

***Civil Society Joint Statement on International Day for the Right to Truth, 24 March 2024***



**Transitional Justice for Teoh Beng Hock must include the prosecution and charging of the individual MACC officers who caused his death, and a disclosure of the TRUTH.**

We, the undersigned groups and civil society organizations, express our grave concern that the perpetrators responsible for the wrongful death of Teoh Beng Hock, fifteen years after his death whilst in the custody of the Malaysian Anti-Corruption Commission (MACC), have yet to be prosecuted for the killing or matters related. Justice demands that those that committed crimes must be charged, accorded a fair trial, and if convicted be sentenced accordingly.

Teoh Beng Hock, was then the political aide to the Selangor State Executive Councilor and State Assemblyperson Ean Yong Hian Wah, from the Opposition Pakatan Rakyat coalition that finally managed to win the 2008 State election defeating the UMNO-led Barisan Nasional (BN) government for the very first time, The BN, however retained power at the Federal Government.

In 2009, MACC, under the federal government, launched an investigation into 7 Selangor State assemblypersons from Pakatan Rakyat. Teoh Beng Hock was an aide of one of them. Many perceived the actions of MACC as a retaliation by the then BN government that lost the Selangor State elections.

Teoh Beng Hock was arrested and detained by the MACC on 15/7/2009, and he was then found dead at 1.30pm on 16/7/2009 on a ledge outside the window on the 5<sup>th</sup> Floor of Plaza Masalam, where the Selangor MACC office was on the 14

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floor. He was allegedly dropped, pushed or fallen out of the 14

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floor window and landed on the 5

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floor ledge.

In 2011, the Royal Commission of Inquiry (RCI) concluded that Teoh **was “driven to suicide” or death due to aggressive interrogation methods deployed by MACC officers. It named three officers as playing a role in his death: Hishamuddin Hashim, and his junior officers Mohamad Anuar Ismail and Ashraf Mohd Yunus.**

This implied that the law had been broken, and possibly there was torture that may have caused death. The RCI, in our opinion, erred in suggesting that it was suicide.

The Coroner gave an open verdict, which was varied by the Court of Appeal on 5/9/2014 that ruled that **Teoh’s death was accelerated and caused by one or more unknown persons, including MACC officers. The decisive evidence was that Teoh’s neck had a pre-fall injury.**

On 12/5/2015, the civil suit brought by the late Teoh Beng Hock's family against the Malaysian Anti-Corruption Commission (MACC), the Government and 12 others for negligence over his death was settled by the Defendants without the case going to full trial. The defendants agreed to pay the plaintiffs RM600,000 in damages, and High Court judge Justice Rosnaini Saub also instructed the defendants to pay costs of RM60,000. It is most likely that the Government only paid, and none of the other Defendants including the named MACC officers had to share in the burden of payment of damages and cost.

Transitional justice aims to provide recognition to victims, enhance the trust of individuals in State institutions, reinforce respect for human rights and promote the rule of law, as a step towards reconciliation and the prevention of new violations. Transitional justice has four pillars: 1) Truth seeking; 2) Prosecution; 3) Reparations; and 4) Institutional reforms.

Whilst the settlement in the Civil Suit on 12/5/2015 may have settled the question of reparations, the other pillars of transitional justice especially truth seeking and prosecution remains.

No one to date has yet to be charged and tried for the killing/death of Teoh Beng Hock, or other matters that broke the law including illegal interrogation practices and the deprivation of access to a lawyer of his choice. The perpetrator cannot be simply be 'protected' or dealt with 'disciplinary actions'. Those who broke the law must be charged and tried in accordance to the law, and if convicted be sentenced justly.

Paying of compensation or damages, and allowing the actual perpetrators off scot free is not JUSTICE.

The 1<sup>st</sup> police investigation in 2009 did not result in anyone being charged and tried.

Another police investigation was commenced in 2014 after the Court of Appeal's finding that the

death was 'caused by one or more unknown persons, including MACC officers' also did result in any visible outcome.

When the Opposition Pakatan Harapan came into power after ousting the BN in the General Elections in 2018, the police commenced another investigation into the death. On 11 March 2024, in Parliament, Home Minister Saifuddin Nasution said the police had completed the investigation and submitted the report to the Attorney-General Chamber (AGC) in August 2023. Such delay in police investigation is not acceptable.

Almost 8 months have passed since police report has been submitted to the AGC, and no one has yet been charged in Court for the killing and/or related matters surrounding the extrajudicial killing of Teoh Beng Hock.

There is a lack of transparency as to what is happening, and simply no justification for the delays.

