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

SUHAKAM
HAK ASASI UNTUK SEMUA

PUBLIC INQUIRY INTO THE DISAPPEARANCES OF

JOSHUA HILMY & RUTH SITEPU

FINAL DECISION

THE PANEL:

DATO' SERI MOHD HISHAMUDIN BIN MD YUNUS
(CHAIRMAN)

MR. JERALD JOSEPH

DATO' DR. MADELINE BERMA

15TH APRIL 2022
KUALA LUMPUR

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Annexures

(Annex II, III, IV will be available at www.suhakam.org.my)

CHAPTER 1

INTRODUCTION

1. This is the Report of the Panel appointed by the Human Rights Commission of Malaysia (Suruhanjaya Hak Asasi Malaysia) ("**SUHAKAM**") to conduct a Public Inquiry into the disappearances of two individuals, namely, Joshua Hilmy and Ruth Sitepu.

Memorandum Submitted to SUHAKAM

2. Due to the serious public concerns surrounding four cases of disappearances, namely, the disappearances of Joshua Hilmy and his wife, Ruth Sitepu, social activist Amri Che Mat and Pastor Raymond Koh ("**Missing Persons**"), on 20 April 2017, a coalition of civil society groups led by Suara Rakyat Malaysia (SUARAM) submitted a Memorandum to SUHAKAM on behalf of the families of the Missing Persons. SUHAKAM was called on to assist the families concerned, to investigate and determine the whereabouts of these Missing Persons and to serve as a channel of communication between the families, the Police and the Government of Malaysia.

3. On 21 April 2017, the then Chairman of SUHAKAM, Tan Sri Razali Ismail ("**SUHAKAM Chairman**"), issued a press statement[1] calling on the authorities to use all means at their disposal to discover the fate of these Missing Persons, to take all necessary steps to alleviate the concerns and unease among the public in this regard and to bring to justice those responsible for the disappearances.

4. Up to June 2017, the disappearances of Joshua Hilmy, Ruth Sitepu, Amri Che Mat and Pastor Raymond Koh remained unresolved. It must be highlighted that to date the families of the Missing Persons have not received any demand for ransom for their release nor has anyone or party claimed responsibility for the disappearances of the Missing Persons.

5. On 16 June 2017, SUHAKAM released a press statement[2] stating that SUHAKAM will investigate the disappearances of the Missing Persons in accordance with its statutory

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[1] Press Statement No. 14 Of 2017 (Memorandum from SUARA RAKYAT MALAYSIA (SUARAM)) https://www.suhakam.org.my/press-statement-no-14-of-2017-memorandum-from-suara-rakyat-malaysia-suaram/.

[2] Press Statement No. 20 of 2017 ((SUHAKAM Will Investigate the Cases Of Missing Persons / Disappearance Of Pastor Raymond Koh, Amri Che Mat, Pastor Joshua Hilmi and Ruth Hilmi, To Assist the Authorizes with Their Ongoing Investigation) https://www.suhakam.org.my/press-statement-no-20-of-2017-suhakam-will-investigate-the-cases-of-missing-persons-disappearance-of-pastor-raymond-koh-amri-che-mat-pastor-joshua-hilmi-and-ruth-hilmi-to-assist-the-authoritie/.

mandate and powers. SUHAKAM further stated that it would assist the authorities with their ongoing investigations and called on individuals who may have relevant and important information to come forward to have their statements recorded by SUHAKAM.

6. Notwithstanding the above, SUHAKAM reiterated its call on all the relevant authorities to investigate the disappearances fully and expeditiously, especially when there are suspicions in the minds of the public that the disappearances may be enforced disappearances.

The Disappearance of Joshua Hilmy and Ruth Sitepu

7. Since the night of 30 November 2016, when the couple were last seen, Peter Pormannan A/L Annamaiai ("**Peter**") had made various attempts to contact his friends Joshua Hilmy (who was also known as Hilmi Bin Hanim) and his wife, Ruth Sitepu. Their last known address was at 61, Jalan SS1/22 Kampung Tunku, Petaling Jaya, Selangor.

8. On 6 March 2017, Peter lodged a police report at the Klang District Police Headquarters stating that despite various attempts to locate Joshua Hilmy and Ruth Sitepu, the couple were uncontactable. Both Joshua Hilmy and Ruth Sitepu have not been seen, heard of, or heard from, since the night of 30 November 2016 until now, and are believed to have "disappeared".

9. Following the disappearances of Joshua Hilmy and Ruth Sitepu, thereafter, on 24 November 2016, social activist, Amri Che Mat was last seen by his wife, Norhayati Mohd Ariffin, at about 10:30 p.m. Their daughter, Nur Masarrah, saw him leaving their house in his car at about 11:30 p.m. Following that, his car was found abandoned with the windows smashed at a disused construction site at Bukit Chabang, Kangar, Perlis. Amri Che Mat has not been seen, heard of, or heard from, since then until now, and is believed to have "disappeared."

10. Less than 3 months later, on 13 February 2017, Pastor Raymond Koh was last seen by his wife, Susanna Liew Sow Yoke, at about 10:15 a.m. Subsequently, one Roeshan Celestine Gomez lodged a police report stating that at about 10:45 a.m., he saw a car being "boxed in" by three black four-wheel drive (4WDs) vehicles while he was driving along Jalan SS4B/10, Kelana Jaya, Selangor. The driver was seen being dragged out of his car and put into one of the three 4WDs. This incident was captured on closed-circuit television ("CCTV") of two (2) nearby houses. Pastor Raymond Koh has not been seen, heard of, or heard from, since then and is believed to have "disappeared".

11. These three cases of disappearances of persons attracted a significant amount of public attention and concern. They have led the public to perceive that these disappearances of persons may have been the acts of the State or that the State may

either have been complicit, involved, supportive of or concealing these unprecedented disappearances.

12. On 3 April 2019, a SUHAKAM Panel of Inquiry concluded its findings on the public inquiry into the disappearances of Pastor Raymond Koh and Amri Che Mat and the report of the findings were released to the public.[3] It was unanimously decided by the Panel that Pastor Raymond Koh and Amri Che Mat were the victims of enforced disappearances as defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance **("ICPPED")** where there were direct and circumstantial evidences which prove on a balance of probabilities that they were abducted by State agents namely, the Special Branch of the Royal Malaysia Police, Bukit Aman, Kuala Lumpur.

Panel for The Public Inquiry on the Disappearance of Joshua Hilmy and Ruth Sitepu

13. On 26 January 2020, SUHAKAM released a press statement to announce that SUHAKAM will be conducting a Public Inquiry into the disappearances of Joshua Hilmy and Ruth Sitepu.[4] In its statement, SUHAKAM announced that the Public Inquiry, scheduled to commence in 18 February 2020, would consider, among others:

    (a) Whether these disappearances are cases of enforced or involuntary disappearances, as defined under the ICPPED which defines an enforced disappearance as 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; and

    (b) Whether the authorities, specifically the Police, have taken adequate steps to investigate these cases.

14. On 18 February 2020, pursuant to SUHAKAM's press statement on 26 January 2020, a panel for the Public Inquiry was appointed to investigate the disappearances. The panel comprised three SUHAKAM Commissioners, namely, Commissioner Dato' Seri Mohd Hishamudin bin Md Yunus (Chairman), Commissioner Mr. Jerald Joseph and Commissioner Dato' Dr. Madeline Berma (**"the Panel"**).

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[3] The report on the Public Inquiry into the Disappearance of Pastor Raymond Koh and Amri Che Mat can be retrieved at SUHAKAM's website: https://suhakam.org.my/publications/national-public-inquiry-reports/.

[4] Press Statement No. 1 Of 2020 (Announcement on the holding of a Public Inquiry into the Disappearances of Pastor Joshua Hilmy and Ruth Hilmy).
https://www.suhakam.org.my/wp-content/uploads/2020/01/Press-Statement-No.-1-of-2020-Announcement-of-the-Public-Inquiry-into-the-Disappearance-of-Pastor-Joshua-Hilmy-and-Ruth-Hilmy.pdf.

Terms of Reference of the Public Inquiry

15. The Terms of Reference of the Public Inquiry ("**Terms of Reference**") are as follows:

(a) To determine whether these are cases of enforced disappearances as defined under the International Convention for Protection of all Persons from Enforced Disappearances or are cases of involuntary disappearances in breach or breaches of the criminal and/or civil law and/or applicable human rights laws (hereinafter referred to as such alleged breach or breaches);

(b) If (a) has been established at the inquiry, then:

(i) How such alleged breach or breaches came about;

(ii) To identify person(s) or agency(ies) responsible for such alleged breach or breaches; and

(iii) What administrative directives, procedures, or arrangements contributed to such alleged breach or breaches.

(c) To consider whether the authorities, specifically the Royal Malaysian Police, have taken adequate steps to investigate such alleged breach or breaches.

(d) To recommend measures or guidelines to be taken to ensure that such alleged breach or breaches do not recur.

CHAPTER 2

THE PUBLIC INQUIRY

What is a Public Inquiry

16. Generally, a public inquiry is an official review of events or actions ordered by a government body. A public inquiry accepts evidence and conducts its hearings in a public forum and focuses on specific issues.

17. Interested members of the public and organizations may make written evidential and legal submissions as is the case with most inquiries and listen to oral evidence and submissions given or made by other parties.[5]

18. A public inquiry is a mechanism that can be used to achieve SUHAKAM's mandate to look into systemic human rights issues with a view to solving them through systematic means. By adopting a broad-based human rights approach, it can examine a large number of situations as opposed to an individual complaint. A public inquiry has a dual focus, fulfilling both fact finding and educational roles. An effective public inquiry is one that is supported by the exercise of powers to subpoena witnesses, to order the production of documents at its hearings, and to produce a report that will be made public containing recommendations to all relevant parties.

Powers of Inquiry of SUHAKAM

19. In furtherance of the protection and promotion of human rights in Malaysia, SUHAKAM was established under the Human Rights Commission of Malaysia Act 1999 (**"Act 597"**).

20. SUHAKAM's functions are set out in Section 4 of the Act 597, in particular, Section 4(1)(d) which provides that one of the functions of SUHAKAM "shall be to inquire into complaints regarding infringements of human rights". The powers relating to the conduct of public inquiries are found in Section 14 of the Act 597:

> ***"Powers relating to inquiries***
>
> *14. (1) The Commission shall, for the purposes of an inquiry under this Act, have the power—*

[5] Public Inquiry https://en.wikipedia.org/wiki/Public_inquiry.

(a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Commission thinks necessary or desirable to procure or examine;

(b) to require that the evidence, whether written or oral, of any witness be given on oath or affirmation, such oath or affirmation being that which could be required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorized in that behalf by the Commission an oath or affirmation to every such witness;

(c) to summon any person residing in Malaysia to attend any meeting of the Commission to give evidence or produce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession;

(d) to admit notwithstanding any of the provisions of the Evidence Act 1950 (Act 56], any evidence, whether written or oral, which may be inadmissible in civil or criminal proceedings; and

(e) to admit or exclude the public from such inquiry or any part thereof."

21. Further, Section 12 of the Act 597 empowers SUHAKAM to act on its own motion to inquire into allegations of infringement of human rights or to act on complaints submitted to SUHAKAM, which reads:

> ***"Commission may inquire on its own motion or on complaint***
>
> *12. (1) The Commission may, on its own motion or on a complaint made to it by an aggrieved person or group of persons or a person acting on behalf of an aggrieved person or a group of persons, inquire into an allegation of the infringement of the human rights of such person or group of persons."*

22. Prior to the hearings at the Public Inquiry, officers of SUHAKAM **("SUHAKAM Secretariat")** recorded statements of individuals who came forward to assist SUHAKAM with information relating to the disappearances of Joshua Hilmy and Ruth Sitepu. The officers also carried out investigations seeking to interview possible witnesses.

23. At the hearings of the Public Inquiry, witnesses were called to give testimony under oath. Each witness was then examined by Counsel representing the Panel, including Assisting Officers of SUHAKAM, Counsel on behalf of the family of Pastor Ruth Sitepu, Officers Appearing for the Royal Malaysia Police, Counsel on behalf of the Malaysian Bar Council and *Komisi untuk Orang Hilang dan Korban Tindak Kekekerasan* **("KontraS")** from Indonesia. In the course of the hearings, various video recordings, photographs and documents were tendered as evidence and marked as exhibits. All witnesses gave their evidence on affirmation.

24. At the conclusion of the Public Inquiry, the Panel directed Counsel representing the family, Counsel on behalf of the Malaysian Bar Council, Officers appearing for the Royal Malaysia Police, and representative of the KontraS, to submit their written and oral submissions pertaining to all issues arising from the evidence and the Panel's Terms of Reference for the consideration of the Panel.

Overview of the Public Inquiry into the Disappearance of Joshua Hilmy and Ruth Sitepu by SUHAKAM

25. On 18 February 2020, the Panel commenced the hearing of the Public Inquiry into the disappearances of Joshua Hilmy and Ruth Sitepu. The hearings were held at the Inquiry Room of the SUHAKAM Office in Kuala Lumpur; and were scheduled on the following dates:

(a) 18 February 2020
(b) 2, 3 and 4 March 2020
(c) 12 and 24 August 2020
(d) 1, 2, 10, 17 and 21 September 2020; and
(e) 5, 6 and 11 January 2021.
(f) 11 June 2021
(g) 6 July 2021
(h) 16, 28 and 29 July 2021
(i) 18 August 2021
(j) 4 October 2021
(k) 1 December 2021
(l) 20 January 2022

26. On 20 January 2022, the Panel completed the Public Inquiry which took approximately 23 months from the beginning of February 2020. In total, there were 22 days of hearings, which includes 8 online sessions. The Panel heard the testimony of 26 witnesses and examined 129 exhibits.

27. The list of all witnesses is as at Annex I of the Report. The list of exhibits tendered by the parties during the Public Inquiry is at Annex II. The written Submissions of Counsel on behalf of the family of Pastor Ruth Sitepu, Officers Appearing for the Police and Counsel on behalf of the Malaysian Bar Council and representative of KontraS from Indonesia, are at Annex III. The Notes of Proceeding is at Annex IV.

28. The hearings were held in open sessions where the public at large were invited to join in the open sessions. However, several sessions were held *in-camera* (closed sessions) in order to protect the confidentiality of certain documents that were tendered in the hearing and for the purpose of protecting the witnesses' identity from public knowledge.

29. The hearings of the Public Inquiry were prolonged and delayed due to the Covid-19 pandemic wherein the country was placed under the Movement Control Order (MCO) from 18 March 2020 until 4 May 2020; under Conditional MCO (CMCO) from 4 May 2020 until 9 June 2020; then from 7 November 2020 until 14 January 2021; and another MCO 2.0 from 11 January 2021 until 5 March 2021; and MCO 3.0 from 1 June to 28 June 202. During these periods, the office operations of SUHAKAM, government agencies and private sectors were limited, causing slowness in getting responses from stakeholders.

30. To assist its investigation, the Panel had invited observers which comprised the following:

(a) Counsel on behalf of the family of Pastor Ruth Sitepu;
(b) Officers appearing for the Royal Malaysia Police (PDRM);
(c) Counsel on behalf of the Malaysian Bar Council; and
(d) Indonesian's KontraS.

Standard of Proof in a Public Inquiry

31. There is no provision in the Act 597 which sets out the standard of proof that is to be applied in a public inquiry. However, this does not mean that there is no standard of proof that the Public Inquiry is required to meet.

32. A public inquiry is an investigative inquiry similar to an inquest (an inquiry into a death by a coroner). Although a public inquiry is not an inquest or a civil or criminal trial, the Panel is of the view that the standard of proof to be applied in a public inquiry is of the same standard of proof applicable to an inquest, that is, on a balance of probabilities and not beyond reasonable doubt.

33. Whilst an inquest is for the purposes of determining whether any person may be criminally concerned in the cause of death of a deceased person and to arrive at an appropriate verdict, a public inquiry into the enforced disappearance of a person is for the purpose of determining whether the State is in any way concerned in the involuntary disappearance of that person.

34. Thus, the standard of proof applicable in a Public Inquiry under Section 14 of the Act 597 is on a balance of probabilities (that is, the standard or quantum of proof in a civil case). In essence, this means that the Panel is entitled to accept and rely on evidence which is probably true, and which does not need to be proved to be beyond reasonable doubt.

Admissibility of Evidence

35. The Panel is not constrained or limited by the Evidence Act 1950 in the reception of evidence during the Public Inquiry. A flexible approach is taken whereby evidence which is not usually admitted in criminal and civil proceedings may be received by the Public Inquiry. This is recognized by Section 14(1)(a) and (d) of the Act 597 where it states the "The Commission shall, for the purposes of an inquiry under this Act, have the power - (a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Commission thinks necessary or desirable to procure or examine;" and "(d) to admit **notwithstanding any of the provisions of the Evidence Act 1950** [Act 56], any evidence, whether written or oral, which may be inadmissible in civil or criminal proceedings."

36. This flexibility is in line with international standards regarding human rights inquiries as demonstrated by the following cases:

(a) In ***Bamaca-Velasquez v Guatemala***[6], the Inter-American Court of Human Rights held:

> *"97. In an international tribunal such as the Court, whose aim is the protection of human rights, the proceeding has its own characteristics that differentiate it from the domestic process. The former is less formal and more flexible than the latter, which does not imply that it fails to ensure legal certainty and procedural balance to the parties. This grants the Court a greater latitude to use logic and experience in evaluating the evidence rendered to it on the pertinent facts.*

(b) In ***Velasquez-Rodriguez v Honduras***[7], the Inter-American Court of Human Rights held that direct evidence is not the only type of evidence that may be legitimately considered. Circumstantial evidence, indicia and presumptions, may also be considered so long as they lead to conclusions consistent with the facts. Further, the court held:

> *"131. Circumstantial or presumptive evidence is especially important in allegations of disappearances, because this type of repression is characterized by an attempt to suppress all information about the kidnapping or the whereabouts and fate of the victim."*

37. Cases of enforced disappearances are usually characterized by attempts to suppress all information by the State. Typically, complainants in such cases do not have direct

[6] IACHR Series C No 70 (Official Citation) [2000] IACHR 7 (Other Reference) IHRL 1453 (IACHR 2000) (OUP reference); IACHR Series C No 91 (Official Citation) [2002a IACHR 1 (Other Reference) IHRL 1474 (IACHR 2002) (OUP reference).

[7] Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988), Inter-American Court of Human Rights (IACrtHR), 29 July 1988.

evidence to show that State agents are concerned in the disappearances and must rely on circumstantial evidence. Complainants also typically do not have the means to identify with precision the State agents concerned in the disappearances.

38. The evidence adduced before the Panel to show that the State was concerned in the disappearance is usually circumstantial evidence which gives rise to the inference that State agents are involved in the disappearance. It is only through the exercise of the State's investigative power, would the perpetrators, and their roles, be identified with precision.

39. In the course of the Public Inquiry, the Panel is entitled as a matter of law to adopt a less constrained and flexible approach in the reception and admission of the evidence both oral and documentary, than would otherwise have been proper to admit in a civil and criminal trial.

40. In analyzing the evidence available in Joshua Hilmy and Ruth Sitepu's case, the Panel adopted a more inclusive rather than exclusive approach. Hence, the Panel had *inter alia*, taken into consideration, where it deemed appropriate to do so, hearsay, circumstantial or presumptive evidence when determining the cumulative effect of the evidence adduced in the Public Inquiry.

CHAPTER 3

FACTS OF DISAPPEARANCES

Summary of Events before Disappearances of Joshua Hilmy & Ruth Sitepu

Joshua Hilmy and Christianity

41. Joshua Hilmy or Hilmy bin Hanim was born on 6 November 1969. He was brought up as a Muslim and of a Muslim family in Ipoh, Perak[8]. However, in 1993, when he was in his early twenties, he developed an interest in Christianity, after his continuous failures to be a successful salesman and due to his health condition where he always felt sick[9]. On 9 November 2003, Hilmy bin Hanim was baptized at a church called Bethany Church, in Singapore. Upon his conversion to Christianity, he had his name changed to Joshua Hilmy Hanim[10]. On 10 March 2004, he made a Statutory Declaration on his conversion to Christianity[11].

42. On 9 October 2004, Joshua Hilmy went through a customary marriage with Rudangta Sitepu who is also known as Ruth Sitepu. She is also a Christian[12] and an Indonesian citizen. The marriage took place at a church called Bethel Church, in Indonesia. On 14 October 2004 Joshua Hilmy and Ruth Sitepu legally registered their marriage in Indonesia[13]. Ruth Sitepu was also known as Pastor Ruth. Joshua Hilmy and Ruth Sitepu were practising evangelism, that is to say, the practice of spreading Christian beliefs. Joshua Hilmy has written a book on Christianity titled *Sermon on the Mount* and it was published on a website[14].

The House in Kampung Tunku, Petaling Jaya

43. The house at Kampung Tunku, Petaling Jaya, where Joshua Hilmy and Ruth Sitepu had been staying before their disappearances, belongs to one Selvakumar Peace John Harris (IW5)[15] who is currently residing in Sungai Bakap, Penang. IW5 first met Joshua Hilmy and Ruth Sitepu at St Mark's Church in Butterworth, Penang, on November

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[8] Refer to Exhibit 16 – 18.
[9] Refer to Exhibit 65.
[10] Refer to Exhibit 78.
[11] Refer to Exhibit 23.
[12] Refer to Exhibit 51.
[13] Refer to Exhibit 7.
[14] Refer to Exhibit 6. http://praiseandworshipclub.azurewebsites.net/theology/index.html.
[15] Refer to Notes of Proceeding dated 2 March 2020 page 144.

