

## POLICE ACCOUNTABILITY

### RECOMMENDATION TO MALAYSIA

- *Amend, with consultations with stakeholders including civil society organisations, the Independent Police Conduct Commission Act* in line with recommendations of the 2005 Royal Commission to Enhance the Operations and Management of the Royal Malaysia Police

### PREV. UPR CYCLE RECOMMENDATION

- Took note of New Zealand's recommendation during UPR Cycle 2 about establishing an "Independent Police Complaints and Misconduct Commission in accordance with the recommendations of the 2005 Royal Commission"

### KEY DEVELOPMENTS AND ISSUES

The Independent Police Conduct Commission (IPCC) Act was passed in Parliament in July 2022 (10 years after UPR Cycle 2), and the government is currently setting up the Commission. Nevertheless, the IPCC in its current form will fail to live up to longstanding expectations of a more transparent and accountable police force, due to the following gaps:

- **Lack of institutional independence:** Secretary of the Commission is selected by the Minister of Home Affairs; current and retired police officers can be members of the Commission. This provides room for executive interference
- **Limited enforcement powers:** No disciplinary power to hold errant police personnel accountable. Furthermore, whilst the IPCC can provide recommendations, the current legislation does not give it the authority to compel the Police Force Commission to respond to recommendations issued
- **Limited investigative powers:** No powers to conduct search and seizures in investigations, as well as conduct unannounced visits to police lockups and other premises. In addition, the IPCC also cannot unconditionally compel submission of evidence or oral statements. Police officers can thus refuse to answer questions if the response provided can "expose the (individual) to a criminal charge or penalty or forfeiture", as well as submit evidence if it is deemed to be "prejudicial to national security or national interest"

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

