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FACES

*A STORY OF
POLICE CUSTODIAL DEATHS
IN MALAYSIA*

ABOUT LAWYERS FOR LIBERTY

LFL is a human rights lawyers organisation that seeks to protect and promote human rights and civil liberties for all including those most at risk – human rights defenders, students, grassroots activists, then-opposition politicians, elected representatives and ordinary Malaysians who have asserted and demanded their rights.

We are a collective of lawyers and activists who believe in the universality of human rights, the value of individual human dignity, and equal treatment and fairness as the foundation of a democratic and just society.

INTRODUCTION

Every person has the right to life and it is the cornerstone of all other human rights. This much is clear and recognised in Article 3 of the Universal Declaration of Human Rights and all major international and regional human rights instruments, as well as Article 5 of our very own Federal Constitution. The taking of a life, save for exceptional circumstances, therefore constitutes a grave human rights violation and a criminal offence. More so than usual, however, custodial deaths are extremely serious and affect families and society at large. It strikes at the very heart of the rule of law and is one of the most heinous human rights violations imaginable.

It has long been established at common law that deaths that occur while a person is in the custody of the state are of particular concern as they happen behind closed doors and involve persons who are exceptionally vulnerable. All such cases must be investigated carefully and thoroughly, and the burden is on the detaining authorities to account for the treatment of the deceased.

According to a parliamentary reply by the Home Minister, between 2000 to 2016, a total of 284 persons died in police custody. To put this into perspective: an average of 17 people died in police custody each year for that period. Officially, nearly all of these deaths were a result of health issues and complications, and only two were due to police personnel causing fatal injuries to the victims. What you will discover in the next few pages, however, puts the lie to that statistic.

Police custodial deaths are more than merely a tragedy: they are an outrage of justice, and the fact that the perpetrators of these crimes are the men (and women) we entrust with upholding law and order only compound their transgressions further.

In this report, we share the stories of five people who died in police custody, and the preposterous aftermaths that followed. The deaths of these victims are often only the beginning of the ordeal for their families as the fight for justice is an uphill battle, and victories are few and far between.

We will take you through the agonising search for answers in each of these cases: from the police not taking custodial deaths seriously and the inherently flawed process of police investigating themselves, through the sometimes biased post-mortem reports that err on the side of the police, the inquests and inquiries to ascertain those responsible for the death, and the pitifully few criminal prosecutions that largely end either with acquittals or, rarer still, with one or two lower-ranking police officers convicted, leaving the higher-ups untouched.

Often, the only avenue available for families to receive some semblance of justice is through a civil suit seeking compensation for damages. However, recent court rulings have further reduced the amount that can be claimed. At every step of the way, the odds are often stacked in favour of the police and their allies – a broken system that abets the perpetrators of these crimes.