2014[16]. After a few meetings and sharing sessions, Joshua Hilmy and Ruth Sitepu and IW5 became friends. Joshua Hilmy and Ruth Sitepu decided to move to Kuala Lumpur, and since they had no place to stay, IW5 offered his vacant house at Kampung Tunku to Joshua Hilmy and Ruth Sitepu to stay for free[17].

44. Grace Thangamalar a/p Peter Pormannan (IW2) and Josiahnandan Emmanuel a/l Peter Pormannan (IW3) are siblings, and at the material time were studying at City University, Petaling Jaya[18]. In their testimony before the Panel, IW2 and IW3 explained that since their university was located near IW5's house in Kampung Tunku, they were allowed to stay in the said house with Joshua Hilmy and Ruth Sitepu for a period of two years which was from 2014 till 2016. [19] According to IW2 and IW3, Joshua Hilmy and Ruth Sitepu loved to help people, and always opened the house in Kampung Tunku for the needy and provided them accommodation. Besides that, they also provided food, clothes, and money for the needy. Therefore, according to IW2 and IW3, many families had been staying for short periods at different intervals at the said house.[20].

Joshua Hilmy and Ruth Sitepu, Proselytization and Baptism

45. Joshua Hilmy and Ruth Sitepu's belief in Christianity led them to preach about Christianity and their life experiences to others. They loved to help people who needed healing and spiritual cleansing. Joshua Hilmy and Ruth Sitepu usually blessed people who needed healing and in return they received donations such as money and materials in the form of gifts[21]. Joshua Hilmy had posted on his Facebook about proselytization, blessings and baptism activities conducted by him and his wife, Ruth Sitepu, together with the individuals involved[22]. According to Reverend Dr Hermen Priraj Shastri (IW20), Baptism is universally recognized throughout the world as the rite of initiation into the Christian faith.[23]

46. Joshua Hilmy and Ruth Sitepu usually conducted the baptism in a bathroom in their house at Kampung Tunku. Based on Facebook postings by Joshua Hilmy, it is observed that most of the time Joshua Hilmy and Ruth Sitepu baptized the individuals by using tap water.[24]. This was confirmed by Selvakumar Peace John Harris (IW5) who

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[16] Refer to Notes of Proceeding dated 2 March 2020 page 144.
[17] Refer to Notes of Proceeding dated 2 March 2020 pages 144-151.
[18] Refer to Notes of Proceeding dated 2 March 2020 page 7.
[19] Refer to Notes of Proceeding dated 2 March 2020 page 6.
[20] Refer to Notes of Proceeding dated 2 March 2020 pages 66-67.
[21] Refer to Notes of Proceeding dated 2 March 2020 pages 10-26.
[22] Refer to Notes of Proceeding dated 2 March 2020 page 153.
[23] Refer to Notes of Proceeding dated 11 Jun 2021 page 23.
[24] Refer to Exhibit 5(a-j).

witnessed Joshua Hilmy and Ruth Sitepu baptising a Malay couple, namely, Iqbal Mirza Bin Mohd Jalaludin (IW16) and Fadzlina Binti Amran (IW18), on 1 January 2015.[25]

Joshua Hilmy and his Facebook postings

47. Joshua Hilmy used Facebook as his social media platform to preach about Christianity. However, among the postings, some were insulting the religion of Islam. Below is one of his postings that was blasphemous and had garnered angry reactions from certain individuals and groups. He said the following in his posting:

"Apa punya bodoh lah
Muhammad itu!
Semua jadi bahan bencinya!
Anjing
Babi
Cicak
Pada hal binatang itu baik
Anjing: boleh jaga rumah
Babi: makanan yang enak dan orang yang memakannya boleh pandai dan maju
Orang yang tidak menerima ajaran gilanya disuruh bunuh!
Muhammad memang pesuruh setan dan Allah itu Setan
Sepak kepala Allah"[26]

48. The posting, which is an insult to Islam, enraged the Muslim community. Hence, four police reports (**"the Chembong Reports"**) were lodged against him by an NGO called *Pertubuhan Pribumi Perkasa (PERKASA)* on 27 June 2014 at the Chembong Police Station, Rembau, Negeri Sembilan.[27].

49. Inspector Nurul Huda binti Bustami (IW12), the investigation officer (IO) serving at IPD Rembau, Negeri Sembilan, was assigned to investigate the Chembong Reports. She conducted her investigation under Section 4(1) of the Sedition Act 1948[28] and recorded the complainant's statement under Section 112 of the Criminal Procedure Code[29]. IW12 followed up with her investigating and tried to identify and locate Joshua Hilmy. The outcome of her investigation is as below:

(i) IW12 made a request for the identification of Joshua Hilmy, based on Joshua Hilmy's Facebook account, to the Commercial Crime Investigation Department of the Royal Malaysia Police (JSJK, PDRM) and the Malaysian Communications and Multimedia Commission (MCMC). She did not receive any response from

[25] Refer to Notes of Proceeding dated 2 March 2020 page 154.

[26] Refer to Exhibit 101.
[27] Refer to Exhibit 109 C-J.
[28] Refer to Notes of Proceeding dated 2 September 2020 page 123.
[29] Refer to Notes of Proceeding dated 2 September 2020 page 124.

the JSJK, PDRM. However, after two months of the request, that is, on 15 September 2014, the MCMC sent her a photo of a man and woman with a red *Perodua Kancil* car[30].

(ii) IW12 contacted the Road Transport Department ("**JPJ**") and requested for the personal particulars of Joshua Hilmy based on the *Perodua Kancil* registration number. On 24 September 2014, IW12 received a reply from the JPJ providing an address located at Ipoh, Perak, a Malaysian Identification Card number, and the identity of the owner of the car. It was one Hilmy bin Hanim. Based on the Identification Card number and with the help of the Police Integrated Reporting System (PIRS), she managed to identify another address located at Taman Bagan, Butterworth, Penang[31].

(iii) On 30 September 2014, IW12 went to both addresses and found the premises locked. She inquired from the neighbours, but they had no knowledge about the existence of Hilmy bin Hanim[32].

(iv) Subsequently, IW12 found a covering police report made by Joshua Hilmy in 2012, which bears a mobile phone number. IW12 contacted the number but the person who answered the call did not cooperate well and was reluctant to answer questions posed by IW12. Thereafter, IW12 listed Joshua Hilmy in the "Wanted" List of the police[33].

(v) Since there was no further progress on IW12's investigation, on 1 November 2014 the Attorney General's Chambers (AGC) ordered IW12 to classify the case as 'No Further Action' (NFA).[34].

Investigation by a Religious Authority

50. Peter Pormannan (IW1) testified that Joshua Hilmy had told him that he had been questioned by a religious authority before. However, IW1 could not recall which religious authority it was. IW1 also said that the investigation by the religious authority was something related to Joshua Hilmy's beliefs in Christianity. According to IW1,

[30] Refer to Notes of Proceeding dated 2 September 2020 pages 126 - 127.
[31] Refer to Notes of Proceeding dated 2 September 2020 pages 127 - 128.
[32] Refer to Notes of Proceeding dated 2 September 2020 page 128.
[33] Refer to Notes of Proceeding dated 2 September 2020 pages 133 - 134.
[34] Refer to Notes of Proceeding dated 2 September 2020 page 138.

Joshua Hilmy had requested for his religion stated in his Identification Card as "Islam", to be removed and replaced as "Christian". However, that request was not acceded to.[35]

Threatening Incidents

51. In December 2015, Joshua Hilmy telephoned IW5 and shared several threatening emails allegedly received from one "YB Khairy Jamaluddin". In May 2016, Joshua Hilmy and Ruth Sitepu went to IW5's house at Sungai Bakap, Penang. Joshua Hilmy showed to IW5 the email messages, allegedly from the said "YB Khairy Jamaluddin"[36].

52. There are few lines from the emails mentioned which appear as threats. They are:

> *"Jangan salahkan diri saya jika anda ditahan oleh oleh mereka. Saya sudah jalankan kerja saya menghubungi Pastor."*
>
> *"Tapi pada pemikiran saya, saya lebih suka Pastor keluar dari Malaysia."*[37]
>
> *Pastor, please read and think properly before you'll regret your current negative attitude has threatened your life and bring dark future. So in this case, I really appreciate if you go through some files I have been attached here. Let us both think :- HOW COULD WE TOLERATE WITH SOMEONE LIKE YOU? Could you please answer this email immediately just to me. We need to talk informal. This is my informal email address wifiqurl2376@yahoo.com.*
>
> *I give you at least week enough to answer and reply me.*
>
> *Thanks in advanced.*
>
> *Khairy Jamaluddin*[38]

Threatening Phone Calls and the Disappearance

53. IW3 testified that in December 2015, in the house in Kampung Tunku, Joshua Hilmy and Ruth Sitepu received a phone call and Joshua Hilmy was heard talking to the person on the line loudly and angrily. After the call, Joshua Hilmy and Ruth Sitepu left the house to go somewhere, without mentioning their destination. After more than a month, Joshua Hilmy called IW3 to inform that they were in Kedah, and that they will be coming back to the house in Kampung Tunku soon[39].

54. IW2, in her testimony at the Inquiry said that in November 2016 a Sabahan family was staying at the house in Kampung Tunku. This was before the disappearances of Joshua Hilmy and Ruth Sitepu in November 2016[40]. IW2 and IW3 usually stayed at the house in

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[35] Refer to Notes of Proceeding dated 18 February 2020 pages 40 - 41.
[36] Refer to Notes of Proceeding dated 2 March 2020 pages 156-160.
[37] Refer to Exhibit 76a.
[38] Refer to Exhibit 76b.
[39] Refer to Notes of Proceeding dated 2 March 2020 pages 21-23.
[40] Refer to Notes of Proceeding dated 18 February 2020 page 69.

Kampung Tunku during weekdays and would be going back to their home in Klang on weekends and during semester breaks[41]. When IW2 and IW3 returned to the Kampung Tunku house in November 2016, the Sabahan family told IW2 that Joshua Hilmy received a phone call during which Joshua was heard telling the caller,

"Saya tak kacau kamu, kenapa kamu kacau saya?"[42]

Immediately thereafter both Joshua Hilmy and Ruth Sitepu left the house[43] in their red *Perodua Kancil*. IW2 and IW3 did not take it seriously then because something like this had happened before.

55. After a few weeks had passed, IW1 tried to call Joshua Hilmy but there was no answer[44]. After knowing about the missing case of Pastor Raymond Koh, IW2 and IW3 requested their father, IW1 to make a police report on the disappearances of Joshua Hilmy and Ruth Sitepu; and the police report was lodge on 6 March 2017 at Klang Police Station (**"the Report"**)[45].

Speech by Senior Assistant Commissioner Datuk Awaludin Jadid

56. On 6 November 2016, a talk on "Seminar Belia Menentang Keganasan" was held at Dewan Auditorium, Kompleks Kementerian Dalam Negeri, Kuala Lumpur. This talk was officiated by YB Khairy Jamaludin bin Abu Bakar. The former Deputy Director of Social Extremism Division of the Special Branch, Royal Malaysia Polis, CP (B) Dato' Awaluddin bin Jadid (IW17) was one of the speakers for the said talk and he delivered a 40-minute speech which was transcribed by the counsel for the family of Ruth Sitepu. A copy of the transcript was exhibited at the Public Inquiry.[46]

57. Initially, IW17 delivered his speech on the challenges in facing terrorism issues in Malaysia through the "Islamic State" of Iraq and Syria (ISIS) (also known by the Arabic acronym "DAESH"). He also explained on the ways to deal with the challenges. The IW17 described extremism as follows in his speech:

"... Bagi kita PDRM ataupun Special Branch ataupun Polis DiRaja Malaysia apa yang kita term-kan sebagai extremis adalah mereka yang bertindak melampaui daripada batas undang-undang ataupun mereka yang telah bertindak melampaui daripada norma-norma biasa. Norma-norma biasa ini bermaksud jenis apa juga amalan biasa yang kita kalau sekiranya ianya diintrodusikan bagi tujuan yang boleh memudaratkan kepada keselamatan Malaysia, yes ia akan menjadikan isu-isu keselamatan..."

58. IW17 continued delivering his speech on the issues of apostate and non-Muslims proselytising among the Muslim community. He connected these issues to the arrest of

[41] Refer to Notes of Proceeding dated 2 March 2020 page 9.
[42] Refer to Notes of Proceeding dated 18 February 2020 page 70.
[43] Refer to Notes of Proceeding dated 18 February 2020 page 70.
[44] Refer to Notes of Proceeding dated 18 February 2020 page 28.
[45] Refer to Exhibit 1.
[46] Refer to Exhibit 4.

Joshua Jamaluddin and Hilmi Mohd Nor under Internal Security Act 1960 (ISA). He mentioned that,

"...Saya pernah tangkap dulu. Kalau Tuan-tuan masih ingat ya, Joshua Jamaludin dan Hilmy Mohd Noor, ini anak Mufti Selangor dulu. Hilmy Mohd Noor... dia punya bapak adalah Mufti Selangor dulu. Dan kita ada Kamaruddin Ahmad atau Kamaruddin Yusof lebih kurang. Ini yang dulu-dulu kita tangkap di bawah ISA dan semasa dalam proses interrogation, di mana kita dapati bahawa kebanyakan mereka ini adalah, dulu pernah pergi ke Singapore dan pergi ke Eropah dan mereka di-train oleh pihak-pihak gereja sampai ada di antara mereka telah dapat Diploma in Theology untuk dia orang ini menyebarkan...dan mereka dilepaskan ke dalam Malaysia dan di-sponsor untuk menjalankan gerakan underground dan of course, target mereka, dia tidak pergi kepada masyarakat Islam yang biasa. Kalau dia orang pergi, memang dia orang kena katuk la..."

59. According to IW17's in his speech, an act to make a Muslim individual an apostate is considered as "terrorism" and whoever conduct such act will be considered as a "terrorist". He mentioned that,

"Saya samakan bahawa isu terrorism ini sama juga dengan apa yang berlaku di dalam isu memurtadkan...apa ini...orang-orang Islam. Ini berlaku, isu ini masih lagi ongoing pada hari ini dan tadi telah ditimbulkan oleh Ustaz Zainal tadi mengenai permohonan daripada persatuan Kristian Melayu Malaysia untuk didaftarkan sedangkan hari itu pun apabila persatuan Syiah yang cuba untuk mendaftarkan diri mereka di Malaysia pun kita reject apatah lagi persatuan sebagaimana yang telah ditimbulkan oleh Ustaz Zainal tadi. Jadi ini yang sebenarnya yang kita perlu ponder ataupun perlu cari jawapan dan kita sama-sama perlu mengemblengkan tenaga kita untuk membanteras perkara-perkara ini dari segi berterusan..."

60. The (IW17) further said that he could not perform his duty of arresting such "terrorists" since the ISA had been abolished. He now had to act against such persons under the Prevention of Crime Act 1959 (POCA) and the Prevention of Terrorism Act 2015 (POTA).

"Jadi bagi kita Polis Diraja Malaysia (PDRM) of course kita telah diberikan kuasa untuk kita membuat siasatan dan kuasa juga untuk kita melakukan tangkapan. Baru-baru ini kita telah diberi undang-undang baru, dulunya kita menggunakan ISA. Semasa kita menggunakan ISA dulu adalah suatu – kata orang tu – agak mewah kita, mudah kita mengambil Tindakan, tapi of course undang-undang ini yang telah di- apa kata orang tu? – telah diserang dengan bertalu-talu dan akhirnya undang-undang ini terpaksa diketepikan ataupun dimansuhkan oleh kerajaan dan pada hari ini, walaupun ada POTA, walaupun ada undang-undang baru iaitu undang-undang POCA iaitu Preventive of Crime Act dan juga Terrorism Act yang mana lebih kurang sama tetapi lanya tidak sama seperti mana kita ada ISA dahulu. That's why POTA ke POCA kita perlu produce – apa kata nama? – orang yang kita tangkap ini ke Mahkamah untuk kita ambil Tindakan. Jadi ini yang berlaku sekarang ini, kita sama-sama tuan-tuan semua dan juga kita pihak polis kita perlu berganding bahu untuk kita membanteras isu-isu yang bersabit dengan keganasan.

61. During his testimony at the Public Inquiry, IW17 denied that the speech he delivered at the *"Seminar Belia Menentang Keganasan"* was in breach of Article 11 of Federal Constitution. According to IW17, he delivered this speech with the intention of

protecting national security and to eradicate any act of terrorism which harms the security of the nation.[47]

Summary of Events after Disappearances of Joshua Hilmy and Ruth Sitepu

Joshua Hilmy and Ruth Sitepu were Reported Missing

62. On 18 February 2020, Peter Pormannan (IW1) testified at the Public Inquiry that he had lodged the Police Report on the disappearances of Joshua Hilmy and Ruth Sitepu. The Report was made on 6 March 2017 at the Klang Police Station.[48] IW1 is a friend of Joshua Hilmy and Ruth Sitepu since 2012. IW1 has known Joshua Hilmy as an individual who liked to travel and visit people to share his life experiences on how he became close to God. Joshua Hilmy had allowed IW1's children, IW2 and IW3 to stay at his house at Kampung Tunku because it is near to the City University, where IW2 and IW3 were studying.[49]

63. IW2 and IW3 informed IW1 that Joshua Hilmy and Ruth Sitepu had not returned home since leaving the house in Kampung Tunku after receiving a phone call on the night of 30 November 2016. Joshua Hilmy and Ruth Sitepu had hastily left the house and could not be contacted ever since. After several futile attempts to reach them, IW1 lodged the report on 6 March 2017.[50]

64. IW2 testified that the first incident happened on 2015, when Joshua Hilmy received a threat by a phone call and had to leave the house in Kampung Tunku immediately. Joshua Hilmy and Ruth Sitepu had lived somewhere else for about a month. However, Joshua Hilmy and Ruth Sitepu could still be reached but via a different mobile phone number. Joshua Hilmy and Ruth Sitepu never explained in detail the threat that they received to IW2 and IW3.[51]

65. According to IW1, the delay of making the report was because Joshua Hilmy and Ruth Sitepu would always return home after a few months visiting friends and travelling outstation. When this time Joshua Hilmy and Ruth Sitepu's absence became too long, and after both Joshua Hilmy and Ruth Sitepu could not be reached, IW2 and IW3 decided to inform IW1.

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[47] Refer to Notes of Proceeding dated 6 January 2021.
[48] Refer to Exhibit 1.
[49] Refer to Notes of Proceeding dated 18 February 2020 pages 19 – 23.
[50] Refer to Notes of Proceeding dated 18 February 2020 pages 23 – 27.
[51] Refer to Notes of Proceeding dated 18 February 2020 pages 69 – 71.

Retrieved Items and Belongings of Joshua Hilmy's in the house in Kampung Tunku

66. On 12 August 2020, the Panel heard evidence that IW2 and IW3 found belongings of Joshua Hilmy and Ruth Sitepu in the house in Kampung Tunku and kept them. IW2 and IW3 told the Panel that they collected the belongings before they moved out from Joshua Hilmy's house in April 2017.[52] IW2 and IW3 kept all the items in a box and in a bag. Later, the belongings were handed over to SUHAKAM's Secretariat by the counsel for the family of Pastor Ruth Sitepu Rudangta, Mr. Philip TN Koh.[53]

67. IW3 testified that the reason for his action in collecting and keeping all of Joshua Hilmy's belongings was because these items might help Joshua Hilmy in the future, if in case something were to happen to him. He further explained that knowing that Joshua Hilmy is a Malay who has converted to Christianity, and had shared his beliefs with other Malays, this would put him at risk because the laws of Malaysia prohibit such actions.[54] Furthermore, IW3 also told the Panel that he was aware of the baptism activities of Joshua Hilmy in the house in Kampung Tunku; and Joshua Hilmy had told him about the activities.

