



**SUHAKAM CALLS FOR GREATER TRANSPARENCY IN ASSAULT CASE
INVOLVING POLICE ESCORT**

KUALA LUMPUR (16 AUGUST 2024) - The Human Rights Commission of Malaysia (SUHAKAM) acknowledges the recent disciplinary action taken by the police against its officer alleged of having assaulted a disabled e-hailing driver in May 2024. Whilst SUHAKAM welcomes the Inspector-General of Police, Tan Sri Razarudin Husain's announcement that disciplinary action had been taken, nevertheless, we note with concern by the fact the announcement is lacking in particulars and thus we are left in the dark as to what type of punitive action (for example, dismissal, suspension or fine), if any, was taken against the said officer by way of the said 'disciplinary action'. Or, whether the disciplinary action is still ongoing, and if so when is the disciplinary proceedings to be concluded.

As duty bearers entrusted with the protection of the public, police officers have a profound responsibility to uphold and to protect the rights of all individuals, including persons with disabilities. SUHAKAM reaffirms that any abuse of power by law enforcement officers is unacceptable and stands in direct violation of the principles of justice enshrined in our legal framework and international human rights standards.

The Federal Constitution under Article 8 guarantees equality before the law and equal protection of the law, a principle that must be upheld by all public authorities, including the police and the Attorney General's Chambers (AGC). SUHAKAM urges the AGC, as the guardian of public conscience and the body responsible for criminal prosecution, to expedite the criminal proceedings in this case. A straightforward case of assault under section 323 of the Penal Code. The delay in addressing this serious incident undermines public confidence in the institutions responsible for upholding the Rule of Law and delivering justice.

In line with the United Nations Convention on the Rights of Persons with Disabilities (entered into force on 2008) (CRPD), to which Malaysia is a party, it is imperative that justice is not only done but is seen to be done, particularly for individuals with special needs. Article 16 of the CRPD calls for the protection of persons with disabilities from all forms of exploitation, violence, and abuse, while Article 13 emphasizes the right to access justice.

In furtherance to the above Convention, at the domestic level our Parliament passed the Persons with Disabilities Act 2008 (Act 685).

SUHAKAM stresses the importance of the principle of transparency and accountability in the handling of this case to ensure that the victim is accorded proper redress and justice that he rightfully deserves in a prompt manner. Justice delayed is justice denied. Furthermore, the public has a right to be informed of the progress of this case, and SUHAKAM calls on the AGC to provide promptly regular updates on the actions being taken.

This incident underscores the urgent need for appropriate training for law enforcement personnel, as mandated by Article 13(2) of the CRPD, to ensure that persons with disabilities are effectively protected from violence and abuse and have unimpeded access to justice.



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In addition, article 20 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the United Nations during the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990), emphasises special attention to the issues of police ethics and human rights in the training of law enforcement officials.

By taking prompt and transparent actions, the police and the AGC can assuage public concern that abuse of power will not be tolerated, and that the rights and dignity of all individuals, particularly those with special needs, will be respected and protected.

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The Human Rights Commission of Malaysia (SUHAKAM)

Date: 16 August 2024