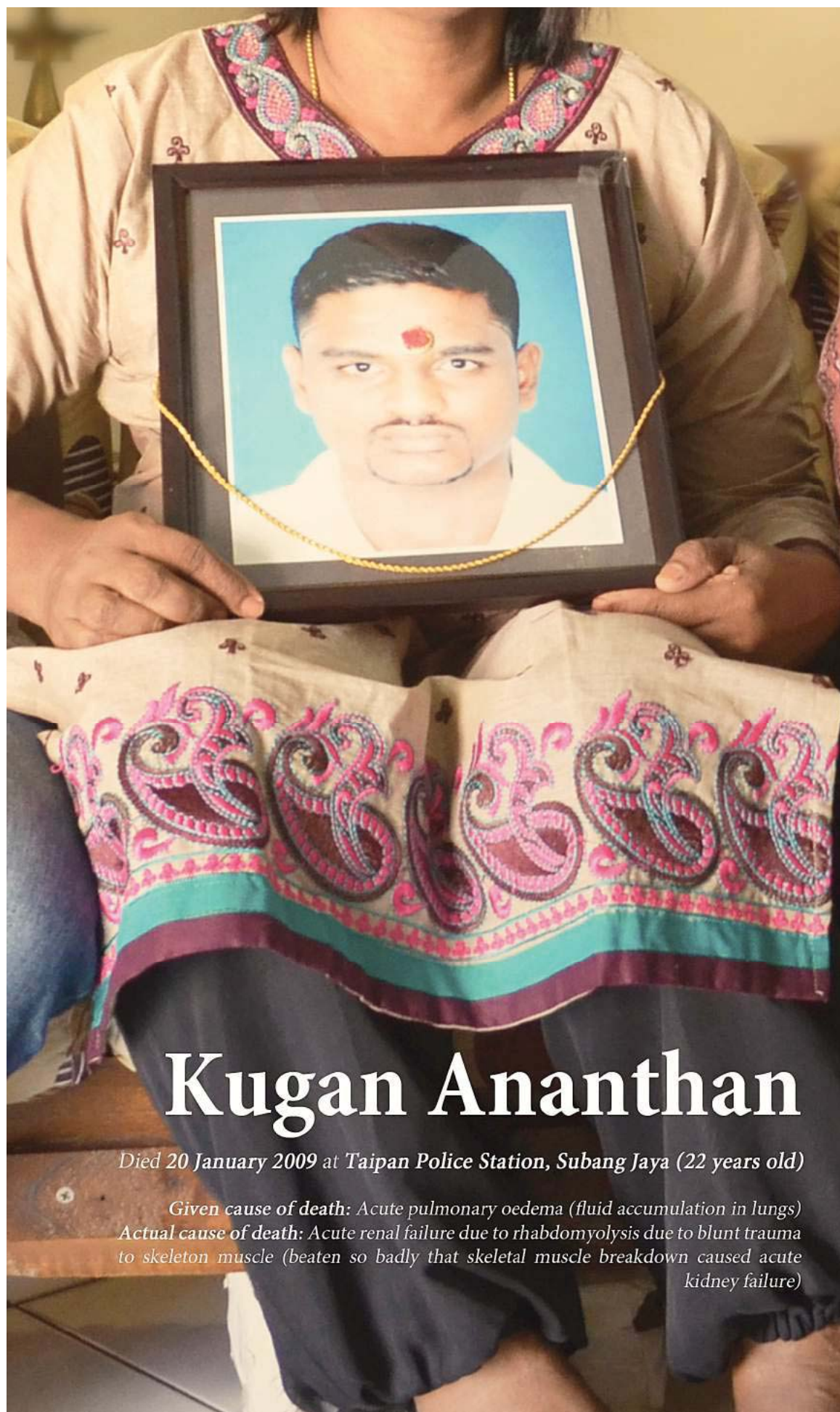


It is mere coincidence that the cases that we have featured all involve Malaysian Indians as police brutality does not discriminate according to ethnicity. However, it is important to note that statistically, more Malaysian Indians are killed proportionately compared to other ethnic groups in accordance to the population – the same statistics cited above indicate that 63 Indians died in police custody during that period, compared to 117 Malays and 59 Chinese persons.

We conclude by highlighting various recommendations and steps that can be taken to prevent this gross abuse of police power. For the victims in this report and their families, no amount of compensation or apology can undo the wrongs that have been done to them. Their lives have been shattered, and most if not all of them continue to seek justice to this day. More importantly, their loved ones' deaths are in danger of being buried in newspaper archives, mere statistics to be brought up again when yet another unfortunate soul dies in police custody.

This is an urgent call for reform in the investigative procedure in cases of custodial death, as police lock-ups (and prisons and immigration detention centres) must be a safe place for every human being and should not be turned into a potential crime scene. Equally as important, reform of the post-death forensic investigations and post-mortem process is necessary for the administration of justice to work, so that the investigating authorities, public prosecutors and judiciary can rely on medical observations and conclusions that are valid and do not breach the trust and confidence of families and society. Post-mortem reports must speak for the dead instead of helping the detention authorities cover-up for their crimes.

These five faces of police custodial deaths – A. Kugan, C. Sugumar, P. Karuna Nithi, N. Dharmendran and S. Balamurugan – deserve to be remembered for what they are: the unvarnished, undeniable truths about a shameful practice of impunity rooted in the police that violates the right to life, and a system that continues to exonerate them despite clear evidence of torture, abuse and neglect.



Kugan Ananthan

Died 20 January 2009 at Taipan Police Station, Subang Jaya (22 years old)

*Given cause of death: Acute pulmonary oedema (fluid accumulation in lungs)
Actual cause of death: Acute renal failure due to rhabdomyolysis due to blunt trauma
to skeleton muscle (beaten so badly that skeletal muscle breakdown caused acute
kidney failure)*

▼
Growing up,
Kugan was dubbed
“Merdeka Boy”,
having been born
on 31 August.



The deceased A. Kugan was arrested on 14 January 2009 on suspicion of car theft, and subsequently died on 20 January while being detained at the Taipan Police Station in Subang Jaya. His family was not informed of his whereabouts throughout this time and were only informed after his death, following which his body was handed over to the Serdang Hospital for a post-mortem.

The first post-mortem, carried out by pathologist Dr. Abdul Karim bin Haji Tajudin, concluded that the deceased had died of ‘acute pulmonary oedema’ (fluid accumulation in the lungs), despite noting the presence of some ‘22 categories of external wounds.’ Video footage of Kugan’s bruised and battered body recorded at the morgue went viral soon after.