68. IW3 informed the Panel that the box was kept in his house in Klang without the knowledge of his father, IW1. It was only when the Public Inquiry commenced that it dawned upon IW2 and IW3 to inform IW1 about the existence of Joshua Hilmy's belongings. IW3 clarified that during the stage of investigation of the police, he was not sure to whom he should disclose the existence of the items; and he was not sure whether to surrender the items to the police was the right thing to do since Joshua Hilmy was involved in religious activities.[55]

69. There are 111 items that were collected by IW3 from Joshua Hilmy's house in Kampung Tunku. SUHAKAM Secretariat has classified these items into categories such as "official documents", "unofficial documents", "letters", "email screenshots", "certificates", and "personal belongings".[56]

Ruth Sitepu's Family's Visit to Malaysia

70. On 4 March 2020, Ram Ram Elisabeth (IW6) who is Ruth Sitepu's elder sister and Iman Sitepu (IW7), her younger brother, testified before the Panel that they were informed by one of their family members by the name of "Harry" who had been living in Malaysia

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[52] Refer to Notes of Proceeding dated 12 August 2020 pages 15-16.
[53] Refer to Exhibit 15.
[54] Refer to Notes of Proceeding dated 12 August 2020 page 85.
[55] Refer to Notes of Proceeding dated 12 August 2020 pages 75 – 78.
[56] Refer to Exhibit 15(a).

that both Joshua Hilmy and Ruth Sitepu were missing. The information was told to IW7's wife by the name of "Rosmawati" in December 2016. However, Ruth Sitepu's family in Indonesia could not do much then, because they had no contact person in Malaysia.[57]

71. The Public Inquiry was informed that IW6 and IW7 were advised by a lawyer to make a police report in Indonesia as well as in Malaysia about the disappearances. On 28 February 2018, IW6 and IW7 came to Malaysia and made the second report at the Petaling Jaya Police Station ("**the Second Report**").[58] IW6 and IW7 visited Joshua Hilmy and Ruth Sitepu's house in Kampung Tunku, to see the condition of the house. During their trip to Malaysia, they also met IW1.[59] The visit to Malaysia was arranged by one of Ruth Sitepu's friends in Indonesia by the name of "Imelda".[60]

Initiative by IW8 (Closed session)

72. The Public Inquiry continued in the closed session where IW8 testified that she is a friend of Ruth Sitepu since 2000. They have known each other while attending the same church in Ipoh, namely, the Canning Garden Methodist Church. However, subsequently, both lost contact of each other when IW8 moved to Kuala Lumpur in 2001.[61]

73. IW8 is aware about the persons that went missing by the name of Joshua Hilmy and Ruth Sitepu, as reported by media. IW8 is also aware about reports on the disappearance of a Pastor by the name of Pastor Raymond Koh since 2017. Later, when IW8 came back to Ipoh, and visited the same church that she had attended with Ruth Sitepu, she was informed by one Pastor Richard Leow that her friend known as "Rudangta" has been missing. IW8 knew Ruth Sitepu by the name "Rudangta".[62]

74. The IW8 testified that it is a moral obligation on her part to find her missing friend. IW8 contacted her friend, Imelda, whom she happened to know when attending church in Indonesia. In December 2017, IW8 went to Indonesia and met Imelda, who brought IW8 to meet Ruth Sitepu's family. While in Indonesia, IW8 and Imelda approached KontraS. Meanwhile, back in Malaysia, two friends of IW8, namely, Rossy Aming and IW9, helped her in gathering information and to plan further action to assist Ruth Sitepu's family.[63]

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[57] Refer to Notes of Proceeding dated 4 March 2020 pages 27 – 31.
[58] Refer to Exhibit 8.
[59] Refer to Exhibit 10 (a) - (k).
[60] Refer to Notes of Proceeding dated 4 March 2020 pages 91 – 103.
[61] Refer to Notes of Proceeding dated 4 March 2020 pages 173-178.
[62] Refer to Notes of Proceeding dated 4 March 2020 pages 179 – 182.
[63] Refer to Notes of Proceeding dated 4 March 2020 pages 191 – 193.

Whatsapp Conversation Between Ruth Sitepu and IW9 (Closed session)

75. On 1 September 2020, IW9 testified that she knew Joshua Hilmy and Ruth Sitepu since 2013 via Facebook. However, IW9 only met them in person in 2016. IW9 told the Panel that Ruth Sitepu invited her to stay at her house in Kampung Tunku when she knew that IW9 had an appointment with the Embassy of the Philippines in Kuala Lumpur, and that IW9 needed an accommodation. IW9 stayed at the house in Kampung Tunku for 4 to 5 days and met with Rossy Aming who also happened to be staying in the same house at the time.[64]

76. According to IW9, there is a screenshot of a conversation between her and Ruth Sitepu that took place before IW9 came to stay at her house. The screenshot conversation narrated how Ruth Sitepu had confided to her that she was heading to Kulim because Joshua Hilmy was threatened by some people.[65] Ruth Sitepu also claimed that there were two Muslim couples whom she and Joshua Hilmy had baptized, who had caused them trouble.

77. IW9 came to know that Joshua Hilmy and Ruth Sitepu had gone missing when communicating with Rossy Aming. IW9 tried to reach out to Ruth Sitepu through Facebook on 30 November 2016 but there was no response.[66]

Joshua Hilmy and Ruth Sitepu Last Seen on 30 November 2016

78. On 1 September 2020, Susandi bin Basari (IW10) testified at the Public Inquiry that the last time Joshua Hilmy and Ruth Sitepu were seen in their house in Kampung Tunku was on 30 November 2016. IW10 who was then staying in the house in Kampung Tunku, as a guest of the couple, heard a heated phone conversation between Joshua Hilmy and someone. This was around 8.30 pm and the phone conversation took place in Joshua Hilmy's room. According to IW10, at that point of time, he was with his sister-in-law in the kitchen and overheard Joshua Hilmy raising his voice while speaking to that person over the phone. An hour later at around 9.30pm, Joshua Hilmy went to his office room in the house, where IW10 was sleeping, and told IW10 that,

"Dah, orang dah panggil, saya pergi sahajalah."[67]

79. Joshua Hilmy had taken along a book with him. He did not tell IW10 who had called him over or where he was going. Joshua Hilmy was neatly dressed in a shirt and a long pants. IW10 managed to hear Joshua Hilmy and Ruth Sitepu joking together outside the house

[64] Refer to Notes of Proceeding dated 1 September 2020 pages 11 – 15.
[65] Refer to Notes of Proceeding dated 1 September 2020 pages 46 – 48.
[66] Refer to Notes of Proceeding dated 1 September 2020 pages 98 – 100.
[67] Refer to Notes of Proceeding dated 1 September 2020 pages 147 - 148.

before they left the house in his red *Perodua Kancil*.[68] IW10 and his wife, Rossy Aming, were invited by Joshua Hilmy to stay at the house in Kampung Tunku since IW10's wife had an appointment at Kuala Lumpur Hospital (HKL) for her pregnancy. IW10 knew Joshua Hilmy and Ruth Sitepu since 2014 when Joshua Hilmy and Ruth Sitepu came to Penang to visit Christ Church.[69]

Police investigations

80. Sergeant Ahmad Sibee bin Nordin was assigned as the Investigating Officer **("First IO")** for the Report that was lodged IW1. Since the Report was lodged at the Klang Police Station, but the Missing Persons were residing in Petaling Jaya, the Investigation Paper (IP) was transferred to the Sg. Way Police Station, for investigation by the police. The Panel had called the First IO to testify. However, he could not attend the inquiry due to serious health condition. The Panel, after hearing the views of Observers, directed a SUHAKAM Assisting Officer for the Inquiry to record a statement from the First IO, and thereafter to tender that statement recorded *in lieu* of the First IO's presence and testimony at the Inquiry in relation to the investigation carried out by him in respect of the disappearances of Joshua Hilmy and Ruth Sitepu[70].

81. On 2 September 2020, ASP Shafiee bin Marsidi (IW11), who was the Officer In-Charge of Station (OCS) of Sungai Way Police Station since January 2017, was the officer who had assigned Sergeant Ahmad Sibee as the Investigating Officer for the case. IW11 testified before the Panel that the First IO had some difficulty in contacting IW1 to record his statement and to obtain detail information in relation to his Report.[71]

82. IW11 further testified that he had instructed the First IO to get a statement from IW1 and to obtain more information to in relation to the case. This includes the details of the missing individuals, to check their travel history with the Immigration Department, to check with the National Registration Department (JPN), and to get information from the relatives and friends of the missing individuals.[72]

83. According to IW11, all of these actions had been taken by the First IO, but he was not being informed about the status of the actions. He further clarified that he had instructed one of his subordinates, namely, Corporal Jamil, to search for any report lodged against Joshua Hilmy in the Royal Malaysia Police system.[73] It was discovered that there was one police report lodged against Joshua Hilmy in the year 2014. He added

[68] Refer to Notes of Proceeding dated 1 September 2020 pages 147 – 162.
[69] Refer to Notes of Proceeding dated 1 September 2020 pages 126 – 127.
[70] Refer to Exhibits 111A and 111B.
[71] Refer to Notes of Proceeding dated 2 September 2020 pages 16 – 17.
[72] Refer to Notes of Proceeding dated 2 September 2020 pages 8 – 9.
[73] Refer to Notes of Proceeding dated 2 September 2020 pages 63- 64.

that the First IO was assisted by a Senior Investigation Officer at IPD Petaling Jaya, namely, DSP Supari bin Muhammad.

Assistance by Pastor Raymond Koh's Investigation Officer

84. DSP Supari bin Muhammad (IW15), the Investigating Officer in the disappearance of Pastor Raymond Koh, testified before the Panel on 21 September 2020. He said that he went to Joshua Hilmy's house in Kampung Tunku a week after the Report was made. During that time, IW15 was a Senior Investigating Officer ("SIO") for the area of Kelana Jaya and Sungai Way where the incident was reported. His intention was to assist the First IO since the progress of the investigation into the report made by IW1 was slow and not making much headway or producing any lead.[74]

85. IW15 managed to contact IW1 and to obtain the address of Joshua Hilmy's house at Kampung Tunku. He went to Joshua Hilmy's house with his staff Corporal Yusuf, assisted by IW1, to look at the condition of the house and to get any additional information that would assist the investigation. According to IW15, the condition of the house was in order without any trace of breaking-in.[75]

Information from Inspector Nurul Huda (IW12) on Joshua Hilmy's Chembong Case in 2014

86. On 2 September 2020, IW12 testified before the Public Inquiry that she received a phone call from Sungai Way Police Station requesting information about the police report that Joshua Hilmy lodged in 2014.[76] She confirmed that the caller was a police officer but could not remember his identity. She explained to the police officer the status of the 2014 case. She also told the Sungai Way police officer that for further information, the police officer could refer to the case IP kept at IPD Rembau.[77]

Investigation by Sergeant Ahmad Sibee, the First IO

87. According to the statement of the First IO as recorded by the SUHAKAM Secretariat in the course of the Public Inquiry, he had inquired from the National Registration Department (NRD) through the "My Identity" system to obtain more information about Joshua Hilmy. On 7 April 2017, the First IO managed to obtain details of Joshua Hilmy

[74] Refer to Notes of Proceeding dated 21 September 2020 pages 6 – 7.
[75] Refer to Notes of Proceeding dated 21 September 2020 pages 8 – 9.
[76] Refer to Exhibit 101.
[77] Refer to Notes of Proceeding dated 2 September 2020 pages 143 – 145.

including his real name, identification card number, address, and the details of two of Joshua Hilmy's siblings, namely, Hisham bin Hanim and Huzir bin Hanim.[78]

88. Based on the information obtained by the First IO, he expanded his investigation by seeking information from other relevant agencies regarding Joshua Hilmy. This includes, seeking, on 8 April 2017, information from the Immigration Department on the travel record of Joshua Hilmy. However, according to the Immigration Department, there was no record of any person travelling by the name of "Joshua Hilmy" in the Department's system.[79]

89. The First IO went to Joshua Hilmy's house in Kampung Tunku on 16 October 2017. The address was provided by IW1, and he went there with two other officers from the Sungai Way Police Station. This was six months after initiating the investigation. The condition outside of the house in Kampung Tunku showed that the house was hardly maintained. The compound of the house was full of weeds and tall grass, and the house was seen unoccupied.

90. In December 2017, the First IO went to meet Joshua Hilmy's siblings. He managed to interview Huzir bin Hanim. According to the First IO's statement, he was not able to record a statement from Hisham bin Hanim, who is Joshua Hilmy's elder brother. Hisham bin Hanim refused to cooperate with the police and said that he would like to refrain from involving in any matter related to Joshua Hilmy.[80]

91. According to the statement, the First IO received a letter from the Head of the Legal Department at Bukit Aman, one SAC Dato' Mokhtar, stating that the case of Joshua Hilmy and Ruth Sitepu would be handled by a senior officer. In furtherance to this instruction, the Head of District Management (*Ketua Bahagian Pengurusan Daerah*) instructed the new OCS of Sungai Way Police Station to take over the case. There was an instruction issued to the First IO to hand over the case to one ASP Hairol Azhar bin Abdul Aziz (IW13) on 6 July 2018.[81]

Investigation by ASP Hairol Azhar, the Second IO

92. On 10 September 2020, ASP Hairol Azhar bin Abdul Aziz (IW13) **("Second IO")** testified that on 5 October 2018 he received the IP in relation to Joshua Hilmy and Ruth Sitepu's case. The Panel was told that he was appointed as OCS of Sungai Way Police Station in early January 2018, but he was not aware about the case of Joshua Hilmy and Ruth Sitepu.[82] He further clarified that the First IO at that point of time was at Petaling Jaya

[78] Refer to Exhibit 111B.
[79] Refer to Exhibit 111B.
[80] Refer to Exhibit 111B.
[81] Refer to Exhibit 111B.
[82] Refer to Notes of Proceeding dated 10 September 2020 pages 7 – 9.

Police Station, whilst he was stationed at Sungai Way Police Station when he received the IP.[83]

93. According to the Second IO, he was able to continue the investigation only for 18 days after receiving the IP because he was transferred to IPD Kemaman, Terengganu, on 23 October 2018. Within the short period of time, he was able to record statements from few more witnesses, to receive feedbacks from the agencies, to visit the house in Kampung Tunku, and to visit the house in Butterworth, Penang.[84]

94. The Second IO testified that on 8 October 2018, he requested information from government agencies including the National Registration Department (NRD). He also requested information from telecommunication companies, namely, Digi Telecommunication ("**Digi**"), Maxis Telecommunications' **("Maxis")** and Celcom Axiata Berhad ("**Celcom**"). IW13 told the Panel that the NRD did have the address of Joshua Hilmy, which is at Taman Bagan, Butterworth, Penang. Digi informed IW13 that the number that he provided to the company (which he obtained from the IP) was not registered with Digi. IW13 further testified that he also requested information from the Election Commission, and they had given the same information as provided by the National Registration Department.[85]

95. Information was also sought from other agencies such as the Employer Provident Fund ("**EPF**") and the Immigration Department. IW13 gave evidence that he received information from EPF about the last EPF contributions made by Joshua Hilmy; and that was in 1999. IW13 told the Panel that the Immigration Department confirmed that in their system, Hilmy bin Hanim was recorded as having left Malaysia on 19 July 2007. However, curiously, there was no record of Joshua Hilmy returning to Malaysia.[86]

96. The Second IO informed the Public Inquiry that he went to Taman Bagan in Penang on 11 October 2018 to seek information on Joshua Hilmy since the Taman Bagan address was stated in his identification card. At Taman Bagan, he interviewed a few neighbours in the housing area. Most of them did not know who Joshua Hilmy was and had never met him.[87] IW13 also met with IW5, the owner of the house in Kampung Tunku on 11 October 2018 at IW5's house in Sungai Bakap.[88] Based on the recorded statement, IW5 informed the Second IO that he went to Kampung Tunku in December 2016 but found that Joshua Hilmy and Ruth Sitepu were no longer living there.[89] However, IW5 did not attempt to enter the house.

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[83] Refer to Notes of Proceeding dated 10 September 2020 page 47.
[84] Refer to Notes of Proceeding dated 10 September 2020 page 10.
[85] Refer to Notes of Proceeding dated 10 September 2020 pages 83 – 84.
[86] Refer to Notes of Proceeding dated 10 September 2020 pages 85 – 86.
[87] Refer to Notes of Proceeding dated 10 September 2020 pages 17 – 18.
[88] Refer to Notes of Proceeding dated 10 September 2020 page 21.
[89] Refer to Notes of Proceeding dated 10 September 2020 pages 133 – 135.

97. The Second IO requested permission from IW5 to enter the house in Kampung Tunku. With IW5's permission, on 13 October 2018, IW13 visited the house in Kampung Tunku. He met the neighbours. Two of the neighbours did not know who were the owners and the people living or staying in the house.[90] The Second IO was only able to examine the house from the outside. He was not able to go into the house because the door was locked.[91] He further testified that on 23 October 2018, before moving to his new posting at the IPD in Kemaman, he submitted the IP of the case to the *Ketua Bahagian Siasatan Jenayah Daerah* (KBSJD) on 23 October 2018.[92]

Investigation by Inspector Zulfadhly Yaacob, Present IO of Joshua Hilmy's case

98. On 17 September 2020, Inspector Zulfadhly bin Yaacob (IW14) testified at the Public Inquiry that he received the Investigation Paper (IP) in relation to Joshua Hilmy and Ruth Sitepu on 30 November 2018. He clarified that there were two other Investigating Officers for this case before him, namely, Sergeant Ahmad Sibee ("First IO") and ASP Hairol Azhar bin Abdul Aziz (IW13) ("Second IO").[93] Hence, IW14 is the present and third Investigating Officer for the case **("Third IO")**.

99. According to the Third IO, the IP was only opened a month after the report made by IW1. According to him, this was because, IW1 could only be reached at a later stage and his statement was only recorded on 10 April 2017.[94]

100. IW1 testified that the First IO had requested information from the Immigration Department on 7 April 2017. However, the Third IO clarified that the First IO had mistakenly provided a wrong IC number in respect of Joshua Hilmy to the Immigration Department. The investigation with the Immigration Department was continued by the Second IO.[95]

101. The Third IO also informed the Public Inquiry that the IP was put on hold (*kemas untuk simpan*) for a period of 4 months since there was no lead that had emerged from the investigation thus far conducted and that the whereabouts of Joshua Hilmy and Ruth Sitepu had remained unknown. The instruction to put on hold was given by one DSP Omar bin Hassan (IW19) on 28 August 2017 to the First IO. IW19 was the Head of District Management, IPD Petaling Jaya, at that time.[96]

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[90] Refer to Notes of Proceeding dated 10 September 2020 pages 24 – 25.
[91] Refer to Notes of Proceeding dated 10 September 2020 page 30.
[92] Refer to Notes of Proceeding dated 10 September 2020 page 132.
[93] Refer to Notes of Proceeding dated 17 September 2020 pages 7 – 10.
[94] Refer to Notes of Proceeding dated 17 September 2020 page 37.
[95] Refer to Notes of Proceeding dated 17 September 2020 page 38.
[96] Refer to Notes of Proceeding dated 17 September 2020 pages 65 – 67.

102. The Third IO further testified that among the potential witnesses that the First IO was able to interview was Joshua Hilmy's younger brother, Huzair bin Hanim. Based on the IP, it was stated that Huzair last met Joshua Hilmy on 3 May 2016. He met Joshua Hilmy at the Pejabat Tanah dan Galian Daerah Larut Matang dan Selama, Taiping, Perak to attend a hearing on inheritance of land. Huzair did not have further information about his brother, but he knew that Joshua Hilmy had married an Indonesian woman. [97]

103. The Third IO also confirmed that there was information on two other siblings of Joshua Hilmy that was recorded in the IP, namely, Firdaus bin Hanim and Naiem bin Hanim. However, not much information was obtained since both stated that they last met Joshua Hilmy in 2012.[98]

104. The Third IO further testified that statements were also recorded from Ruth Sitepu's siblings, namely, IW6 and IW7. Their statements were recorded by the First IO on the same day the Second Report was made by Ruth Sitepu's siblings, that is, on 28 February 2018.

105. According to The Third IO, based on the IP, there was a letter from the Immigration Department informing that there was a movement recorded in the Immigration system on Joshua Hilmy. He departed from Malaysia on 19 July 2007, but there was no record of him subsequently returning to the country. He also testified that, based on his experience, the Immigration Department only provides information of person's departure and entry only for the purpose of police investigation record; but there are no records of their destinations.[99]

106. The Third IO, in his investigation, recorded a statement from one Puan Junainh binti Dalugamin@Dulgamin (IW21), who is the Deputy Assistant Director at the Immigration Department, Shah Alam. According to the statement, the last movement recorded in the Immigration system of Joshua Hilmy was on 28 December 2011. It was recorded that he returned to the country on 7 January 2012.[100] However, the system did not have any information to which country Joshua might have travelled. The Panel noted Joshua Hilmy's Malaysia Passport[101] (Passport Number: A594564) that he was present on 6 May 2008 at the Kuching Immigration Department, as the information on the passport shows that this was when and where this passport was issued.

107. The Third IO said that since the previous IOs had recorded statements from a few of Joshua Hilmy's siblings, he followed-up with the remaining siblings. Unfortunately, he had difficulty in locating some of them. IW14 informed the Panel that he had recorded a statement from Joshua Hilmy's younger sister by the name of Nuraini binti Hanim.

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[97] Refer to Notes of Proceeding dated 17 September 2020 pages 21 – 25.
[98] Refer to Notes of Proceeding dated 17 September 2020 pages 28 – 30.
[99] Refer to Notes of Proceeding dated 17 September 2020 page 59.
[100] Refer to Notes of Proceeding dated 17 September 2020 pages 42 – 45.
[101] Refer to Exhibit 59.

However, she refused to give any statement to the The Third IO because she claimed that she had given a statement to the Royal Malaysia Police before. The Third IO refuted the claim by the sister since no such statement was found in the IP.

