruth went in their red Kancil car, but they did not pack any clothes, and they never returned. The Witness then went back to his house and gave his housekey to Grace Thangamalar as Joshua and Ruth were gone. The Witness expressed that he was afraid to get involved in Joshua and Ruth's business due to their religious status and the sensitive issues they often brought up.
11.	ASP Shafiee bin Marsidi	Witness is the Chief of Police at the station where Joshua Hilmy's missing report was filed. During his testimony, the Witness' statement has been inconsistent. Regarding Ruth and Joshua disappearance, he said that he did not order a trace of Ruth and Joshua's license plate, but later changed and said that he did order Sibee bin Nordin to track down Ruth and Joshua's vehicle and last known address; however, he did not receive a report back from Sibee. He gave instructions to check with the immigration (the result shows that neither Joshua nor Ruth has records of leaving Malaysia), asked Peter Pormannan for a statement as the reporting party, and visited Joshua and Ruth's house. He never received any request for a search warrant for Joshua and Ruth's house from Sibee (his subordinate and Investigation Officer in the Joshua-Ruth case) and never found out why the request was never made. He never checked the CCTV recordings (although this does not require a direct order from a superior officer). In addition, the Witness is familiar with the Standard Operating Procedure (SOP) for similar cases, which is to make an

		announcement in other police stations and inform the embassy of the country of the victim's origin. However, he failed to order to take those steps. He said that Ruth and Joshua's case is not of criminal nature.
12.	Insp Nurul Huda Bin Bustami	Witness is the Investigation Officer (IO) in a Sedition Law case in 2014 where Joshua Hilmy was the Reported Party. In the 2014 case, he ordered to look into Joshua Hilmy's Facebook account to Siber JSJK Bukit Aman and SKMM Putrajaya. From it, he managed to acquire Joshua's license plate. And after the Witness submitted a request to JPJ, the Witness then gained the name and address of the license plate owner. The Witness also made a visit to that address and asked around the neighborhood. The Witness also traced Joshua's phone number and the address of the phone number owner, but he failed to find him.
13.	ASP Hairol Azhar	Witness did not run a trace on both Ruth's and Joshua's phone numbers. He also did not order a search warrant because, according to him, photos should be enough.
14.	Insp Zulfadhly Bin Yaacob	Witness checked that according to the immigration records, both Joshua and Ruth were recorded to be out of the country back in 2007, but the record does not show the destination country. The same goes for when they returned to Malaysia; the record does not show their country of origin. The Witness claimed that the case progress report was not logged in the computer system but only written paper documents. He contacted Joshua's siblings, but he found them to be uncooperative. The Witness also stated that both Joshua and Ruth's numbers were untraceable by the providers as they both used prepaid numbers.
15.	DSP Supari Bin Muhammad	Witness received missing person reports for Ruth and Joshua. The IO on this case was Sarjan Ahmad Sibee, but the Witness assisted him in visiting Joshua and Ruth's home. He entered their house and checked some documents, but he did not find their passports or other relevant papers. He believed that Joshua and Ruth's disappearance was not of criminal intent, different from Pastor Raymond Koh's abduction.
16.	Iqbal Mirza Bin Mohd Jalaludin	Witness gave a statement that he simply received prayer from Joshua, he was not baptized; and that he also does not know Ruth well.
17.	DCP (B) Dato' Awaluddin Bin Jadid	Witness is a police officer with a career that lasts for 42 years at PDRM. He is the Principal Assistant Director of the Social Extremism Division at Bukit Aman. The Social Extremism Division is an agency that monitors all levels from students, politicians, religious groups, NGOs, and every person who is considered as practicing and spreading extremist belief. He claimed that his agency has no