Therefore, we, the undersigned call for

- 1) The immediate charging and prosecution of all MACC Officers or others that killed and/or caused the death of Teoh Beng Hock;
  
  
  
  
  
  
  
  
  
  
- 2) The immediate charging and prosecution of all Officers that broke the law in their conduct of investigations, including possibly torture that may have caused the pre-fall injuries on Teoh Beng Hock's neck;

3) The immediate disclosure of the full TRUTH of what happened that led to the death of Teoh Beng Hock,

4) Ensure the needed institutional reforms so that no one else will ever die in MACC's custody or at MACC. CCTV in the entire MACC office/building is needed to protect suspect or witness rights and to deter wrongdoings of MACC officers. The right to immediate access to a lawyer of the suspects/witness's choice must never be denied;

5) For a sincere apology be given to the family and friends of the late Teoh Beng Hock not just by the government and MACC, but also by the individual MACC officers responsible;



6) Call on Malaysia to amend needed laws and practices to ensure that law enforcement complies with the law, and there is no more violation of suspect/witness's rights in police or MACC's custody. Death in custody must end.

7) Call on Malaysia to ratify The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

***List of Endorsees*** □ □ □ □ :

1. Teoh Beng Hock Association for Democratic Advancement (TBH-ADA) □ □ □ □ □ □ □ □

2. Malaysians Against Death Penalty and Torture (MADPET) 馬來西亞死刑及酷刑反對者聯盟
3. Advancing Knowledge in Democracy and Law (AKDL) initiative
4. Agora Society Agora Society
5. Aliran
6. Baramkini 巴蘭基尼
7. Beyond Borders Malaysia
8. Building and Wood Workers International (BWI) Asia Pacific Regional Office
9. Center for Orang Asli Concerns (COAC)
10. Citizens Against Enforced Disappearances (CAGED)
11. Civil Rights Committee of KL & Selangor Chinese Assembly Hall 吉隆坡及雪蘭莪中華公會公民權利委員會
12. Coalition for Clean and Fair Elections (BERSIH) 公平選舉聯盟

13. Eliminating Deaths And Abuse In Custody Together (EDICT) ██████████

14. Empower

15. Freedom Film Network

16. G25 Malaysia

17. GERAK

18. Happy Learning Books ████

19. Hayat

20. Johor Yellow Flame ████████

21. Lightup Borneo

22. KL & Selangor Chinese Assembly Hall (KLSCAH) ██████████

23. Malaysia Muda

24. Malaysian Action for Justice and Unity (MAJU)

25. Mamas Bersih 〇〇〇〇〇〇

26. Melaka Chinese Assembly Hall 〇〇〇〇〇〇〇〇

27. Monitoring Sustainability of Globalisation (MSN)

28. National Union of Transport Equipment & Allied Industries Workers (NUTEAIW)

29. Negeri Sembilan Chinese Assembly Hall 〇〇〇〇〇〇〇〇

30. New Era Power Alliance 〇〇〇〇〇〇〇〇〇

31. New Generation of Universiti Malaya 〇〇〇〇〇

32. New Student Movement Alliance of Malaysia (NESA) 〇〇〇〇〇〇〇

33. North South Initiative

34. P320 Community Space (P320 〇〇〇〇)

35. Pemuda Pertubuhan Penganut Dewa Heng Soon Kong Tai Bak Gong Senai  
Johor 〇〇〇〇〇〇〇〇〇〇〇〇〇〇〇〇

36. Persatuan Amal Progresif

37. Persatuan Bertutur Bahasa Mandarin Malaysia 〇〇〇〇〇〇〇〇〇〇

38. Persatuan Komuniti Prihatin Selangor, KL & Perak 〇〇〇〇〇〇〇〇〇〇

39. Persatuan Sahabat Wanita Selangor

40. Persatuan Siswazah-Siswazah Taiwan Cheng Kung Universiti, Malaysia 〇〇〇〇〇〇〇〇〇〇〇〇〇〇〇〇

41. Persatuan Tiong Hua Negeri Sembilan 〇〇〇〇〇〇〇〇〇〇

42. Persatuan Wanita Maju Selangor & Kuala Lumpur 〇〇〇〇〇〇〇〇〇〇

43. Pusat Komas

44. Rahman Solidarity League 〇〇〇〇〇〇〇〇

45. Rahman Student League 〇〇〇〇〇〇〇〇

46. Sahabat Rakyat Working Committee 〇〇〇〇〇〇〇〇〇〇

47. Saya Anak Bangsa Malaysia (SABM)

48. Sedarjat

49. Society for the Promotion of Human Rights Proham

50. Stateless.my

51. Student Progressive Front (SPF)

52. Suara Rakyat Malaysia (SUARAM)

53. Sunflower Electoral Education Movement(SEED)

54. University of Malaya Association of New Youth (UMANY)

55. WH4C (Workers Hub For Change)

56. Youth Section of KL & Selangor Chinese Assembly Hall