108. The Third IO testified that he had distributed information in the form of flyers[102] around the Petaling Jaya district about the missing couple. The Panel was informed that this action was not taken by the previous IOs. The flyers were put up at the Petaling Jaya Police Station, at petrol stations and at 7eleven shops. The flyer was also uploaded onto the Petaling Jaya Police Station's Facebook to inform and to plea to members of the public to come forward if they have any information about the missing couple. This action was carried out for few times in December 2018, January 2019, and April 2019.[103]

109. IW14 testified that he managed to get a response from a telecommunication company and several agencies regarding information about Joshua Hilmy. He informed the Panel that Joshua Hilmy's handphone number had been registered under Maxis by prepaid. According to Maxis records, the two handphone numbers beginning with '011' were registered under "Ruth Sitepu" on 18 August 2012; and they expired on 6 and 7 April 2017. For the handphone number beginning with '012', the number was registered under "Joshua Hilmy" on 22 December 2013 and expired on 19 February 2017. The Third IO told the Panel that since this number was subscribed under prepaid, there was no call log record available to trace the call. The Panel was also informed that Maxis could not track the last location of the number.[104]

110. The Third IO further testified that he made a cross checking with the Petaling Jaya Traffic Branch and the JPJ on Joshua Hilmy's vehicle. Based on the response from the JPJ, Joshua Hilmy owned a red *Perodua Kancil* with the registration number "ACW 7498". He was informed that the road tax of the car was last renewed on 11 March 2016.[105]

111. According to The Third IO, Joshua Hilmy, in 2012, had lodged a police report regarding his bank account. In his report he claimed that he received a scam call. He later made a covering report for this incident. Through this information, The Third IO managed to get Joshua Hilmy's bank account number; and to refer to Malayan Banking Sdn. Bhd (**"Maybank"**) for further information. Based on the information received from Maybank, Ipoh Garden Branch, there was a transaction made in 2017.[106] However, no further evidence was given at the Public Inquiry; and The Third IO , was planning to record a statement from the Maybank officer.

112. The Third IO further testified that he had taken statements from several witnesses for the purpose of the investigation, including a statement from the following persons:

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[102] Refer to Exhibit 109(B).
[103] Refer to Notes of Proceeding dated 17 September 2020 pages 127 – 128.
[104] Refer to Notes of Proceeding dated 17 September 2020 pages 103 – 106.
[105] Refer to Notes of Proceeding dated 17 September 2020 pages 115 – 116.
[106] Refer to Notes of Proceeding dated 17 September 2020 pages 116 – 117.

Joshua Hilmy's neighbour at Kampung Tunku, Datin Siti Rahmah binti Hj. Yunos; an officer from Maxis, Encik Mohd Azhar bin Baba; a Deputy Assistant Director of the Immigration Department, Puan Junainh binti Dalugamin@Dulgamin; Peter Pormannan's two children, namely, Grace Thangamalar a/p Peter Pormannan Thangamalar (IW2) and Josiahnandan Emanuel (IW3); Joshua Hilmy's younger sister, Nurani binti Hanim; and Mr. Philip Koh, a legal practitioner, representing the family of Ruth Sitepu.[107]

113. The Third IO testified that he had sought a statement from three police officers who accompanied and assisted the Second IO during his visit to Joshua Hilmy's house at Kampung Tunku. The three police officers were Corporal Leju Anak Talok, Corporal Khaizir and Lance Corporal Yasin. Corporal Khaizir was the officer who cut the door gate lock during the visit, while Lance Corporal Yasin, a photographer from the Jabatan Siasatan Jenayah, was tasked to take photographs of various locations of the house.[108]

114. The Third IO also testified that he had communicated with the Second IOupon receiving the IP. He was briefed by the Second IO what actions had been taken including visits to Joshua Hilmy's house at Kampung Tunku and at Butterworth. According to the Third IO, Joshua Hilmy went missing in 2016 and the last witnesses who stayed with him at the house in Kampung Tunku were IW1's children. The Third IO testified that it was sufficient for him to rely on the photos taken by the Second IO without the necessity of going into the house in Kampung Tunku for the purpose of his investigation. IW14 confirmed that he did not visit Joshua Hilmy's house at Butterworth because there was another officer, namely, Inspector Somad, who assisted him to record statements in Butterworth. [109]

115. The Third IO testified that, since this investigation concerned a foreign citizen, Ruth Sitepu, an Indonesian citizen, usually the IO would communicate with Interpol. He confirmed that this case had been brought to the attention of Interpol, Bukit Aman.[110] He said that, before SUHAKAM's Public Inquiry commenced, all the information and updates about the case were referred to DSP Zulhairi, the Head of the Criminal Investigation Department at the IPD Petaling Jaya. However, since there was no lead about the case, the Third IO had proposed that this case should be referred to the Legal Department of Bukit Aman. Since then, all the updates about the case were based on instructions by the *Bahagian Perundangan*, Bukit Aman.[111]

116. The Third IO further testified that the police investigation is still on-going simultaneously while SUHAKAM is conducting the present Public Inquiry. On 17 September 2020, during the Public Inquiry when the learned counsel for Pastor Ruth

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[107] Refer to Notes of Proceeding dated 17 September 2020 page 118.
[108] Refer to Notes of Proceeding dated 17 September 2020 pages 119 – 120.
[109] Refer to Notes of Proceeding dated 17 September 2020 pages 124 – 125.
[110] Refer to Notes of Proceeding dated 17 September 2020 page 126.
[111] Refer to Notes of Proceeding dated 17 September 2020 pages 128 – 129.

Sitepu's family questioned him on the email conversation between Joshua Hilmy and an individual known as "Khairy Jamaluddin", he maintained the position that the case was not leading or pointing to any likelihood of an abduction having taken place.[112] He testified that he required an original copy of the email document to be given to MCMC for the purpose of his investigation on the email conversation.[113]

Access to Police Investigation's Correspondence

117. In the course of the Third IO's testimony, the Panel had requested his assistance, as the current Investigation Officer, to provide the Panel several relevant documents such a copy of the photo that was taken by the IO during his visit to Joshua Hilmy and Ruth Sitepu's house at Kampung Tunku, a correspondence that was received by the IO from the bank in relation to the bank transactions of Joshua Hilmy and Ruth Sitepu's bank accounts, correspondence from government agencies including the Immigration Department, the National Registration Department, the Malaysian Communication and Multimedia Commission, the Election Commission, the Road Transport Department, the Employee Provident Fund and others agencies, a copy of the flyers used to publicise the missing of Joshua Hilmy and Ruth Sitepu that was distributed by the IO around Petaling Jaya, a sketch plan on Joshua Hilmy house at Kg. Tunku, and all police reports related to Joshua Hilmy that was made in Chembong in 2014 that were contained in his Investigation Paper (IP).[114]

118. On 11 January 2021, the Third IO testified that he had referred the Panel's request to the Selangor Deputy Public Prosecutor who opined and instructed that some of the documents requested by the Panel were considered confidential and that a "third party" like SUHAKAM should not interfere in the police investigation. The Deputy Public Prosecutor added that there was no element of infringement of human rights by the Investigation Police officer in conducting his investigation.[115] During the session only few documents were presented to the Panel such as a copy of *Borang Kod Utusan Polis*, a copy of flyers to inform the missing of Joshua Hilmy and Ruth Sitepu that was distributed by the IO around Petaling Jaya, an eight (8) copies of police report made in Chembong, and a sketch plan on Joshua Hilmy house at Kg. Tunku.

119. However, in response to the learned DPP's opinion, the Panel wrote to the Attorney General's Chambers (AGC) that the request for documents was made within the ambits of SUHAKAM's power under the Act 597 in conducting the Public Inquiry. AGC has responded favourably to the Panel's letter and approved the Panel's request. The AGC directed that the Third IO should present the rest of the documents at the next hearing

[112] Refer to Notes of Proceeding dated 17 September 2020 pages 137 – 141.
[113] Refer to Notes of Proceeding dated 17 September 2020 pages 142 -146.
[114] Refer to Notes of Proceeding dated 11 January 2021 page 7.
[115] Refer to Notes of Proceeding dated 11 January 2021 page 8.

of the Inquiry. On the 17 August 2021, PDRM provided SUHAKAM with correspondences from the Immigration Department, the National Registration Department, the Malaysian Communication and Multimedia Commission, the Election Commission, the Road Transport Department, the Employee Provident Fund, Malayan Banking Sdn Bhd and Maxis Telecommunication Sdn. Bhd. All these documents were tendered before the Panel on 18 August 2021.

Investigation by Religious Department

120. Based on the testimony of several witnesses and on documents presented at the Public Inquiry to the effect that Joshua Hilmy has converted from Islam to Christianity, and he was involved in proselytizing the Christian faith among Muslims, the Panel instructed the SUHAKAM Assisting Officer to write to the Religious Departments whether there was any investigation conducted by the Departments on Joshua Hilmy and Ruth Sitepu. The Panel was informed by the *Jabatan Agama Islam Selangor* (JAIS) vide their letter dated 21 September 2020 that there was no information of any arrest or investigation against Joshua Hilmy and Ruth Sitepu in relation to the violation of any provision of the Syariah Criminal Offences (Selangor) Enactment 1995.

121. The same was also referred to *Jabatan Hal Ehwal Agama Islam Negeri Sembilan* (JHEAINS) because there were several police reports made against Joshua Hilmy in relation to his Facebook posting in 2014.[116] The Panel was informed by JHEAINS vide their letter dated 11 August 2021 that JHEAINS had never opened any investigation paper under the Syariah Criminal (Negeri Sembilan) Enactment 1992 against either Joshua Hilmy or Ruth Sitepu; and JHEAINS had no knowledge of any information about the disappearances of Joshua Hilmy and Ruth Sitepu.[117]

Assistance from Telecommunication Companies

122. Witnesses have testified that was a heated conversation between Joshua Hilmy and an unknown person before he and his wife left the Kampung Tunku house on 30 November 2016. The Panel, accordingly, instructed the SUHAKAM Assisting Officer to gather information about the caller from the telecommunication company, Maxis; and with the hope that Maxis would be able to provide relevant information about the phone communication.

123. According to the feedback from Maxis received on 7 April 2021, it was confirmed that the information given by the Third IO on 17 September 2020 to the Panel is the same

[116] Refer to Exhibit 101.
[117] Refer to Exhibit 120.

as that obtained by the SUHAKAM Assisting Officer from Maxis. Two numbers beginning with '011' were registered on 18 August under the name "Ruth". Whilst the other number starting with '012' was registered under the name "Hilmy bin Hanim".[118] However, the Panel was informed at an earlier stage of the inquiry that Maxis could not provide the call logs of the numbers, and for prepaid numbers the call logs were stored only for period of three months.[119]

124. Therefore, the Panel summoned Mr. Saravana a/l Perampalam (IW24), the Head of Ordering, Charging and Billing from the IT Department of Maxis to appear before the Panel and to provide clarification in relation to information that are stored in their system. IW24 testified that Maxis keep their customers demographic information such the name, the customer's identity card number, passport details, and address. IW24 also told the Panel that Maxis also keeps the records of the type of services that the customer subscribed to, whether it is prepaid or post-paid. Information such as purchased history, payments of bills as well as top-up history are also stored in the system. [120]

125. In addition, Maxis also keeps track of the customer's usage record. This refers to call billing and SMS details. The call billing refers to the monthly bill of a customer and details of incoming and outgoing calls. Whilst SMS details refer to messages that were received and sent by the customers. IW24 further testified that information such as customer's data browsing is not kept in the system because the size of the data is too much to be stored in the system. These details will be stored for 30 days in the system for customers' services surveillance. Thereafter, after 30 days, the details will be stored in tapes that will be kept for seven years.[121]

126. Based on the testimonies of the witnesses from Maxis, the Panel requested the SUHAKAM Assisting Officer to track the details of calls that occurred on the last day that Joshua Hilmy and Ruth Sitepu were at the house in Kampung Tunku, and that was on 30 November 2016. Based on the feedback received from Maxis on 14 September 2021, Joshua Hilmy had received a phone call from a number beginning with '016', three times. The first call was in the morning around 10.00 am; the second and third calls were received later at night between 9.00 pm until 10.00 pm.

127. Based on the information from Maxis, the SUHAKAM Assisting Officer was instructed by the Panel to seek assistance from other telecommunication companies to verify the current provider and to obtain the details of the user. On 25 October 2021, Digi Telecommunication Sdn. Bhd responded and provided the details of the customer's information. The number was registered under the name of one Mr. Munusamy a/l

[118] Refer to Exhibit 112B.
[119] Refer to Notes of Proceeding dated 17 September 2020 pages 103 – 106.
[120] Refer to Notes of Proceeding dated 29 July 2021 pages 17 – 18.
[121] Refer to Notes of Proceeding dated 29 July 2021 pages 19 – 20.

Arumugam. The address that was registered is at Ulu Kinta, Perak. The number was registered on 25 January 2006 and was opted out to another service provider, UMobile, on 19 November 2016. The type of plan that was registered for this number was the prepaid plan.

128. On 10 November 2021, UMobile verified the information, and it was presented to the Panel. According to the information provided, the owner of the number is Mr. Munusamy a/l Arumugam, from Ulu Kinta Perak. However, the information from UMobile stated that the number was subscribed under post-paid plan and its activation date was 28 April 2017.[122]

Visiting Munusamy a/l Arumugam in Ulu Kinta, Perak

129. On 11 November 2021, SUHAKAM Secretariat visited Munusamy a/l Arumugam at Ulu Kinta, Perak. The SUHAKAM Secretariat found that currently he is paralyzed and diagnosed for dementia. He lives with his wife, Kamaji a/p Subramaniam and his son, Ananthan a/l Munusamy. According to his son, his father had a stroke in December 2020. Due to this, he is paralyzed, and his speech is badly affected. [123]

130. The SUHAKAM Secretariat recorded a statement from his son, Ananthan, to obtain information about Joshua Hilmy and Ruth Sitepu.[124] According to Ananthan, in 2015 he used to stay with Joshua Hilmy in Kuala Lumpur. He moved out from Joshua Hilmy's house after two weeks staying there because he got a job offer in Kuala Lumpur. [125]

131. Ananthan told that his father knew Joshua Hilmy and Ruth Sitepu since 2015 after their family converted into Christianity. Joshua Hilmy also often visited their house whenever he came to Ipoh. Munusamy told Ananthan that he could not recall when was the last time that he made a phone call to Joshua Hilmy. However, he did call Joshua Hilmy but only for a few minutes. When he tried to reach Joshua Hilmy again, he could not get through the line.

Joshua Hilmy and Ruth Sitepu's Records from the Immigration Department

132. According to the feedback from the Immigration Department dated 29 June 2021, the Panel was informed that based on Ruth Sitepu's passport number, the Immigration Department has no record of the inbound and outbound movements from the country. On the other hand, it was recorded in the Immigration Department that Joshua Hilmy

[122] Refer to Exhibit 129.
[123] Refer to Notes of Proceeding dated 1 December 2021 pages 8 – 9.
[124] Refer to Exhibit 129.
[125] Refer to Notes of Proceeding dated 1 December 2021 page 9.

has three Malaysian passports (international passports) and a Restricted Passport (*Pasport Terhad*) registered under his name.[126]

133. The first international passport bears the number A 16053305 was issued in Pulau Pinang. This passport was valid from 10 July 2006 and expired on 10 July 2008. According to the track record in the Immigration Department system, it shows that on 18 July 2006, Joshua Hilmy had an outbound movement from Bayan Lepas Immigration checkpoint. On 8 January 2007, it was recorded that he returned to Malaysia via the same Immigration checkpoint. On 12 January 2007, Joshua Hilmy had an outbound travel from Bayan Lepas Immigration checkpoint and returned to Malaysia on 9 July 2007 via the same Immigration checkpoint. There is a further record that Joshua Hilmy made an outbound travel through the Bayan Lepas immigration checkpoint dated 19 July 2007. However, it was not recorded in the immigration system when he returned to Malaysia and through which immigration checkpoint.

134. The second international passport registered under Joshua Hilmy's name bears the number A 18868445 was issued in Kuching. It was valid from 6 May 2008 and expired on 10 July 2013. There were inbound and outbound movements recorded in the Immigration Department system. Joshua Hilmy is recorded as leaving the country through the Immigration checkpoint at Miri on 28 December 2011. On the same day, he was found entering the country at another Immigration checkpoint in KLIA. On the other hand, the Immigration Department has a record of several inbound movements by Joshua Hilmy on 1 December 2011 through two Immigration checkpoints, namely, the Immigration checkpoint at Kota Kinabalu, Sabah, and the Immigration checkpoint at Merapok, Sarawak. It is further recorded that on 23 July 2011 it was found that he made an inbound movement at the Immigration checkpoint in Bangunan Sultan Iskandar. It is also recorded that on 7 January 2012 he made an inbound movement at the Immigration checkpoint in Bayan Lepas.

135. The third international passport issued to Joshua Hilmy bears the number A 36522166. It was issued in Penang and is valid from 24 November 2015 and expired on 24 November 2020. Based on the Immigration Department system, there is no record of movement in and out from the country on this passport.

136. According to the Immigration Department, it was stated that the Inland Revenue Board of Malaysia (*Lembaga Hasil Dalam Negeri*) has imposed a travel restriction on Joshua Hilmy effective from 9 October 2020. This travel restriction is still active until present.

[126] Refer to Exhibit 114.

Testimonies from the Immigration Department's officer

137. The Panel also called IW21, who is the Deputy Assistant Director at the Immigration Department, Shah Alam. She is from Passport and Safety Division (*Bahagian Keselamatan dan Paspot*). She was called to assist the Panel in understanding the information received from the Immigration Department. She confirmed that Joshua Hilmy had been issued with Malaysian passports for international travels.[127] The Panel was also informed that a Restricted Passport *(Pasport Terhad)* had also been issued to Joshua Hilmy. A Restricted Passport is normally applied by a West Malaysian specifically for travelling to Sabah and Sarawak.[128] A West Malaysian who is issued with a Restricted Passport, usually resides, or works in Sabah or Sarawak. A West Malaysian who visits Sabah and Sarawak for business or leisure purposes, does not have to apply for a Restricted Passport.[129]

138. She testified that the information that has been tendered was retrieved from Immigration system called MyIMMs. This system is used to record all inbound and outbound movements for Malaysian citizens and non-citizens in Malaysia. Some other divisions within the Immigration Department are also using the same system in the performance of their daily work, including the processing of visas, passes and permits. These divisions are the Permits Division, Foreign Workers Division, Enforcement Division, Immigration Detention Centre, as well as at every immigration checkpoint in the country.[130] W21 also informed the Panel that Pass and Permits Division or the Foreign Workers Division may have information on Ruth Sitepu's employer, based on her working visa and her contract of employment in Malaysia.[131]

139. IW21 also clarified that there are few possibilities as to why the Immigration system did not record the inbound and outbound movements of Joshua Hilmy. Among the possibilities that could have happened is that the immigration system might be having a technical problem during that time of exit (or entry); or that Joshua Hilmy might have used different documents at the Immigration checkpoint. The Panel was informed that the last movement of Joshua Hilmy recorded in the Immigration system was on 7 January 2012 through the Bayan Lepas, immigration checkpoint. It was an inbound movement. She added that everyone can have more than one passport because every passport is valid only for five years. After the expiration of a passport, the holder of the passport must apply for a new passport, should he desire to continue to own one.[132]

140. IW21 testified that the immigration system does not record the destination of every person who travels within or outside from the country. The Immigration Department

[127] Refer to Notes of Proceeding dated 6 July 2021 pages 59-60.
[128] Refer to Notes of Proceeding dated 6 July 2021 page 60.
[129] Refer to Notes of Proceeding dated 6 July 2021 page 83.
[130] Refer to Notes of Proceeding dated 6 July 2021 pages 65-66.
[131] Refer to Notes of Proceeding dated 6 July 2021 page 86.
[132] Refer to Notes of Proceeding dated 6 July 2021 pages 66-67.

does not have the jurisdiction to be informed of the destination that a person goes to. The system only records the information whenever a person uses the Immigration checkpoint.[133]

141. IW21 further testified that the reason why the immigration system does not have any record of the inbound and outbound movements for Ruth Sitepu is because she might have used another passport with different number or that the travel document that she used might have expired. According to IW21, there is also the possibility that Ruth Sitepu might have used the ungazetted entry into Malaysia. This ungazetted entry into and exit out from Malaysia is illegal and not safe to use. One may put one's life at risk in using it.

142. The Panel was also told that, if a Malaysian citizen, while being in a foreign country, is caught without a valid travel document by the enforcement authority of that country, the Malaysian embassy in that country will issue to him an emergency travel certificate and once the Malaysian citizen concerned has been released by the foreign authority, the Malaysian Immigration Department will be notified. [134]

143. The Panel was informed that a travel restriction can be imposed on any person from traveling in and out of the country for specified reasons such as a person who has been declared a bankrupt; or a person who defaults in paying his income tax; or a person who is involved in criminal activities. The restriction will be recorded in the immigration system so that the Immigration Department will be able to detect at any immigration check-point any person who is subject to such restriction, and to take the necessary action to prevent him from leaving or entering the country, as the case may be.[135] IW21 added that the immigration system can only be accessed by the Immigration Department, and that other enforcement agencies do not have such access.[136]

Last transaction in Joshua's bank account (Maybank)

144. The Third IO testified that there was a transaction activity in Joshua Hilmy's bank account in 2017, after he went missing. Based on correspondence from the Royal Malaysia Police and the letter received by the SUHAKAM Secretariat on 15 July 2021, the Panel was informed that on 7 February 2017, there was a transaction amount of RM 300.00 paid into Joshua Hilmy's bank account. This bank-in transaction was made by an individual by the name of Mr. Cheng Teng Seng to Joshua Hilmy's bank account, three months after he went missing. There is no record of this amount having been withdrawn. The SUHAKAM Secretariat applied to Bank Negara for permission to gain

[133] Refer to Notes of Proceeding dated 6 July 2021 page 82.
[134] Refer to Notes of Proceeding dated 6 July 2021 pages 96 – 97.
[135] Refer to Notes of Proceeding dated 6 July 2021 page 90.
[136] Refer to Notes of Proceeding dated 6 July 2021 pages 110 – 111.

access to the information on this individual from the relevant bank. Permission was granted.

