

DEATHS IN CUSTODY

RECOMMENDATIONS TO MALAYSIA

- *Strengthen the Criminal Investigation Unit on Deaths in Custody's (USJKT) functioning* by increasing the quantity and quality of capable personnel and addressing external factors that affect investigation capacity
- Amend the Criminal Procedural Code to *mandate inquests for all custodial deaths* in all detention, correctional and rehabilitation facilities operated by the government, with the *enactment of a Coroner's Court Act* to ensure high quality of inquests
- Collaborate with the National Human Rights Commission of Malaysia (SUHAKAM) to develop and conduct training modules for immigration officers that incorporate human rights elements and the prohibition of torture and other forms of degrading and inhumane treatment

3RD UPR CYCLE RECOMMENDATIONS

In 2018 for the 3rd UPR cycle, Malaysia:

- Accepted Switzerland's recommendation to systematically conduct an "independent and impartial investigation" into human rights violation allegations in prisons.

There are no updates on the status of this investigation.

NATIONAL EFFORTS TAKEN

- Human rights education initiatives by the Royal Malaysian Police and the Prison Department, including in collaboration with the National Human Rights Commission of Malaysia (SUHAKAM)
- Setup of custodial health units in 5 centralised police lockups for detainees' access to health
- Measures to reduce overcrowding in prisons – rehabilitation and reintegration programmes

ISSUES

- Despite USJKT being set up in 2022 to investigate deaths in police custody, there are gaps. E.g., lacking transparency in disclosure of custodial deaths and investigation findings, slow investigation progress due to manpower constraints
- Limited access to justice for families of deceased, due to lack of mandatory inquests for custodial deaths in non-police detention facilities (i.e., prisons, immigration depots). Lack of transparency on internal investigations conducted on death-in-custody cases is another barrier
- Limited to no systematic measures by the Immigration Department to prevent custodial deaths (which has been consistently placed first or second in prevalence over the last 8 years)

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Link to our UPR Report:
<https://shorturl.at/dyQZ4>