		<p>relevance in dealing with terrorism. He received a report from his subordinate regarding Joshua Hilmy's activity on Facebook. He claimed that he was unaware that Joshua Hilmy is a pastor and that he only knew about Joshua as someone who healed around 20 people. the Witness also supplied information to the Ministry of Religious Affairs regarding organizations that are deemed as extremists. As someone who holds a top position at PDRM, the Witness is highly biased in Islamic values when carrying his duties. He believes that extremism is a seed of terrorism and therefore needs anticipation. A religious conversion is a form of extremism. He believes religion is an individual right, but Malaysian laws allow the police to act if there is a reaction from the community. In past cases with relation to religion, the people detained were those who received criticism from the community, never otherwise. The Witness does not feel guilty as a police officer for not acting neutral in his speech or actions. He believes that his actions are not against the law.</p>
18.	Fadzlina Binti Amran	<p>Witness was in contact with Joshua Hilmy and Ruth Sitepu in 2015 as she felt the need for spiritual healing because she believed that she had fallen victim to witchcraft. She believed that Joshua and Ruth's actions at the time were not a baptism ritual despite the fact that she heard them using the word "Jesus" while doing it. She also denies the assumption that she has left Islam and became a Christian and that she is not aware of a baptism certificate. In 2012, Fadzlina and her family once received a healing bath ritual in a pool by Raymond Koh.</p>
19.	DSP (B) Omar bin Hassan	<p>Witness is Ketua Bagian Pengurusan (Chief of Supervisor) IPD Petling Jaya since August 1, 2018. He is responsible for the investigation of missing person cases and a superior officer to Sarjan Sibee bin Nordin. He claimed that this was his first missing person case. From his experience with criminal cases, locating the missing person's whereabouts depends on cell phone providers, not forensics. He ordered Sarjan Sibee to (temporarily) hold the investigation, but in the first week after, he knew about this case from Sarjan Sibee, who said that Sajan Sibee had done everything, but there was still no progress on the case. He did not pursue Sibee further regarding the immigration report as requested by Sibee, but the immigration had not replied Sibee's request for information. He did not investigate the activity background of the disappeared Ruth and Joshua.</p>
20.	Ahmad Sibee bin Nordin	<p>Sibee did not answer the invitation for a witness statement because he was ill. Based on statements from other witnesses, Sibee is said to be a member of the Malaysia</p>

		<p>Police who received the missing person reports of Joshua Hilmy and Ruth Sitepu, and he was also the investigating officer on the case before the case was transferred to another officer, Hairol Azhar.</p> <p>Steps taken by Sibee as a part of his investigation are as follow:</p> <ul style="list-style-type: none"> • Sent a request to SKMM to obtain the email josh ruth2005@yahoo, but SKMM asked for the actual copy of said email because the one they received was of low quality. It is unclear whether Sibee later provides them with a better quality copy or not. • Sent a request to SKMM for incoming and outgoing calls. • Recorded the examination and conversation from Huzir and Firdaus (Joshua's younger siblings) statements, as well as Ram Ram Elizabeth. • Sibee found out that Joshua and Ruth had been investigated in the past for Section 4 of Sedition Law, under the division Siasatan Jenayah IPD Rembau with Insp. Nurul Huda as the investigating officer. • Received an order from ASP Shafiee bin Marsidi (Sibee's superior) to track down Joshua and Ruth's vehicle and last known address, but Shafiee did not receive a report back.
21.	Junainh Binti Dalugamin	<p>Witness is the Immigration Officer in the Safety and Passport Department of Shah Alam. She has worked in the department since January 19, 2019. She was previously assigned at the Immigration Depot Semenyih between 2018-2019 and at the Enforcement Department of Shah Alam, Department of Immigration in 2015.</p> <p>The Witness's role and responsibility in the Safety and Passport Department is accepting passport submissions from Malaysian citizens and government agencies' approval requests (from someone entering and/or exiting Malaysia). The Witness received requests from Sungai Way Police to issue an approved request form to enter and exit Malaysia under the name Joshua Hilmy and Ruth Sitepu.</p> <p>Based on her search through the Immigration data, Joshua is recorded to own two new passports. The newest passport number is A36522166 and is valid from November 24, 2015, to November 24, 2020. However, the records show</p>

		no activity of Joshua entering or exiting the country. The older passport number is A18868445 and is valid from May 6, 2008, to July 10, 2013. On that passport, there is an irregular activity recorded from July 23, 2011. Joshua Hilmy entered Malaysia, but there is no record of him exiting Malaysia. The immigration system does not record someone's destination, only which entry or exit point they go through.
22.	Zulkarnain Md Yasin	Witness is the Chief Officer for Regulatory Sector MCMC. According to him, to request identity information can be directly made to the cellphone provider, that would be quicker. But for those who do not know that they can contact the providers directly, they usually go to MCMC. MCMC will then direct them to contact the provider. MCMC can facilitate contact to the provider Telco, but we do not have access to Yahoo as they are outside of our jurisdiction and located outside of the country. The normal procedure would require the State of Malaysia to send a letter to a US court or through MLA (Mutual Legal Agreement) between the two countries. According to the Witness, the police had only made one request for Ruth's number, and it was not about an email account wifigurl@yahoo . However, the information was inconsistent, and they later said that they had tried to look for the wifigurl account but could not find anything. Further details on MCMC search into the wifigurl email account have been SUBMITTED to the police, but the Witness refused to reopen said information for this inquiry. The Witness said that the police could directly submit for MLA.
23.	Azhar Baba	The Witness is an employee of Maxis Telecommunications from the Law Enforcement Agency Unit. He had very little knowledge and was unable to answer the materials in question. He stated that Maxis received a request letter from the police on October 23, 2018, from ASP Hairol Azhar, on April 8, 2019, from Insp. Zulfadhly bin Yaacob, and on June 24, 2019, again from Insp. Zulfadhly. But Maxis did not answer both requests as the requests were incomplete.