145. On 6 September 2021, SUHAKAM Secretariat visited Mr. Cheng Teng Seng in Klang and recorded his statement.[137] According to his statement, Mr. Cheng Teng Seng is an acquaintance of Joshua Hilmy since 2014. He met Joshua Hilmy in a gathering organized by a church in Kota Damansara. He knew Joshua Hilmy as a someone who is soft spoken and who likes to help people. They both always communicate through WhatsApp and shared religious information.

146. According to Mr. Cheng Teng Seng, he had assisted Joshua Hilmy financially since 2014 by giving him a donation every month. Mr. Cheng Teng Seng knew that Joshua Hilmy always invites people to stay at his house and taking care of their welfare. However, Mr. Cheng Teng Seng could not remember the date of the last transaction he made to Joshua Hilmy's bank account. Mr. Cheng Teng Seng further stated that every time he made a transaction, he would usually inform (via text message) Joshua Hilmy that such transaction had been made and usually he would receive a reply from Joshua. However, there was a time when Joshua Hilmy did not acknowledge the transaction. Later, Mr. Cheng Teng Seng made a second transaction and still did not get any response from Joshua Hilmy. He then suspected something could have happened to Joshua Hilmy. He was also aware about the missing cases involving Pastor Raymond Koh and Amri Che Mat and thought such cases might be related to Joshua Hilmy as well.

Investigation on Threatening Email and Letter Received by Joshua Hilmy

147. During the hearing on 12 August 2020, among the items that were tendered to the Panel were copies of email communications between Joshua Hilmy and an unknown individual who introduced himself as "Khairy Jamaluddin" to Joshua Hilmy.[138] It was noted that the address of the email is "wifigurl12376@yahoo.com". Another document that relates to the same individual, "Khairy Jamaluddin", was a letter bearing a Malaysian Coat of Arms[139]. The email and the letter were highlighted at the Public Inquiry because they purported to be associated with the ex-Malaysian Minister of Youth and Sports, YB Khairy Jamaluddin, and they contain words that are provocative and threatening.

148. The Third IO testified that on 18 August 2020 he had referred both documents for further analysis and verification by the Malaysian Communication and Multimedia Commission (MCMC)[140]. According to him, usually the Royal Malaysia Police will rely on

[137] Refer to Exhibit 124.
[138] Refer to Exhibit 76 (a) – 76 (i).
[139] Refer to Exhibit 70 (a) – 70 (d).
[140] Refer to Notes of Proceeding dated 17 September 2020 pages 90 – 95.

feedback and findings from the MCMC on the analysis of the evidence. However, if the Royal Malaysia Police were to find that the information by MCMC is not sufficient for their investigation, they will forward the information to the Forensic Department of Royal Malaysia Police for further analysis.[141]

149. The Third IO told the Panel that the Royal Malaysia Police had received feedback from MCMC on their analysis of the document. The MCMC investigated and conducted an intelligence analysis on the four email accounts that had been forwarded by the Royal Malaysia Police. These email accounts include "wifigurl12376@yahoo.com", "meenaira@gmail.com", "jasminishak@gmail.com" and "joshruth2005@yahoo.com". Based on the intelligence analysis made by MCMC, it was discovered that in respect of the first the three email accounts, namely, wifigurl12376@yahoo.com, meenaira@gmail.com and joshruth2005@yahoo.com there were no records found and that the email accounts do not exist.

150. For jasminishak@gmail.com email account, MCMC found that the email account belongs to a woman who lives in Germany, by the name of Jasmin Ishak. The MCMC further verified that the email account exists and is still active. However, the information that could be obtained about this person is limited. The MCMC concludes that they could not identify the owner of each of the other 3 email accounts and assumed that the owners had deleted their email accounts.

151. The Third IO further testified that he had met YB Khairy Jamaludin and recorded his statement. Based on his statement, YB Khairy Jamaluddin has denied that he knew anything about the email's conversation between Joshua Hilmy and another individual by the name of Khairy Jamaluddin. YB also has confirmed that the letter with a Malaysian Coat of Arms is not the official format for a government's letter.[142]

[141] Refer to Notes of Proceeding page 64.
[142] Refer to Notes of Proceeding dated 4 October 2021 pages 65 – 66.

CHAPTER 4

POSITION OF THE PARTIES

All the parties (observers) in the Public Inquiry made their written and oral submissions to the Panel. Below is the summary of the position of the parties.

Position of the Counsel on behalf of the Family of Pastor Ruth Sitepu

152. It is the position of the learned Counsel on behalf of the family of Pastor Ruth Sitepu that the disappearances of Joshua Hilmy and Ruth Sitepu are cases of enforced and involuntary disappearances as defined under the Article 2 of ICPPED; and that the enforced disappearances were carried out by persons acting with the authorization, support and/or acquiescence of the State.

153. The Counsel also submitted that the disappearances of Joshua Hilmy and Ruth Sitepu are violations of Article 5 of the Federal Constitution of Malaysia.

154. The Counsel relied on the report of the Public Inquiry into the Disappearance of Pastor Raymond Koh.

155. It should be noted that in the Pastor Raymond Koh's Final Decision, inferences were drawn based on hearsay, circumstantial evidence, indicia, and presumptions. Therefore, the Counsel on behalf of the family of Pastor Ruth Sitepu submitted that a similar approach should be adopted in respect of the disappearances of Joshua Hilmy and Ruth Sitepu.

156. The main points referred to by the Counsel on behalf of the family of Pastor Ruth Sitepu to draw the above-mentioned inferences are the sensitive activities of Joshua Hilmy and Ruth Sitepu, the prior threats and/or harassment, the evidence by the witnesses, and the incomprehensible investigation by the police.

157. The Counsel submitted that not only has there been no adequate steps taken by the Royal Malaysia Police to investigate this case but, on the contrary, the Royal Malaysia Police's approach has underscored the fears of the witnesses who have come to give evidence at SUHAKAM's Public Inquiry.

Position of the Officers Appearing for Royal Malaysia Police

158. It is the position of the Royal Malaysia Police that there is no evidence to show any criminal act involved in the disappearances of Joshua Hilmy dan Ruth Sitepu.

159. There is no evidence to show that the disappearances of Joshua Hilmy and Ruth Sitepu are enforced or involuntary disappearances, as defined under the ICPPED; or that they are cases of involuntary disappearances in breach or breaches of the criminal and/or civil law and/or the applicable human rights laws.

160. The disappearances of Joshua Hilmy and Ruth Sitepu could be related to his Facebook postings where it has created dissatisfaction among many people from whom the couple had received threats through emails.

161. There were attempt by irresponsible parties to impersonate State agents by falsifying documents.

162. Joshua Hilmy had planned to leave the country and records have shown that the couple had travelled in and out of the country through ungazetted routes. There is high probability that Joshua Hilmy and Ruth Sitepu had left the country since, according to witnesses, Joshua was under police investigation, and they were sought by the authorities.

163. The police investigations into the disappearances of Joshua Hilmy and Ruth Sitepu are still ongoing, and that immediate action will be taken if there are any new developments arising.

Position of the Counsel on behalf of the Malaysian Bar Council

164. It is the position of the learned Counsel on behalf of the Malaysian Bar Council that the disappearances of Joshua Hilmy and Ruth Sitepu cannot conclusively be characterized as enforced or involuntary as defined in Article 2 of the ICPPED. With reference to Article 2 of the ICPPED, the elements of enforced disappearance could not be satisfied as there was no arrest or official detention of either Joshua Hilmy or Ruth Sitepu "by agents of the State or by persons or groups of persons acting with authorization, support or acquiescence of the State" and there is also no direct evidence of any "abduction or any other form of deprivation of liberty" by such person.

165. Counsel submitted that an inference could be made that Joshua Hilmy and Ruth Sitepu left their house at Kampung Tunku on their own accord and free will. This inference is based on the testimony of IW10. According to IW10, when Joshua Hilmy and Ruth Sitepu left their home on 30 November 2016 at around 8.30pm, Joshua Hilmy appeared calm and was not in a rush. He then heard Joshua Hilmy joking with Ruth Sitepu. The testimony of IW1 that the couple left the house in a rush on the night of 30 November 2016 could not be accepted as he was not physically present in the house on the night the couple left. His testimony was purely a conjecture on his part based on his

observation of the state of the room which was left untidy when he physically inspected the premises together with the police late in 2017.

166. It is also the position of the Counsel on behalf of the Malaysian Bar Council that there is no connection between the disappearances of Pastor Raymond Koh and Amri Che Mat and the disappearances of Joshua Hilmy and Ruth Sitepu. This is due to the lack of specific information and absence of relevant documents or recordings, as admitted by Ramanathan a/l Manickavasagam (IW4) who gave evidence of his belief that there was a connection between the disappearances.

167. The chronology of the disappearances of Pastor Raymond Koh, Amri Che Mat, Joshua Hilmy and Ruth Sitepu has contributed to the idea that the disappearances are interlinked, especially when interpreted in the context of the talk given by IW17 equating conversion out of Islam with terrorism. However there has been no concrete or substantive evidence offered or introduced to prove the interconnection. Counsel on behalf of the Malaysian Bar Council further submitted that the position of the Malaysian Bar is further reinforced by the testimony of IW17 that neither Joshua Hilmy nor Ruth Sitepu had come within his surveillance or that of the Royal Malaysia Police; as according to him, he saw Joshua Hilmy as just a "bomoh" healing people. This is also the perspective as described by IW16 and his wife IW18; and both IW5 and IW8 also said the same thing.

168. Counsel on behalf of the Malaysian Bar Council further submitted that the source and identity of the purported threats to the safety of Joshua Hilmy and Ruth Sitepu, such as the email from "Khairy Jamaludin", the commotion over the telephone before Joshua Hilmy and Ruth Sitepu went missing on 30 November 2016, and the telephone threat in December 2015 that had caused the couple to go away for more than a month, cannot be established. It is a "red herring" that was concocted by persons or persons unknown; and for what ultimate purpose, it is not clear. Be that as it may, the disappearances of Pastor Joshua Hilmy and Ruth Sitepu are indeed mysterious and suspicious.

Position of KontraS

169. It is the position of KontraS that Ruth Sitepu and Joshua Hilmy have fallen victim to arrest or abduction by the same institution that was allegedly responsible for the kidnapping of Pastor Raymond Koh and Amri Che Mat. The institution referred to is a State agent, namely the Special Branch, Bukit Aman, Kuala Lumpur.

170. There are two key findings where they show similarities between the missing persons of Joshua Hilmy and Ruth Sitepu and two other victims of disappearances namely,

Pastor Raymond and Amri Che' Mat. Firstly, all of them openly professed their religion and were active in social work. The disappearances of Joshua Hilmy and Ruth Sitepu, 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.

171. Secondly, the timing of their disappearances also was aligned to IW17 speech in November 2016 on apostate issues. After the speech from a high-ranking officer of the Special Branch of the Royal Malaysia Police, in less than four (4) months, it was recorded that there were at least four reports of disappearances.

172. KontraS has laid out three factors where Joshua Hilmy and Ruth Sitepu's case falls under ICPPED; (i) the act of depriving the liberty of one person or more, (ii) such action is carried out by or with the authorization of the State and (iii) the case is followed by a refusal to acknowledge the deprivation of said liberty.

173. On the first factor, KontraS is of the opinion that even though there is no direct evidence like in the case of Pastor Raymond and Amri Che' Mat in terms of CCTV recording or eyewitness account of the abduction, KontraS has identified 4 occasions where Joshua Hilmy and Ruth Sitepu had received threats and intimidations either by phone calls or emails due to their conduct of open religious activities and were involved in social work.

174. On the second factor, according to KontraS, there is a pattern that shows the State's involvement in the disappearances of Joshua Hilmy and Ruth Sitepu whereby the time of the disappearance was aligned with IW17's speech in November 2016 on apostate issues, emails received by Joshua Hilmy with the indication that it is from a government official, the sluggishness and passivity of Royal Malaysia Police in investigating the case.

175. On the third factor, KontraS considers that the law enforcement authorities have performed very minimally work on this case. Some State institutions showed a tendency to deny any knowledge of the act of the deprivation of liberty in respect of Joshua Hilmy and Ruth Sitepu. Therefore, both Joshua Hilmy and Ruth Sitepu were outside the protection of the law. This includes the incompetency of the investigation of police officers, lack of record and documentation by the Immigration Office, and the impression that the case is not criminal in nature by the Royal Malaysia Police.

176. It is the position of KontraS that there is no protection provided to the witness by the Royal Malaysia Police which has resulted in the lack of cooperation from witnesses to provide information on Joshua Hilmy and Ruth Sitepu.

CHAPTER 5

APPLICABLE LAWS

177. Human rights are protected under various instruments, both domestically and internationally. International human rights treaties and the Declarations of the General Assembly of the United Nations categorize enforced disappearance as an infringement of human rights or as crimes against humanity. Enforced disappearance infringes on a number of rights including the right to liberty and security of the person, the right to life, when the disappeared person is killed and the right to know the truth regarding the circumstances of a disappearance.

178. Various international instruments have established definitions for the crime of enforced disappearance. These have relied on international case law and doctrine, and are based on elements of the definition and characterization of enforced disappearance stipulated by the Working Group on Enforced or Involuntary Disappearances (WGEID), the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, as well as the Human Rights Committee, as follows:

(a) WGEID adopted a descriptive and operative definition of enforced disappearance: *"a typical example of enforced or involuntary disappearance can be broadly described as follows: a clearly identified person is detained against his or her will by officials of any branch or level of government or by organized groups or private individuals allegedly acting on behalf of or with the support, permission or acquiescence of the Government. These forces then conceal the whereabouts of that person or refuse to disclose his fate or acknowledge that the person was detained".*[143]

(b) The Inter-American Commission on Human Rights, emphasized that *"forced or involuntary disappearance can be defined as the detention of a person by agents of the State or with the acquiescence of the State, without the order of a competent authority, where the detention is denied, without there being any information available on the destination or whereabouts of the detainee".*[144]

(c) The Inter-American Court of Human Rights has reiterated that, in the light of developments in international law, the following are *"concurrent and constituent*

[143] Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. E/CN.4/1988/19, para. 17.
[144] Annual Report of the Inter-American Commission on Human Rights, 1986-1987, Doc. Cit., Chapter V, "II, Inter-American Convention on Forced Disappearance of Persons".

elements of enforced disappearance: (a) the deprivation of liberty; (b) the direct intervention of State agents or their acquiescence, and (c) the refusal to acknowledge the detention and to reveal the fate or the whereabouts of the person concerned".[145]

179. Diverse international instruments as well as international jurisprudence and doctrine are uniform in defining enforced disappearance and its constituent elements. Enforced disappearance, considered both as a criminal offence as well as a serious violation of human rights, is a complex crime, which involves the cumulative presence of two behaviours: the deprivation of liberty by State agents or individuals acting with the authorization, support or acquiescence of the State; and the refusal to acknowledge the deprivation of liberty or the concealment of the fate or whereabouts of the disappeared person.

180. Article 2 of the ICPPED defined "enforced disappearance" as follows:

> *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."*
> [Emphasis is ours.]

181. Although Malaysia is not a party to ICPPED and therefore is not bound by the Convention, nevertheless, the Panel referred to and considered the definition of "enforced disappearance" in Article 2 of the ICPPED as a guide when addressing the issue of whether Joshua Hilmy and Ruth Sitepu's disappearances fall within the definition of enforced disappearance in breach or breaches of human rights. We take the position that Article 2 of the ICPPED has somehow been recognized as having developed and crystalized into customary international law by the Working Group on Enforced or Involuntary Disappearances following the Inter-American Court of Human Rights standard where all the jurisprudence has been developed.

182. Article 2 of the ICPPED also provides that when the State is involved in the deprivation of liberty, it must be followed by a refusal of the State to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person.

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[145] Judgment of 26 November 2013, Case of Osorio Rivera and Family v. Peru, Series C No. 274, para. 113.

183. The right against enforced disappearance is also protected in the **Universal Declaration of Human Rights 1948 ("UDHR")** as follows:

> ***Article 3*** *Everyone has the right to life, liberty and security of the person...*
> ***Article 6*** *Everyone has the right to recognition everywhere as a person before the law...*
> ***Article 9*** *No one shall be subjected to arbitrary arrest, detention or exile."*

184. By virtue of Section 4(4) of the Act 597, the Panel shall give regard to the UDHR to the extent that it is not inconsistent with the Federal Constitution.

185. In Malaysia, the right to liberty is enshrined in **Article 5 of the Federal Constitution of Malaysia ("FC")** which states:

> *"Liberty of the person*
>
> *5. (1) No person shall be deprived of his life or personal liberty save in accordance with law."*

186. On the issue of the right against enforced disappearance, a distinction must be made between 'enforced disappearance', 'missing person', 'kidnapping' and 'abduction' by referring to Section 3 of the Kidnapping Act 1961 (Revised 1989) and Section 362 of the Penal Code (Revised 1997).[146]

(a) **Section 3 of the Kidnapping Act 1961 (Revised 1989)** provides that a case will be one of kidnapping where a ransom is demanded:

> *"Abduction, wrongful restraint or wrongful confinement for ransom*
>
> *3. (1) Whoever, with intent to hold any person for ransom, abducts or wrongfully confines or wrongfully restrains such person shall be guilty of an offence and shall be punished on conviction with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to whipping."*

(b) **Section 362 of the Penal Code (Revised 1997)** provides that:

> *"Abduction*

[146] There are other various offences relevant to the discussion on enforced disappearance, among others: Sections 359 to 369 of the Penal Code.

362. Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct that person."

(c) There is no express definition of a 'missing person' but generally speaking when someone has not been seen or heard from for a period of time without any news of his/her whereabouts or whether he/she is still alive, he/she is said to be a missing person. Cases where there appears to be no criminal elements, are usually categorized as missing persons.

187. It is essential that the State conduct investigations and provide evidence and explanations to the family of the disappeared person. This duty is embedded in the right of the family to know the truth regarding what happened to their loved one. The right extends to the members of the family insofar as it is a violation of mental and moral integrity of the next of kin which is a direct consequence of the enforced disappearance. This was highlighted in the case of ***Bamaca-Velozquez v Guatemala***[147] where the Inter-American Court of Human Rights held:

"197. In this respect, the Commission declared that the right to the truth has a collective nature, which includes the right of society to "have access to essential information for the development of democratic systems", and a particular nature, as the right of the victims' next of kin to know what happened to their loved ones, which permits a form of reparation. The Inter-American Court has established the obligation of the State to investigate the facts while there is uncertainty about the fate of the person who has disappeared, and the need to provide a simple and prompt recourse in the case, with due guarantees."

188. On the burden of proof, that is, on whose shoulders lie the burden of proving the case, the approach taken in international human rights cases on enforced disappearances, is illustrative to show that the burden of proof lies on the State itself. This was held by various courts as follows:

(a) ***Bamaca-Velasquez v Guatemala***[148], the Inter-American Court of Human Rights held as follows:

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[147] IACHR Series C No 70 (Official Citation) [2000] IACHR 7 (Other Reference) IHRL 1453 (IACHR 2000) (OUP reference); IACHR Series C No 91 (Official Citation) [2002] IACHR 1 (Other Reference) IHRL 1474 (IACHR 2002) (OUP reference).

[148] IACHR Series C No 70 (Official Citation); [2000] IACHR 7 (Other Reference); IHRL 1453 (IACHR 2000) (OUP reference); IACHR Series C No 91 (Official Citation); [2002] IACHR 1 (Other Reference); IHRL 1474 (IACHR 2002) (OUP reference).

"As this Court has often repeated, in cases of forced disappearance, the State's defense cannot rely on the impossibility of the plaintiff to present evidence in the proceedings since, in such cases, it is the State that controls the means to clarify the facts that have occurred in its jurisdiction and, therefore, in practice, it is necessary to rely on the cooperation of the State itself in order to obtain the required evidence.

...In cases such as forced disappearance - and others... - the State has better possibilities of assuming the function of proving what it denies, than the individual to prove what he affirms."

(b) ***Godinez Cruz v Honduras***[149], the Inter-American Court of Human Rights held:

"141. In contrast to domestic criminal law, in proceedings to determine human rights violations the State cannot rely on the defense that the complainant has failed to present evidence when it cannot be obtained without the State's cooperation.

142. The State controls the means to verify acts occurring within its territory. Although the Commission has investigatory powers, it cannot exercise them within a State's jurisdiction unless it has the cooperation of that State."[150]

(c) ***Varanava & Ors v Turkey***[151], the European Court of Human Rights held:

"184. As a logical development of this approach, in the situation where persons are found injured or dead, or who have disappeared, in an area within the exclusive control of the authorities of the State and there is prima facie evidence that the State may be involved, the burden of proof may also shift to the Government since the events in issue may lie wholly, or in large part, within the exclusive knowledge of the authorities. If they then fail to disclose crucial documents to enable the Court to establish the facts or otherwise provide a satisfactory and convincing explanation, strong inferences may be drawn."

(d) ***Bleier v Uruguay***[152] , the Human Rights Committee of the United Nations held:

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[149] IACHR Series C no 10 (Official Citation); IHRL 1391 (IACHR 1990) (OUP reference).
[150] See also Velasquez-Rodriguez v Honduras (IACtHR, 1988).
[151] Appl. nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 160/0/90, 1607 1/90, 16072/90 and 16073/90, Council of Europe: European Court of Human Rights, 18 September 2009.
[152] Communication No. R.7/30, 29 March 1982.

"13.3 With regard to the burden of proof, this cannot rest alone on the author of the communication, especially considering that the author and the State party do not always have equal access to the evidence and that frequently the State party alone has access to relevant information ... In cases where the author has submitted to the Committee allegations supported by substantial witness testimony, as in this case, and where further clarification of the case depends on information exclusively in the hands of the State party, the Committee may consider such allegations as substantiated in the absence of satisfactory evidence and explanations to the contrary submitted by the State party."

189. Thus, the burden of proof in cases of enforced disappearances rests with the State. This means that the Panel is entitled to accept inferences submitted by Counsel on behalf of the family and KontraS. 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 disappearances of the person within the definition of enforced disappearance under Article 2 of ICPPED.

190. In order to analyze and determine whether there are enforced disappearances committed by the State agents against Joshua Hilmy and Ruth Sitepu, it is important for the Panel to identify whether the elements of enforced disappearance as defined under Article 2 of the ICPPED are fulfilled, which are:

    (a) Whether there is an arrest, detention, abduction or any other form of deprivation of liberty committed against Joshua Hilmy and Ruth Sitepu?

    (b) Whether such arrest, detention, abduction or any other form of deprivation of liberty was done by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State?

    (c) Whether there is a refusal to acknowledge the deprivation of liberty or whether there is a concealment of the fate or whereabouts of the disappeared persons, which place such persons outside the protection of the law?

191. The definition of enforced disappearances in Article 2 of the ICPPED contains various degrees of the State's culpability regarding the initial disappearance. The degrees of State's culpability are listed below in descending order:

    (a) that the victim was arrested or detained by agents of the State;

    (b) that the victim was abducted by agents of the State;

(c) that the victim was abducted by persons or groups of persons acting with the authorization of the State;

(d) that the victim was abducted by persons or groups of persons acting with the support of the State; or

(e) that the victim was abducted by persons or groups of persons acting with the acquiescence of the State.

192. In Joshua Hilmy and Ruth Sitepu's case, the first degree of culpability is not relevant. There is no evidence to indicate that Joshua Hilmy and Ruth Sitepu were arrested or detained by State agents. As such, the degrees of the State's culpability that are relevant in Joshua Hilmy and Ruth Sitepu's case, and for the consideration of this Panel, are the second to fifth degrees (i. e. (b) to (e)).

193. Therefore, the Panel is required to determine whether the circumstantial evidence in Joshua Hilmy and Ruth Sitepu's case, proves on a balance of probabilities that they were either abducted by State agents or by non-State agents with the authorization, support and/or acquiescence of the State.

194. Further, as provided under Article 2 of ICPPED, the Panel is required to determine whether on the evidence, direct and/or circumstantial, it can be established on a balance of probabilities, that after the disappearances of Joshua Hilmy and Ruth Sitepu had occurred, the State has refused to acknowledge the deprivation of liberty of these two persons or has concealed their fate or whereabouts.

195. In a case of an enforced disappearance, there is an indivisible connection between the initial disappearance and the refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person. This is stated by the European Court of Human Rights in the case of ***Varnava & Ors v Turkey***[153]:

> *"148. A disappearance is a distinct phenomenon, characterized by an ongoing situation of uncertainty and unaccountability in which there is a lack of information or even a deliberate concealment and obfuscation of what has occurred. This situation is very often drawn out over time, prolonging the torment of the victim's relatives. It cannot therefore be said that a disappearance is, simply, an "instantaneous" act or event; the additional distinctive element of subsequent failure to account for the*

[153] Appl. nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, Council of Europe: European Court of Human Rights, 18 September 2009.

whereabouts and fate of the missing person gives rise to a continuing situation."

196. The family and other persons acting on behalf of Joshua Hilmy and Ruth Sitepu do not have the investigative powers of the State to secure evidence on the identity of the person or persons who caused the disappearances in order to prove with precision the culpability of the State.

197. At the conclusion of the Public Inquiry, if the Panel's finding is that this case is one of enforced disappearance, the Panel is empowered under Section 13(2) of the Act 597 to refer it's finding to the relevant authorities or persons with the necessary recommendations.

CHAPTER 6

FINDINGS BY THE PANEL

Whether there was an arrest, detention, abduction or any other form of deprivation of liberty committed against Joshua Hilmy and Ruth Sitepu?

198. It is the Panel's finding that there was no arrest or official detention effected against Joshua Hilmy and Ruth Sitepu by State agents.

199. It is also the Panel's finding that there was no evidence of abduction of Joshua Hilmy and Ruth Sitepu by a State agent, thus we could not come to a conclusion to this effect.

200. However, it is the Panel's finding that based on circumstantial evidence and on a balance of probabilities, the disappearances of both Joshua Hilmy and Ruth Sitepu are involuntarily in nature.

201. It is also the finding of the Panel that, based on circumstantial evidence and on a balance of probabilities, the couple were abducted by person or persons unknown. We so hold based on the following facts as established by the evidence:

A. Religious Activities of Joshua Hilmy and Ruth Sitepu

202. Joshua Hilmy was born a Muslim with the name of Hilmy bin Hanim and was brought up as a Muslim by his family in Ipoh, Perak.[154]

203. Joshua Hilmy married Ruth Sitepu, also known as Pastor Ruth, on 9 October 2003, who professes Christianity, and practiced Evangelism.

204. Joshua Hilmy converted to Christianity where he was baptized on 9 November 2003 in Bethany Church, Singapore, in which he had changed his name to Joshua Hilmy, and later made a Statutory Declaration of his conversion and baptism on 10 March 2004 in Petaling Jaya.

205. Joshua Hilmy loved sharing his journey in life with other people; on how he had converted to Christianity and how Christianity had changed his life[155].

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[154] Refer to Exhibits 16 – 18.
[155] Refer to Exhibit 65.

206. After getting married, Joshua Hilmy and Ruth Sitepu continued preaching Christianity; and the couple often utilized the house in Kampung Tunku for their religious activities such as proselytization, healing ceremonies, blessings and baptisms.

207. Joshua Hilmi and Ruth Sitepu were involved in baptizing and converting certain Muslim individuals to Christianity. In the context of the Malaysian-Muslim society such activities were highly dangerous and provocative as many, if not most Muslims, regard the activities as undermining the Islamic faith and the cohesion of the Muslim community.

208. The rites of baptism were done at the house where the couple were staying, that was, at Kampung Tunku, Petaling Jaya.

B. Blasphemy: Insulting the Holy Prophet Muhammad

209. Joshua Hilmy had publicly insulted the Muslims' Holy Prophet Muhammad. One of his Facebook postings had triggered the anger of a Muslim community resulting in the Chembong Reports being lodged by a Muslim NGO known as *Pertubuhan Pribumi Perkasa (PERKASA)* on 27 June 2014. This was the posting where Joshua Hilmy wrote:

"Apa punya bodoh lah
Muhammad itu!
Semua jadi bahan bencinya!
Anjing
Babi
Cicak
Pada hal binatang itu baik
Anjing: boleh jaga rumah
Babi: makanan yang enak dan orang yang memakannya boleh pandai dan maju
Orang yang tidak menerima ajaran gilanya disuruh bunuh!
Muhammad memang pesuruh setan dan Allah itu Setan
Sepak kepala Allah"

210. Again, in the context of Islam and religious sensitivity, such an utterance was foolish, dangerous and provocative. By doing so Joshua Hilmy was putting himself at severe risk in the Malaysian context.

C. Provocative and Inciting Speech by CP (B) Dato' Awaluddin Jadid (IW17)

211. There was the speech given by IW17, who was the then Deputy Director of Social Extremism Division of the Special Branch, Royal Malaysia Police at Bukit Aman.

212. The speech was delivered on 6 November 2016, during a seminar on the theme *"Seminar Belia Menentang Keganasan"* at the Ministry of Home Affairs' Complex, Kuala Lumpur. The salient points in IW17's speech are as follows:

(a) IW17 equated the activity of converting Muslims to Christianity with "terrorism";

(b) IW17 promoted the "need for unity" among the Muslim community to fight the apostasy of Muslims as this was portrayed as "terrorism" and must be prevented;

213. It was the Panel's view that IW17's speech on extremism was provocative and inciting in nature. Such a speech might trigger some segments of the Muslim community, especially those with extremist tendencies, to resort to taking the law into their own hands in combatting conversion and apostacy.

D. Finding of enforced disappearances of Pastor Raymond Koh and Amri Che Mat.

214. There were the actual enforced disappearances committed by the Special Branch against Pastor Raymond Koh and Amri Che Mat as concluded by SUHAKAM at the conclusion of its Public Inquiry on 3 April 2019.[156]

E. The proximity in chronology of events of CP (B) Dato' Awaluddin's speech and the disappearances of Pastor Joshua Hilmy, Ruth Sitepu, Pastor Raymond Koh and Amri Che Mat.

215. Another factor that contributed to the circumstantial evidence was this. If we were to examine the chronology of events with regard to the disappearances of Pastor Joshua Hilmy, Ruth Sitepu, Pastor Raymond Koh and Amri Che Mat we will note the striking proximity in time of the events. They were as follows:

(a) On 6 November 2016 - talk by CP (B) Dato' Awaluddin bin Jadid (IW17) at a seminar equating conversion out of Islam with terrorism;

[156] Refer to SUHAKAM's Final Decision on the Public Inquiry on the Disappearance of Pastor Raymond Koh and Amri Che Mat dated 3 April 2019.

(b) On 24 November 2016 - Amri Che Mat was forcibly abducted;

(c) On 30 November 2016 - Pastor Joshua Hilmy and Ruth Sitepu disappeared;

(d) On 13 February 2017 - Pastor Raymond Koh was forcibly abducted.

F. Threats by Person(s) Unknown

216. There is the evidence that Joshua Hilmy had received threats from unknown sources in three different ways. Firstly, the threat came in the form of mysterious emails purporting to be from the former Youth and Sports Minister, Khairy Jamaluddin. Secondly, the threat was received via a letter which purports to bear the Coat of Arms of Malaysia. Thirdly, Joshua Hilmy received two threatening phone calls. The witnesses had testified that the first phone-call incident took place in 2015 when after receiving the phone call the couple left for Kedah and returned home only after 2 months. The second incident happened on 30 November 2016 when Joshua Hilmy spoke in an angry tone and immediately left the house with Ruth Sitepu; and they never returned after the incident.

217. There is evidence to the effect that on one of the nights in 2015, there was the first heated phone conversation between Joshua Hilmy and someone which made Joshua Hilmy and Ruth Sitepu leave their house for Kedah. However, they returned to their Kampung Tunku house after two months[157].

218. There is evidence that Ruth Sitepu had informed a witness about the threats received by Joshua Hilmy. Ruth Sitepu related that the threats received were especially after the baptisms of a Muslim couple, namely, IW16 and IW18. The baptism rituals took place on 1 January 2015 at the house in Kampung Tunku. Ruth further said that, because of the Muslim couple, Joshua Hilmy and she had to leave the house in Kampung Tunku and had stayed away in Kedah for two months.

219. The second incident was the heated phone conversation on 30 November 2016 around 8.30pm coming from Joshua Hilmy and Ruth Sitepu's room. Around 9.30 p.m. the couple left the house. This was the incident where the couple were last seen.[158]

220. With regard to the first threatening phone call received by Joshua Hilmy in 2015, it showed that the couple were in fear which made them leave the Kampung Tunku house and go to Kedah. They then returned after two months believing that they would not

[157] Refer to Notes of Proceeding dated 2 March 2020 page 21.
[158] Refer to Notes of Proceeding dated 1 September 2020 page 149.

face any other threatening incidents. However, Joshua Hilmy again received a threatening phone call in November 2016. Unfortunately, after the said phone call, they were not seen again.

221. There is also the evidence that in September 2018, Joshua Hilmy's foster father in Indonesia, one Bebas Bagun, mentioned to witness IW7 that Joshua Hilmy had informed him about the threats that he received in 2009. IW7 testified that, according to Bebas Bagun, Joshua Hilmy mentioned to him *"...kami mahu dibunuh."*. However, due to old age and the fact that he always falls sick, Bebas Bagun did not share this to anyone until Bebas Bagun was informed on the disappearances of the couple[159].

G. The Manner in which Joshua Hilmy and Ruth Sitepu Left the House in Kampung Tunku on 30 November 2016

222. There was evidence that Joshua Hilmy and Ruth Sitepu were last seen at their house in Kampung Tunku on the night of 30 November 2016.

223. The couple had mysteriously disappeared after they left the house. According to the evidence:

(a) prior to the leaving, a heated argument was heard coming from the couple's bedroom at around 8.30pm. The argument was through a phone call received by Joshua Hilmy;

(b) the argument was not between Joshua Hilmy and his wife. Joshua Hilmy was heard to have raised his voice and sounded angry;

(c) the couple left their house after the said argument, at around 9.30pm;

(d) before the couple left the house, IW10 asked Joshua Hilmy where they were going. Joshua Hilmy told IW10 that he was going to meet someone. To quote IW10: *"Ada orang panggil dia. Dah, orang dah panggil, saya pergi sahajalah. Dia cakap macam itu"*[160];

(e) Joshua Hilmy and/or Ruth Sitepu did not carry any bag when they left the house that night; and

[159] Refer to Notes of Proceeding dated 4 March 2020 page 157.
[160] Refer to Notes of Proceeding dated 1 September 2020 page 148.

(f) the couple's belongings were still in the house when they were last seen on 30 November 2016. This indicated that the couple did intend to come back and did not mean to leave the house for good.

H. Body and Car of Joshua Hilmy and Ruth Sitepu had never been Discovered

224. Until today, the bodies of Joshua Hilmy and Ruth Sitepu and the car belonging to Joshua Hilmy has never been discovered.

I. Joshua Hilmy and Ruth Sitepu have not been heard by the relatives and friends

225. The disappearances of Joshua Hilmy and Ruth Sitepu cannot be voluntarily because not a single relative or friend of Joshua Hilmy and Ruth Sitepu had heard from them ever since they disappeared.

226. Based on the evidence, Ruth Sitepu has a really good relationship with her family and they always communicated with each other on a regular basis.[161] However, after Joshua Hilmy and Ruth Sitepu were last seen leaving their house on 30 November 2016, none of the family members nor friends have communicated with the couple.

227. There were attempts by a family member of Ruth Sitepu, by the name of Harry, to contact Ruth Sitepu, but this effort was to no avail. IW10 also had attempted to contact the couple after they left the house on 30 November 2016, but the call could not get through, and the Whatsapp messenger showed that the chat messages sent by IW10 to Joshua Hilmy was not delivered.

J. Immigration records of Joshua Hilmy and Ruth Sitepu show that they have not left the country

228. On the evidence, there was no record of Joshua Hilmy leaving Malaysia between 24 November 2015 and 24 November 2020. There was no movement recorded in the last passport (A36522166) held by Joshua Hilmy. It was the same for Ruth Sitepu where her Indonesian passport (AR681830) did not show any record of travelling in or out of Malaysia.[162]

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[161] Refer to Notes of Proceeding dated 4 March 2020 pages 28 and 83.
[162] Refer to Exhibit 114.

229. However, it was also established during the Public Inquiry that there were movements of Joshua Hilmy which were not reflected in the Immigration System known as MyIMMs and in Joshua Hilmy's passport A18868445. For instance, there was no record of Joshua Hilmy leaving the country, whilst there was record of him entering Malaysia on 23 July 2011 via Immigration check point at Bangunan Sultan Iskandar, Johor.

230. There was also no record in the MyIMMs of Joshua Hilmy having left Peninsular Malaysia; whilst there was a record of him having entered Kota Kinabalu on 1 December 2011.

231. According to IW21, there were a few possibilities for this, including that the Immigration System could have been down during the period[163] or that Joshua Hilmy could have used ungazetted exit points to leave Malaysia.[164]

232. Based on Exhibit 114, it was recorded that Joshua Hilmy had left the country thrice via International Airport Bayan Lepas using his passport A16053305. It was recorded as follows:

Date Leaving Malaysia	Date Returning to Malaysia
18 July 2006	8 January 2007
12 January 2007	9 July 2007
19 July 2007	No record

233. Looking at the travel pattern, and based on Exhibits 20, 22, 21, and 73, it was established that Joshua Hilmy had been travelling to Indonesia during the periods above. There were records of a report of loss of passport by Joshua Hilmy in Indonesia (Exhibit 21) and Exhibit 22) and of Ruth Sitepu's letters to the Indonesian authorities about Joshua Hilmy's visits to Indonesia (Exhibits 20 and 73). It was also observed that Joshua Hilmy made brief visits to Malaysia before returning to Indonesia via Bayan Lepas International Airport for a period of between 5 to 6 months. Hence, there was a high probability that Joshua Hilmy had returned to Malaysia via Bayan Lepas International Airport after leaving the country on 19 July 2007. Furthermore, according to Exhibit 20, Ruth Sitepu had reported to the police in Kota Binjai, Selesai, Indonesia, that Joshua Hilmy had arrived in Indonesia on 23 October 2007 and would be leaving Indonesia on 23 April 2008 for Penang. This travel was not recorded in the MyIMMs. Once again, there was a high probability that Joshua Hilmy had travelled via Bayan Lepas International Airport because Ruth Sitepu had reported Penang as his point of

[163] Refer to Notes of Proceeding dated 6 July 2021, page 67.
[164] Refer to Notes of Proceeding dated 6 July 2021, page 94.

destination. There was no reason for Ruth Sitepu to report to the police in Indonesia if Joshua Hilmy had travelled via ungazetted routes.

234. The other travel made by Joshua Hilmy was on 12 August 2011, where he travelled out from Miri Airport. Miri Airport was a domestic airport. It was also noted that Joshua Hilmy had travelled out of the country on the same day via Kuala Lumpur International Airport (KLIA). Hence, it can be concluded that Joshua Hilmy had travelled from Miri Airport to KLIA and then left the country. He returned to Malaysia on 7 January 2012. Therefore, there was no travel made via ungazetted route by Joshua Hilmy in this instance.

235. Another travel made by Joshua Hilmy was on 1 December 2011 to Sabah via Kota Kinabalu Airport. On the same day he was also recorded as having crossed the border into Sarawak via Merapok Immigration Checkpoint. There was no record of Joshua Hilmy having left Malaysia or returning home. It was safe to conclude there was no record of Joshua Hilmy having left the country or returning since this was a domestic travel where all Malaysians were not required to pass through the Immigration counter or inspection. The Immigration inspection was only required upon entering or leaving Sabah or Sarawak. Hence, there was no question of Joshua Hilmy using an ungazetted route in this instance.

236. The only instance where there was no record of Joshua Hilmy having left Malaysia was where there was a record of him returning to Malaysia on 23 July 2011 via Immigration Checkpoint at Bangunan Sultan Iskandar, Johor. However, this absence of record of him having left the country cannot be used to conclude that Joshua Hilmy had travelled out from Malaysia via an ungazetted route because witness IW21 did not rule out the possibility of immigration system being down during that period of time.

237. Therefore, the allegation that Joshua Hilmy and Ruth Sitepu could have left the country via an ungazetted route was unfounded because there was no evidence to support such a claim. Furthermore, according to Joshua Hilmy's written *testimony* in Exhibit 65,[165] his intention to leave the country arose after he was married to Ruth Sitepu where he could not register the marriage in Malaysia due to his Muslim religion, and the authorities had started checking on his background. According to the said *testimony* a friend of his by the name of Benjamin who was a Muslim converted to Christianity and was married to one Maria, also a Muslim who had converted to Christianity, was worried about their safety. For these reasons, Joshua Hilmy and his friend, Benjamin, had planned to leave Malaysia for New Zealand via Singapore. However, this plan did not materialize because Ruth Sitepu as an Indonesian citizen required a visa to travel to New Zealand.

[165] Refer to Exhibit 6, page 19, and Exhibit 65.

238. In addition, there was no other incident or evidence to support Joshua Hilmy's intention to leave Malaysia except the testimony of IW5 who said that Joshua Hilmy had told him that he planned to vacate the house in Kampung Tunku and leave the country. However, Joshua Hilmy did not have the ability to leave the country which might be related to visa requirements.[166]

Whether such abduction or any other form of deprivation of liberty was done by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State?

239. On a balance of probabilities and based on the evidence presented before the Panel, there was no direct or circumstantial evidence to support the contention that Joshua Hilmy and Ruth Sitepu were abducted by an agent of the State.

240. However, it was the Panel's finding that the highly unsatisfactory conduct and shortcomings of the Royal Malaysia Police in investigating the disappearances of Joshua Hilmy and Ruth Sitepu had contributed to the acquiescence of the State in the abduction of the couple, which can be summarized as follows:

A. Lack of urgency in investigating the case

Recording the Statement of the Complainant

241. On 6 March 2017 about 1.34 p.m., IW1 had lodged a police report at the Klang Police Station about the disappearance of Joshua Hilmy and Ruth Sitepu. He explained in the Report that he could not reach Joshua Hilmy and his spouse since November 2016; and this was unusual because he could always reach them by phone.

242. However, his first recorded statement by the police was only taken on 10 April 2017, that is to say, a month after his Report had been lodged.[167] This was confirmed by Inspector Zulfadhly (IW14). It was explained that Sergeant Ahmad Sibee was not able to reach Peter Pormannan (IW1) for a month.[168] According to ASP Shafie (IW11), Sergeant Ahmad Sibee had tried to reach IW1 several times, however, the was no answer. There was one occasion when the call was answered by his lawyer.[169]

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[166] Refer to Notes of Proceeding dated 3 March 2020 page 6.
[167] Refer to Notes of proceeding dated 18 February 2020 page 32.
[168] Refer to Notes of proceeding dated 17 September 2020 page 37.
[169] Refer to Notes of proceeding dated 2 September 2020 page 17.

243. The Panel found that DSP Supari bin Muhammad (IW15) managed to meet IW1 a week after the Report was lodged. IW1 assisted IW15 in his investigation by bringing him to Joshua Hilmy's house in Kampung Tunku. IW15 testified that during that visit to the house, Sergeant Ahmad Sibee had another matter to attend to and thus could not join the visit. However, IW15 did pass the address of the house in Kampung Tunku to Sergeant Ahmad Sibee for the latter to continue the investigation.[170]

244. The Panel is of the view that, even though an Investigating Officer is responsible for many Investigations Papers and other administrative tasks, it is crucial to act immediately at the early stage, and to gather as much information as possible about the missing incident that has been reported. Although the police claimed that IW1 could not be reached at that point of time, nevertheless, the Panel is of the view that there are various ways to get in touch with the complainant such as by visiting his house, by sending an officer from the nearest police station to assist the case by visiting the complainant's house, or by making arrangement with the complainant's lawyer. However, the Panel found that these actions were not taken.

Visit to Joshua Hilmy and Ruth Sitepu's house in Kampung Tunku, Petaling Jaya

245. IW1 was asked by the police to assist them in visiting Joshua Hilmy's house at Kampung Tunku. According to IW1, the visit took place only a week or a month (which he is uncertain) after he lodged the Report.[171] According to IW15, he went to Joshua Hilmy's house a week after the Report was lodged, and provided the house address to the Investigating Officer of the case.[172] However, the subsequent visit to the house by Sergeant Ahmad Sibee only happened on 16 October 2017, according to his statement to SUHAKAM Secretariat.[173] This was also confirmed by IW14 during the Public Inquiry.[174]

246. It is the view of the Panel that Sergeant Ahmad Sibee, as the first Investigating Officer of the case, had delayed the investigation. This could have contributed to the lack of crucial information. The gap between the Report by IW1 and the visit by Sergeant Ahmad Sibee to the scene was too long and this delay might have adversely affected the investigation.

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[170] Refer to Notes of Proceeding dated 21 September 2020 pages 9 –11.
[171] Refer to Notes of Proceeding dated 18 February 2020 page 34.
[172] Refer to Notes of Proceeding dated 21 September 2020 pages 9 –11.
[173] Refer to Exhibit 111(B).
[174] Refer to Notes of Proceeding dated 11 January 2021 page 110.

Semboyan to all Police Stations about the Missing Couple

247. IW14 testified that Sergeant Ahmad Sibee had informed all the police stations across the country about the missing couple. The dissemination of information was carried out on 14 June 2017 in the form of *'semboyan'* or *'kod utusan polis'*[175]. According to IW14 this action was not mandatory, or part of the police's SOP. However, the police had taken the initiative as part of the investigation. The dissemination could have been done immediately after receiving the case.[176]

248. Therefore, Sergeant Ahmad Sibee, as the first Investigating Officer, had failed to take a crucial step when he first received the case on 6 March 2017. There was a gap of about three months before he disseminated the information about the missing couple to all police stations across the country. The Panel believes that it is the responsibility of the Investigating Officer to use all available means to gather information about the missing couple and it is essential to do it at the preliminary stage of the investigation on an urgent basis.

Posting Flyers to the Public

249. IW14 testified that he had posted flyers[177] about the disappearance of Joshua Hilmy and Ruth Sitepu. This action was taken in December 2018 after he was assigned as the Investigating Officer of the case.[178] According to IW14, the flyers were posted for a duration of four months from December 2018 until April 2019 at public areas, such as, petrol stations, 7-Eleven convenient stores and at the Sungai Way Police Station's notice board. This action was taken to disseminate information about the missing couple to the public to assist police investigations.

250. However, the Panel is of the view that this action should have been done at the early stage by Sergeant Ahmad Sibee. Although the action is not mandatory under the police SOP, nevertheless, the Panel is of the view that the delay and extremely slow response time in taking this action reflects poorly on the police: it shows that the police was not taking proactive measures in investigating the case.

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[175] Refer to Exhibit 109(A).
[176] Refer to Notes of Proceeding dated 11 January 2021 pages 75-78.
[177] Refer to Exhibit 109(B).
[178] Refer to Notes of Proceeding dated 17 September 2020 pages 127-128.

B. Incompetency and lack of seriousness on part of Investigation Officers

Recording Statement of the Complainant

251. During the investigation carried out by Sergeant Ahmad Sibee, he received limited information about Joshua Hilmy; even from the statement he recorded from IW1. Therefore, this had hindered the investigation; and there was no lead that could assist the investigation.

252. It was also found that there were several potential witnesses who could have assist police investigation. For instance, the children of IW1, namely, IW2 and IW3 who were staying at Joshua Hilmy's house in Kampung Tunku.[179] However, their statements were not recorded by Sergeant Ahmad Sibee at the early stage of the investigation.[180]

253. IW2 and IW3's testimonies were crucial. This was because among the witnesses, they were the closest in terms of proximity with Joshua Hilmy and Ruth Sitepu, before the couple went missing. There was the evidence that on the night of 30 November 2016 Joshua Hilmy had received a call from an unknown individual and there was a heated conversation between them before the couple left the house that night itself. The conversation was heard by IW10 and the information was later passed to IW2 and IW3.[181] Yet their statements were only recorded by the Investigating Officer on 11 February 2020, one week before the SUHAKAM's Public Inquiry commenced.[182]

254. Lack of thorough assessment of the witnesses had impacted adversely on the next course of action of the investigation. Sergeant Ahmad Sibee, as the first Investigating Officer, was incompetent and not serious in conducting investigation at the preliminary stage. The case should have been assigned to a senior officer, that is to say, at least the one with the rank of Inspector, who could be more competent in conducting investigation.

Lack of In-depth Investigation by the Investigating Officer

255. Initially, the evidence pertaining to the mobile phone numbers of Joshua Hilmy and Ruth Sitepu, as given by IW14, was that Maxis had informed the Royal Malaysia Police that since the numbers were under prepaid plans and had been deactivated, therefore, the

[179] Refer to Notes of Proceeding dated 18 February 2020 pages 19 – 23.
[180] Refer to Exhibit 111(B).
[181] Refer to Notes of Proceeding dated 1 September 2020 page 147.
[182] Refer to Notes of Proceeding dated 18 February 2020 page 74.

call logs could no longer be obtained. However, after the commencement of SUHAKAM's thorough investigation on the retrieval of call logs relating to Joshua Hilmy's mobile phone numbers, the evidence of IW14 stands in stark contrast to the evidence given by IW24 of Maxis that the call logs (including for prepaid numbers) were retrievable up to 7 years from any given point; and this evidence was sought and obtained pursuant to the request of the observers to have higher level Maxis personnel to attend the Public Inquiry.

256. The cursory inquiries made by the police at low levels of communications with corporate bureaucracy that entail ticking of boxes and standard form replies show the lack of focus and probing investigation until SUHAKAM's Secretariat yielded definitive outcomes and clarity. The SUHAKAM Secretariat was able to trace the last call made to Joshua Hilmy and it was found that a person, by the name of Munusamy a/l Arumugam, was the last person who contacted Joshua Hilmy on 30 November 2016. The SUHAKAM Secretariat visited Munusamy at his residence. However, SUHAKAM Secretariat was unable to record a statement from Munusamy because of an unfortunate health situation faced by the witness. Hence, a statement was recorded from Munusamy's son who happen to know Joshua Hilmy.

Information Received from Maybank on Suspicious Transaction after the Disappearances

257. IW14 testified that he had received information from Maybank relating to Joshua Hilmy's bank account statement. His further action was to get a statement from the bank's officer.[183] It was noted from Joshua Hilmy's bank account statement that there was a transaction in February 2017, three months after Joshua Hilmy went missing.

258. However, it was found that IW14, as the Investigating Officer, did not proactively investigate this particular transaction. He was hoping that the matter would be pursued by the new Investigating Officer who would be taking over the case, since he has been promoted and transferred to another IPD.[184]

259. In contrast, SUHAKAM Secretariat succeeded in identifying the owner of the account and in recording a statement from the account holder who is a friend of Joshua Hilmy.[185]

260. It is noted that MCMC had come up with their intelligence analysis on the threatening emails received by Joshua Hilmy in 2015. The MCMC concluded that it could not identify

[183] Refer to Notes of Proceeding dated 17 September 2020 pages 116 – 117.
[184] Refer to Notes of Proceeding dated 4 October 2021 pages 74 – 75.
[185] Refer to Exhibit 124.

the owner of each of the email accounts and assumed that the owners had deleted their email accounts.

261. According to the testimonies from the MCMC official (IW22), there are two ways to obtain information from the service providers; first through a court order and secondly via Mutual Legal Assistance (MLA). These steps could have been taken by the Investigating Officer of the case in order to obtain further information.[186] However, even until the end of the Public Inquiry these proactive measures were not taken by Investigating Officers.

No Effort to Obtain CCTV Recordings

262. The Panel also finds that there is no effort had been taken by the Investigating Officer to obtain CCTV recordings from Joshua Hilmy's neighborhood, local authorities, or highway authorities. Although IW14 told the Panel that such actions had been taken by Sergeant Ahmad Sibee in the initial stage of investigation, there was no evidence tendered before the Public Inquiry to that effect.

263. Joshua Hilmy and Ruth Sitepu left their house on 30 November 2016 by a red Perodua Kancil.[187] The Royal Malaysia Police as an enforcement agency with powers of investigation could have taken the initiative to acquire CCTV footages from various strategic locations. But they failed to do so.

No Effort to re-visit Chembong Cases in 2014

264. IW14 testified that, as an Investigating Officer of the case, the police must earnestly endeavor to find any possible lead to help the investigation.[188] Yet it was noted that there was no effort to revisit the case in connection with the Chembong Reports. According to IW14, he only referred to the statement taken by Inspector Nurul Huda about the case. He did not take any step to meet and record further statements from the Ketua Wira Perkasa, the person who, earlier, had lodged the police report against Joshua Hilmy.

[186] Refer to Notes of Proceeding dated 16 July 2021 pages 42 – 43.
[187] Refer to Notes of Proceeding dated 1 September 2020 page 162.
[188] Refer to Notes of Proceeding dated 18 August 2021 pages 25 – 27.

Poor Guidance with Intention to Suppress the Case

265. On 28 February 2018, Ram Ram Elisabeth (IW6) and Iman Sitepu (IW7) came to Malaysia and made a report at the Petaling Jaya Police Station.[189] During the hearing, IW7 testified that he was advised by the police not to report the case to the Embassy of the Republic of Indonesia in Malaysia, as the police would be investigating the case. According to the IW7, this advice came from Sergeant Ahmad Sibee.

266. The Panel is of the view that Sergeant Ahmad Sibee had tried to suppress the case from the knowledge of other agencies and members of public. This also reflected in the lackadaisical investigation by Sergeant Ahmad Sibee as mentioned above.

267. The Panel is of the view that the police should have supported the intention of the complainant to notify the Indonesian Embassy about the case since the disappearance involved a foreign national.

268. Furthermore, IW6 testified that the police have never communicated with them about the status and progress of their investigation ever since the police report was lodged on 28 February 2018. According to Section 107A (2) of the Criminal Procedure Code (Act 593), the officer in charge of a police station shall give a status report on the investigation not later than two weeks from the receipt of the request made. Although, the IW6 did not make any specific request in line with Section 107A(1), the Panel opined it is incumbent of the police to inform the progress of their investigation. Moreover, it is established in the Public Inquiry that the police have not provided progress report to any of the complainants.

C. Failure to Prioritize the case of Missing Person

269. During the testimony by ASP Shafiee, (IW11), the Panel was informed that a missing person case is categorized as an important case. According to IW11's work experiences in the police force, missing person cases are rarely reported to the police. Usually, missing person cases involved teenagers who ran away from homes, misunderstanding among family members and so on. According to IW11 when a person was reported missing, in most cases the police managed to find them.[190]

270. IW11 further testified that, during the investigation carried out by Sergeant Ahmad Sibee, he found that Joshua Hilmy was investigated under the Sedition Act in 2014. A police report had been lodged against Joshua Hilmy's due to his Facebook posting which

[189] Refer to Exhibit 8.
[190] Refer to Notes of Proceeding dated 2 September 2021 pages 40 – 41.

insulted the Holy Prophet Muhammad. However, IW11 failed to provide the Panel further details on actions by the police.[191]

271. Based on the evidence presented before the Panel, Joshua Hilmy is known as a Pastor, and he had conducted baptism rituals at his house. In this regard, the Panel found that none of the Investigation Officers testified had attempted to investigate Joshua Hilmy's Facebook account. The Panel is of the view that this is strange as the police should have investigated Joshua Hilmy's Facebook postings to find any lead that might be useful for the purpose of the case.

272. The Panel is of the view that the Royal Malaysia Police has failed to investigate the disappearances of Joshua Hilmy and Ruth Sitepu in the manner as it ought to be: diligently and seriously. Even though, there were some pertinent information found during the early stage of the investigations, it was not taken seriously by the police and no danger alert was trigged. The Panel is of the view that the lack of interest and seriousness on the part of the police in appreciating the severity of the case, and, instead, merely treating it as normal missing persons case reflects the failure of the police to prioritize the case.

D. Lack of coordination in the Royal Malaysia Police

273. There is evidence that there was a lack of coordination in the Royal Malaysia Police in the investigation of the case. For example, DSP Supari as the SIO of the case, visited Joshua Hilmy's house only a week after the Report was made[192] (report lodged on 6 March 2017). Although he conveyed the information to Sergeant Ahmad Sibee, we note with dismay that the latter made no follow up visit to the scene not until October 2017,[193] that is to say, some 7 months later.

274. There are three investigating officers in-charged of Joshua Hilmy and Ruth Sitepu's disappearances case, namely, Sergeant Ahmad Sibee, ASP Hairol Azhar and Inspector Zulfadhly. However, the case was not seriously and efficiently supervised by the management in the Royal Malaysia Police. For example, IW11 instructed Sergeant Ahmad Sibee to investigate the case. However, he was not well updated about the status of his instruction and progress of the case by Sergeant Ahmad Sibee.[194]

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[191] Refer to Notes of Proceeding dated 2 September 2021 page 33.
[192] Refer to Notes of Proceeding dated 21 September 2020 pages 6 – 7.
[193] Refer to Exhibit 111B.
[194] Refer to Notes of Proceeding dated 2 September 2020 pages 8 – 17.

E. Unwillingness to Divulge Documents and Further Information

275. Each Investigating Officer had his own Investigation Diary. The purpose of the Investigation Diary is to record everything pertaining to the Investigating Officer's investigation in terms of date, location and activities, instructions by the superior, observations at the crime scene, and to refresh the memory of the Investigating Officer about the case. Under Section 119 of the Criminal Procedure Code, it is mandatory for an Investigating Officer to maintain the Investigation Diary.[195]

276. Throughout the Public Inquiry, the Panel had numerous times requested the Investigating Officers to produce the Investigation Diary to assist the Public Inquiry. However, sadly, none of the Investigating Officers had brought their Investigation Diary for the purpose of the hearing. As a result, they could not remember the details of actions taken in the course of the investigations of the case. It is also observed that the Investigating Officers made no effort to refer to their Investigation Paper before appearing at the Public Inquiry.

277. Furthermore, the Panel had requested the Royal Malaysia Police to share their Investigation Diary so as to assist the Public Inquiry. This request is in line with Section 14 (1) of Act 597 where the Commission is empowered to procure and receive all such evidence, written or oral, for the purpose of the Public Inquiry.[196] However, the Royal Malaysia Police refused to do so. The reason given was that they had referred our request to the Attorney General Chamber (AGC) and was given the advice that the Investigation Diary is classified as a confidential document and falls under Officials Secret Act 1972 (Act 88).

278. With respect, we strongly disagree with the views of the AGC. The Panel takes the position that by virtue of Section 14 (1) of Act 597 the Royal Malaysia Police as an enforcement agency has the legal obligation to use all possible means to assist the Panel. This unwillingness to divulge relevant documents and information has hindered the objectives and the carrying out of the Inquiry.

Whether there is a refusal to acknowledge the deprivation of liberty, or whether there is concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law?

279. It is the finding of the Panel from the evidence adduced before it, in particular, the evidence relating to sloppy and tardy police investigation, that there is a refusal on the part of the Royal Malaysia Police to acknowledge the deprivation of liberty of Joshua

[195] Refer to Notes of Proceeding dated 10 September 2020 page 15.
[196] Refer to Section 14 (1) SUHAKAM's Act (Act 597).

Hilmy and Ruth Sitepu; and such refusal to acknowledge has placed them outside the protection of the law.

280. It is the Panel's view that it is the State's duty to tell the public of what had happened to Joshua Hilmy and Ruth Sitepu. The State should not stay silent and must not consider silence as an option as that may perpetuate more disappearances. It is the State's obligation to seriously investigate, prosecute and punish the perpetrator of the crime. Such obligation is imposed by the FC, the Penal Code, the Criminal Procedure Code and the Police Act. Article 5 of the FC provides that no person shall be deprived of his life or personal liberty save in accordance with the law. And Article 8 of the same provides that every person is equal before the law and entitled to the equal protection of law. Joshua Hilmy and Ruth Sitepu are entitled to these fundamental or human rights.

281. It is the finding of this Panel that as so far as the present case is concern, the State has given zero information about the disappearances and/or the progress of the case of Joshua Hilmy and Ruth Sitepu.

282. The Royal Malaysia Police has the duty to protect the citizens of this country from harm, and other nationals as well as long as they are on Malaysian soil. The Royal Malaysia Police is expected to safeguard human rights.

Decision of the Panel

283. Upon a detailed evaluation of the evidence adduced, having read and considered the written submissions and hearing the oral submissions of Counsel on behalf of the family of Pastor Ruth Sitepu, Counsel on behalf of the Malaysian Bar Council and Officers Appearing for the Royal Malaysia Police and KontraS on 20 January 2022, and also based on the above analysis, the Panel has arrived at a decision.

284. After having held lengthy discussions and deliberations in this case, the Panel is of the unanimous view that Joshua Hilmy and Ruth Sitepu are victims of enforced disappearances as defined in Article 2 of ICPPED as well as defined by customary international law.

285. The disappearances of Joshua Hilmy and Ruth Sitepu are cases of involuntary disappearances in breach of the ordinary criminal and/or civil law and/or applicable human rights laws.

286. The Panel further finds that, on a balance of probabilities, there is no evidence to the effect that Joshua Hilmy and Ruth Sitepu were abducted by the agent of the State.

287. The Panel has reached the following conclusions in relation to its Terms of Reference:

(e) To determine whether these are cases of enforced disappearances as defined under the International Convention for Protection of all Persons from Enforced Disappearances or are cases of involuntary disappearances in breach or breaches of the criminal and/or civil law and/or applicable human rights laws (hereinafter referred to as such alleged breach or breaches);

- The disappearances of Joshua Hilmy and Ruth Sitepu are cases of enforced disappearances as defined under Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance. The Government of Malaysia has breached the principle of Article 2 of the ICPPED which has been recognized as having developed and crystalized into customary international law; and
- The disappearances of Joshua Hilmy and Ruth Sitepu are cases of involuntary disappearances in breach of the criminal and/or civil law and/or applicable human rights laws.

(f) If (a) has been established at the inquiry:

(iv) How such alleged breach or breaches came about;

- The enforced disappearances of Joshua Hilmi and Ruth Sitepu were carried out by person or persons unknown with the acquiescence of the Royal Malaysia Police as the agent of the State followed by a refusal on the part of the Royal Malaysia Police to acknowledge the deprivation of their liberty, and such refusal to acknowledge has placed these two persons outside the protection of the law.

(v) To identify person(s) or agency(ies) responsible for such alleged breach or breaches;

- The Royal Malaysia Police is responsible for such breach.

(vi) What administrative directives or procedures, or arrangements contributed to such alleged breach or breaches.

- The highly unsatisfactory conduct of the investigation by the Royal Malaysia Police had contributed to such breach.

(g) *To consider whether the authorities specifically the Royal Malaysia Police have taken adequate steps to investigate such alleged breach or breaches.*

- The Panel finds that the Royal Malaysia Police have not taken serious, prompt and adequate steps to investigate the enforced disappearances of Joshua Hilmy and Ruth Sitepu.

(h) *To recommend measures or guidelines to be taken to ensure that such alleged breach or breaches do not recur.*

- The recommended measures or guidelines to be taken to ensure that such enforced disappearances do not recur are as set out in Chapter 7.

CHAPTER 7

RECOMMENDATIONS

Pursuant to the Panel's last item of its Terms of Reference, namely, "To recommend measures or guidelines to be taken to ensure that such alleged breach or breaches do not recur," the Panel makes the following recommendations:

1. **Strengthen and Improvise the Standard Operating Procedures of the Police relating to the Investigations of Missing Persons, Abductions and Disappearances**

   The Panel notes that there were serious inactions and significant delays on the part of the police in their investigations. The investigations, especially on missing person cases, must be carried out as a matter of utmost urgency to increase the chances of finding the missing persons safely. The Panel recommends that the Police review the current Standard Operating Procedure ("SOP") in cases where there are overwhelming circumstances that point to a possible abduction or involuntary disappearance of a person. Reforms on the SOP should include stringent training on communication protocols to address missing persons cases and informing the progress of the case to the family members and members of the public timeously and from time to time.

2. **To Step Up Investigations on the Disappearances of Joshua Hilmy and Ruth Sitepu**

   As the police investigations on the disappearances of Joshua Hilmy and Ruth Sitepu are still on-going, it is our recommendation that the Royal Malaysia Police must earnestly and seriously step up its investigations on the case taking into account the criticisms and the recommendations that we make in this Report. The investigations should be conducted by a senior police officer holding at least the rank of Assistant Superintendent of Police and the investigations should be closely monitored by the Royal Malaysia Police Headquarters, Bukit Aman.

3. **Police's Investigation Paper to be Shared with other Bodies with Investigative Powers**

   Throughout the Public Inquiry, the Royal Malaysia Police was reluctant to share the Investigation Diary ("ID") or any other documents in the Investigative Paper ("IP") because it is claimed that the IP is classified as confidential under the provisions of the Officials Secret Act 1972. The Panel takes the position that such a view undermines the purpose and efficacy of section 14(1) of the Act 597. Certain important documents in the IP should be shared in the Public Inquiry as evidence to facilitate the Panel's investigations in the interests of justice and public interest. It is recommended that

relevant documents in the IP should be shared with SUHAKAM or any other competent bodies with investigative powers unless it is clearly and strongly proven that such disclosure would be prejudicial to the on-going police investigation.

4. **Enhance Forensic Investigation**

The Panel observes that the Police Investigating Officers lacked investigation skills in carrying out their investigations. The Investigating Officers failed to examine crucial evidence and to look for new leads in the case. It was SUHAKAM's Secretariat who examined the evidence and endeavoured to seek for more information so as to find every possible lead that could be linked to the disappearances. The Panel recommends that the Royal Malaysia Police empowers their officers in forensic investigation skills. This includes providing advanced training in forensic investigation, advanced equipment as per the latest and up-to-date technology, and also sufficient human resources. An up-to-date forensic technology and a more integrated system will be beneficial for the police for its investigations. By doing so, their investigations will be more efficient, significant and meaningful. As such, sufficient allocation of fund should be allocated by the government in order to ensure that our police forensic investigation is always at par with international standards.

5. **Promote and Provide Education on Witness Protection Programme in Malaysia**

The Panels observes that there are some witnesses who were reluctant to provide information or to testify in relation to the disappearances of Joshua Hilmy and Ruth Sitepu; or, after having noticed that both Joshua Hilmy and Ruth Sitepu had gone missing, were hesitant to report the matter to the police. This is due to the nature of the case where the Royal Malaysia Police were perceived as the "suspect" behind the couple's disappearances. Such perception was exacerbated by the widely publicised disappearances of Amri Che Mat and Pastor Raymond Koh. We believe this is due to the lack of public awareness of the Witness Protection Programme in Malaysia which is governed by the Witness Protection Act 2009. It is the Panel's view that it is the duty of the Ministry responsible for the Programme to promote and educate the public on the Witness Protection Programme in Malaysia so to instill more confidence in the public in order to encourage persons with information and potential witnesses to come forward and to provide information and evidence.

6. **Authorities to Respect Freedom of Religion as a Fundamental Human Rights**

The fundamental human right to freedom of religion is explicitly set out in the Universal Declaration of Human Rights as well as in Article 3 and Article 11(1) of the Federal Constitution of Malaysia. The right to freedom of religion is guaranteed to every citizen regardless of his religious belief. In addition, there is Article 11(4) which states that "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." Freedom of religion is also recognized in several other instruments such as the International Covenant on Civil and Political Rights ("ICCPR"), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and resolutions of the Human Rights Council and the General Assembly, to name a few.

It is therefore vital that the State and its agents, including the Police and equally the State Religious Authorities, recognize and respect this right. The authorities should be reminded of Article 3 of the Federal Constitution of Malaysia to wit:

"Religion of the Federation

3(1) Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation."

It is important to note that Article 11(4) does not use the word "prohibit" but only uses the words "control" and "restrict". This means that State laws cannot provide for the strict *prohibition* of the propagation of any religious doctrine or belief among persons professing the religion of Islam. State laws could only "control" or "restrict".

In case someone is found violating the law, the authorities shall act according to the law and due process must be respected. The person is entitled to the equal protection of law and right to fair trial. We are a nation governed by the Rule of Law.

The Royal Malaysia Police must take the necessary measures to ensure that its officers, when delivering talks or lectures, will refrain from making statements or utterances that are provocative or inciting in nature against any religion or religious community, including to refrain from labelling any religious belief or religious activity or religious community as "extremism" or "extremists".

7. Legal Reform on Existing Legislation

The Panel recommends that the Government should review the Penal Code to incorporate the offence of enforced or involuntary disappearance as a separate category specific to cases involving missing persons. In other words, the amendments should effectively make it an offence under the Penal Code, in addition to and separate from the offence of abduction and kidnapping.

8. Law on Hate Speech in Malaysia

The Article 10(1) of Federal Constitution guarantees every citizen's right to freedom of speech and expression. However, Article 10(2)(a) stipulates that Parliament may by law impose such restriction it deems necessary for the reasons stated in Clause 2(a) of the Article including to provide against incitement. The same spirit is also reflected in Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) which guarantees everyone's right to hold opinions without interference. Nevertheless, Article 19(3) of the ICCPR

emphasizes that such rights carry with it special duties and responsibilities and it may be subject to restrictions. Whilst Article 20(2) of the ICCPR requires States to restrict any speech that constitutes incitement to discrimination, hostility or violence. It must be noted that both the Federal Constitution, UDHR and ICCPR establish a high threshold for restricting speech and further imply the need to criminalise speech only when less extreme measures are insufficient.

Taking into consideration the above, the Panel recommends that the Government do enact legislation to combat hate speech in Malaysia; in place of the Sedition Act of 1948. Such a law is necessary to prevent any person, including those from government institutions and enforcement agencies, from making inflammatory public speeches and to incite or promote hatred.

9. Accession to International Convention for the Protection of All Persons from Enforced Disappearance 2006 (ICPPED)

Malaysia has not acceded to the International Convention for the Protection of All Persons from Enforced Disappearance 2006 (ICPPED). Therefore, Malaysia is not a party to the said International Convention.

We recommend that Malaysia accedes to the ICCPED.

By acceding to the Convention, Malaysia will assume an international obligation to eradicate enforced disappearances. The measures set out in the Convention include provisions on, among others –

(a) the effectiveness of investigations into enforced disappearance and involuntary disappearance[197];

(b) bringing those directly and indirectly involved in the disappearance to account for their actions[198];

(c) the creation of an additional offence in the penal law with enhanced sentencing for enforced disappearance;[199]

(d) the provision of information to the families of victims;[200] and

(e) the training of law enforcement officers[201].

[197] Articles 3, 12, 19 and 22 of the ICPPED.
[198] Articles 6 and 10 of the ICPPED.
[199] Article 7 of the ICPPED.
[200] Articles 18 and 24 of the ICPPED.
[201] Article 23 of the ICPPED.

By acceding to the ICPPED, guidelines on identifying elements of an enforced disappearance can be made. Furthermore, it will clearly outline the role of the Government in investigating the offence and other related offences. The Government should take further steps to pass the necessary legislation so as to give legal validity to the ICPPED in Malaysia to better enable agencies to deal with the issue of 'enforced disappearance'.

10. Independent Police Complaints and Misconduct Commission ("IPCMC")

The Panel recommends that an Independent Police Complaints and Misconduct Commission (IPCMC) should be established as recommended by the Royal Commission of Inquiry appointed by the Government in 2004 and chaired by a former Chief Justice Tun Mohamed Dzaiddin Abdullah; instead of the intended IPCC.

In addition, the Panel calls upon the Royal Malaysia Police to take heed of the recommendations of the RCI in their Report, namely, that the Royal Malaysia Police –

(a) adopts and adheres to a strong code of ethics;

(b) be transparent and accountable to the public;

(c) be subject to a credible external oversight mechanism in the form of the proposed IPCMC;

(d) be more representative of the various groups in the country;

(e) be more responsive to the requirements of the community through programmes such as community policing; and

(f) should be organisation that is infused with human rights values and discharges its responsibilities towards maintaining law and order in a human-rights compliant way.

It is submitted that by establishing the IPCMC and adopting the recommendations of the RCI Report holistically, there will be a proper check and balance on the police.

Acknowledgements

The Panel takes this opportunity to thank all the parties for their attendance, research and submissions, in the conduct of this inquiry. Special appreciation is accorded to the observers who have assisted the Panel:

- Counsel on behalf of the family of Pastor Ruth Sitepu
- Officers appearing for the Royal Malaysia Police
- Counsel on behalf of the Malaysian Bar Council
- KontraS, Indonesia
- SUHAKAM Secretariat

The Panel also would like to record its gratitude to all the witnesses who appeared before the Panel during the hearing and all those who have had their statements recorded for the purpose of this inquiry. Appreciation is also accorded to all Government agencies and Private Sectors who have provided the relevant information to assist the Panel.

The Panel wishes to express its deepest concern and sympathies to the families and friends of Joshua Hilmy and Ruth Sitepu for the grief, anxiety and sadness arising from their disappearances since 30 November 2016.

15th April 2022

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DATO' SERI MOHD HISHAMUDIN BIN MD YUNUS

.....

MR. JERALD JOSEPH

.....

DATO' DR. MADELINE BERMA

ANNEX I

LIST OF INQUIRY WITNESSES

INQUIRY WITNESS NO.	NAME OF WITNESS	DATE OF ATTENDANCE
IW1	Peter Pormannan a/l Annamalai	18 February 2020
IW2	Grace Thangamalar a/p Peter Pormannan	18 February 2020
IW3	Josiahnandan Emmanuel a/l Peter Pormannan	2 March 2020 12 August 2020
IW4	Ramanathan a/l Manickavasagan	2 March 2020
IW5	Selvakumar Peace John Harris	2 March 2020 3 March 2020
IW6	Ram Ram Elisabeth	4 March 2020
IW7	Iman Setiawan Sitepu	4 March 2020
IW8	IW8	4 March 2020 24 August 2020
IW9	IW9	1 September 2020
IW10	Susandi bin Basari	1 September 2020
IW11	ASP Shafiee bin Marsidi	2 September 2020
IW12	Insp. Nurul Huda binti Bustami	2 September 2020
IW13	ASP Hairol Azhar bin Abdul Aziz	10 September 2020
IW14	ASP Zulfadhly bin Yacob	17 September 2020 11 January 2021 18 August 2021 4 October 2021
IW15	DSP Supari bin Muhammad	21 September 2020
IW16	Iqbal Mirza bin Mohd Jalaludin	5 January 2021
IW17	CP (B) Dato' Awaluddin bin Jadid	6 January 2021
IW18	Fadzlina binti Amran	6 January 2021
IW19	DSP (B) Omar bin Hassan	11 January 2021
IW20	Reverend Dr. Hermen Shastri	11 June 2021

INQUIRY WITNESS NO.	NAME OF WITNESS	DATE OF ATTENDANCE
IW21	Junainh binti Dalugamin @ Dulgamin	6 July 2021
IW22	Zulkarnain bin Mohd Yasin	16 July 2021
IW23	Azhar bin Baba	28 July 2021
IW24	Saravanan a/l Perampalam	29 July 2021
IW25	Tan Lai Shing	29 July 2021
IW26	Lai Sau Ping	29 July 2021

ANNEX II

LIST OF EXHIBITS

NO.	EXHIBIT NO.	SUBJECT	SUBMITTED THROUGH	DATE OF TENDER
1.	Exhibit 1	Copy of Police Report (no.repot: SG.WAY/002249/17) dated 06/03/2017	SUHAKAM	18/02/2020
2.	Exhibit 4	Copy of Conversation on "Seminar Belia Menentang Keganasan" by YBhg DCP Awaludin Jadid	Observer (Counsel for Family)	02/03/2020
3.	Exhibit 5 (a-j)	Facebook extract from Joshua Hilmy's Facebook account	SUHAKAM	03/03/2020
4.	Exhibit 6	Book titled Sermon On The Mount by Pastor Joshua dan Pastor Ruth	SUHAKAM	03/03/2020
5.	Exhibit 7	Joshua Hilmy and Ruth Sitepu's Certificate of Marriage	SUHAKAM	04/03/2020
6.	Exhibit 8	Copy of Police Report (no.repot: SG.WAY/002209/18) dated 28/02/2018	SUHAKAM	04/03/2020
7.	Exhibit 10 (a-k)	Pictures of Joshua Hilmy and Ruth Sitepu's house in Kampung Tunku	Ram Ram Elisabeth (IW6)	04/03/2020
8.	Exhibit 15	Letter with heading – "Re: Box With Belongings From Joshua Hilmy and Ruth Sitepu Bertarikh 28 February 2020 (Mah – Kamariyah & Philip Koh to SUHAKAM)"	SUHAKAM	12/08/2020
9.	Exhibit 15a	Master List (SUHAKAM)	SUHAKAM	12/08/2020
10.	Exhibit 16	Birth Certificate	SUHAKAM	12/08/2020
11.	Exhibit 17	Sijil Kelahiran Lama	SUHAKAM	12/08/2020
12.	Exhibit 18	Copy of Identification Card	SUHAKAM	12/08/2020
13.	Exhibit 20	Letter of Reporting Sign From Polri Resort Kota Binjai, Indonesia ("Tanda Melaporkan Dari Polri Resort Kota Binjai, Indonesia")	SUHAKAM	12/08/2020
14.	Exhibit 21	Statement Of Report Acceptence	SUHAKAM	12/08/2020
15.	Exhibit 22	Police Report (No. Pol. LP/114/VI/2006/SPK) dated 19/6/2006	SUHAKAM	12/08/2020
16.	Exhibit 23	Statutory Declaration	SUHAKAM	12/08/2020
17.	Exhibit 51	Confirmation of Baptism of Rudangta from Canning Garden Methodist Church	SUHAKAM	12/08/2020
18.	Exhibit 59	Joshua Hilmy's Passport	SUHAKAM	12/08/2020
19.	Exhibit 65	Testimony of Joshua Hilmy	SUHAKAM	12/08/2020
20.	Exhibit 70 (a)	Letter with the Malaysia's Coat of Arms to Joshua Hilmy (A)	SUHAKAM	12/08/2020

NO.	EXHIBIT NO.	SUBJECT	SUBMITTED THROUGH	DATE OF TENDER
21.	Exhibit 70 (b)	Letter with the Malaysia's Coat of Arms to Joshua Hilmy (B)	SUHAKAM	12/08/2020
22.	Exhibit 70 (c)	Letter with the Malaysia's Coat of Arms to Joshua Hilmy (C)	SUHAKAM	12/08/2020
23.	Exhibit 70 (d)	Letter with the Malaysia's Coat of Arms to Joshua Hilmy (D)	SUHAKAM	12/08/2020
24.	Exhibit 73	Letter of Guarantee on the Husband's Whereabout in Indonesia	SUHAKAM	12/08/2020
25.	Exhibit 76 (a)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (A)	SUHAKAM	12/08/2020
26.	Exhibit 76 (b)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (B)	SUHAKAM	12/08/2020
27.	Exhibit 76 (c)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (C)	SUHAKAM	12/08/2020
28.	Exhibit 76 (d) (i)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (D)(i)	SUHAKAM	12/08/2020
29.	Exhibit 76 (d) (ii)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (D)(ii)	SUHAKAM	12/08/2020
30.	Exhibit 76 (e) (i)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (E)(i)	SUHAKAM	12/08/2020
31.	Exhibit 76 (e) (ii)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (E)(ii)	SUHAKAM	12/08/2020
32.	Exhibit 76 (f) (i)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (F)(i)	SUHAKAM	12/08/2020
33.	Exhibit 76 (f) (ii)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (F)(ii)	SUHAKAM	12/08/2020
34.	Exhibit 76 (g)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (G)	SUHAKAM	12/08/2020
35.	Exhibit 76 (h)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (H)	SUHAKAM	12/08/2020
36.	Exhibit 76 (i)	Copy of Email on the Communication between Joshua and an Individual named Khairy Jamaludin (I)	SUHAKAM	12/08/2020

NO.	EXHIBIT NO.	SUBJECT	SUBMITTED THROUGH	DATE OF TENDER
37.	Exhibit 78	Certificate of Baptism of Joshua Hilmy from Bethany Church, Singapore – Joshua Hilmy	SUHAKAM	12/08/2020
38.	Exhibit 101	Copy of Police Report (No. Report: CHEMBONG/001417/14) dated 27/06/2014	SUHAKAM	2/09/2020
39.	Exhibit 109	Letter from PDRM to SUHAKAM (List of Documents to SUHAKAM)	PDRM	11/01/2021
40.	Exhibit 109A	Form POL97A Borang Kod Utusan Polis	PDRM	11/01/2021
41.	Exhibit 109B	Copy of Flyer of the Missing of Joshua Hilmy and Ruth Sitepu	PDRM	11/01/2021
42.	Exhibit 109C	Copy of Chembong Police Report 1416/14	PDRM	11/01/2021
43.	Exhibit 109D	Copy of Chembong Police Report 1417/14	PDRM	11/01/2021
44.	Exhibit 109E	Copy of Chembong Police Report 1419/14	PDRM	11/01/2021
45.	Exhibit 109F	Copy of Chembong Police Report 1420/14	PDRM	11/01/2021
46.	Exhibit 109G	Copy of Chembong Police Report 1424/14	PDRM	11/01/2021
47.	Exhibit 109H	Copy of Chembong Police Report 1425/14	PDRM	11/01/2021
48.	Exhibit 109I	Copy of Chembong Police Report 1428/14	PDRM	11/01/2021
49.	Exhibit 109J	Copy of Chembong Police Report 1429/14	PDRM	11/01/2021
50.	Exhibit 111A	Copy of Record Statement by Ahmad Sibee bin Nordin to SUHAKAM dated 6/7/2017	SUHAKAM	11/01/2021
51.	Exhibit 111B	Copy of Record Statement by Ahmad Sibee bin Nordin to SUHAKAM dated 4/9/2018	SUHAKAM	11/01/2021
52.	Exhibit 114	Letter of Reply from the Malaysian Department of Immigration ("Pengesahan Semakan Pergerakan Keluar/Masuk Malaysia")	SUHAKAM	06/07/2021
53.	Exhibit 120	Letter of Reply from Jabatan Hal Ehwal Agama Islam Negeri Sembilan to SUHAKAM	SUHAKAM	18/08/2021
54.	Exhibit 124	Record Statement by Cheng Teng Seng to SUHAKAM	SUHAKAM	4/10/2021

NO.	EXHIBIT NO.	SUBJECT	SUBMITTED THROUGH	DATE OF TENDER
55.	Exhibit 129	Record Statement by Annanthan a/l Munusamy to SUHAKAM	SUHAKAM	1/12/2021

NOTE:

Some parts in the Exhibits were redacted due to confidentiality

ANNEX III

LIST OF WRITTEN SUBMISSION BY PARTIES

NO.	PARTY	DATE
1.	Position of the Counsel on behalf of the Family of Pastor Ruth Sitepu	17 January 2022
2.	Position of the Officers Appearing for Royal Malaysia Police	17 January 2022
3.	Position of the Malaysian Bar Council	19 January 2022
4.	Position of KontraS	17 January 2022

NOTE:

Some parts in the Written Submissions were redacted due to confidentiality

ANNEX IV

LIST OF NOTES OF PROCEEDING

NO.	SUBJECT
NP1	TRANSCRIPTS OF PROCEEDING - 18.02.2020
NP2	TRANSCRIPTS OF PROCEEDING - 02.03.2020
NP3	TRANSCRIPTS OF PROCEEDING - 03.03.2020
NP4	TRANSCRIPTS OF PROCEEDING - 04.03.2020
NP5	TRANSCRIPTS OF PROCEEDING - 12.08.2020
NP6	TRANSCRIPTS OF PROCEEDING - 24.08.2020
NP7	TRANSCRIPTS OF PROCEEDING - 01.09.2020
NP8	TRANSCRIPTS OF PROCEEDING - 02.09.2020
NP9	TRANSCRIPTS OF PROCEEDING - 10.09.2020
NP10	TRANSCRIPTS OF PROCEEDING - 17.09.2020
NP11	TRANSCRIPTS OF PROCEEDING - 21.09.2020
NP12	TRANSCRIPTS OF PROCEEDING - 5.1.2021
NP13	TRANSCRIPTS OF PROCEEDING - 6.1.2021
NP 14	TRANSCRIPTS OF PROCEEDING - 11.1.2021
NP 15	TRANSCRIPTS OF PROCEEDING - 11.6.2021
NP 16	TRANSCRIPTS OF PROCEEDING - 6.7.2021
NP17	TRANSCRIPTS OF PROCEEDING - 16.7.2021
NP18	TRANSCRIPTS OF PROCEEDING - 28.7.2021
NP19	TRANSCRIPTS OF PROCEEDING - 29.7.2021

NO.	SUBJECT
NP20	TRANSCRIPTS OF PROCEEDING - 18.8.2021
NP21	TRANSCRIPTS OF PROCEEDING - 4.10.2021
NP22	TRANSCRIPTS OF PROCEEDING - 1.12.2021

NOTE:

Some parts in the Notes of Proceeding were redacted due to confidentiality