Dissatisfied with the findings, given clear signs of torture and after much public pressure, a second post-mortem was conducted by Dr. Prashant N. Samberkar of Universiti Malaya Medical Centre. In his report, he found ‘45 categories of external injuries’ on Kugan’s body and a wide range of internal injuries, including haemorrhaging.

The cause of death was found to be ‘acute renal failure due to rhabdomyolysis due to blunt trauma to skeletal muscles,’ which meant that he died from kidney failure as a result of being beaten, a clear contrast to Dr. Abdul Karim’s conclusion which implied that the reason behind the death was unknown.

The mother of the deceased, N. Indra Nallathamby, subsequently initiated a civil suit at the Kuala Lumpur High Court naming then Selangor police chief Khalid Abu Bakar, Constable Navindran Vivekanandan (the police officer alleged to have tortured Kugan to death), the government, and others as defendants. In June 2013, in a landmark decision, she was awarded RM 801,700 in damages, but the Attorney-General’s Chambers (AGC) appealed the decision, and subsequent judgments at the Court of Appeal and Federal Court lowered the sum that was awarded to the plaintiff to RM 401,700.

In November 2017, the Federal Court established that the families of persons who die in custody are not entitled to exemplary damages for a breach of a constitutional right to life. As a result, it is now ‘cheaper’ to kill a suspect in custody as opposed to torturing him to within an inch of his life, as the government will not need to pay exemplary damages – setting a dangerous precedent.



Kugan's mother, N. Indra, remains devastated even after nearly a decade on from his untimely death, and her daily routine still involves cooking his favourite food and leaving it in front of his framed photo.

▼
Kugan was the
eldest among the
three of Indra's
children.



In the civil suit High Court judgment, Judge V.T. Singham found evidence of a cover-up within the police department, citing falsified station diary records that had reported Kugan was in good health ('dalam keadaan baik'). An internal investigation by the police was subverted by Khalid Abu Bakar, who had admittedly and through the assistance of a proxy managed to 'convince' the Attorney-General to limit the investigation to section 330 of the Penal Code (voluntarily causing hurt to extort confession), as opposed to section 302 (murder) as initially ordered. Further, the police did not utilise Dr. Prashanth's post-mortem report during the investigation. No internal disciplinary action was ever taken against the officers who fabricated the station diary entries.

"This court finds...that the [Taipan police station diary] entries recorded...[are] a fabrication and dishonest act on the part of the officers...who had recorded that the deceased was in good health."

Judge V.T. Singham, High Court judgment
N. Indra Nallathamby v Datuk Seri Khalid Abu Bakar & Ors
26 June 2013

It should be noted that Navindran testified that Kugan was interrogated for 24 hours every day in turns by the officers on duty. Kugan was detained for a total of six days before he died. Despite this, the other defendants insisted that Navindran was off 'on a frolic of his own' and was single-handedly responsible for torturing Kugan to death. He was the only person charged over Kugan's death although the names of at least 12 other police officers were mentioned in the criminal trial.

Further, the day after Kugan's death, Khalid Abu Bakar issued a misleading explanation to the media alleging that 'the deceased had asked for a glass of water and then collapsed and died'. Following the release of the first post-mortem report, he would later reiterate in a public statement that the deceased had died 'due to water in [his] lungs'. These unsubstantiated statements were never retracted despite the second post-mortem findings.



THE POST-MORTEM DEBACLE

In response to allegations of a cover-up, the Ministry of Health formed an independent investigating committee to review both reports. The committee's findings toed the official version of events: although not outright denying Dr. Prashanth's findings of the cause of death, they found that Kugan had died due to acute pulmonary oedema caused by acute myocarditis (inflammation of the heart muscle).

The differences in findings between Dr. Abdul Karim's and Dr. Prashanth's post-mortem reports (cause of death notwithstanding) were clear: the latter found over 20 more external injuries and haemorrhaging in multiple parts of the deceased's body, and most importantly, that the organs in the deceased's abdomen had not been removed for dissection in the first post-mortem (although Dr. Abdul Karim had claimed he had done so and found them to be normal). Despite this, the police did not utilise Dr. Prashanth's report.



From left to right: the deceased's brother A. Iswaia, 26; his mother, N. Indra, 50; his aunt, S. Renuga, 40; his sister, A. Garthiwaini, 25

In July 2011, following a complaint to the Malaysian Medical Council, Dr. Abdul Karim was found guilty of neglect and professional misconduct by failing to produce an honest report required of a pathologist, but he was only issued a reprimand when the more appropriate punishment would be for him to be struck off from the medical register or suspended from practice. His post-mortem report raised many questions, most importantly why his findings erred so heavily on the side of the police, exonerating them of any wrongdoing despite blatant signs of torture on Kugan's body.

VERDICT

The High Court awarded damages of RM 801,700. Following appeals to the Court of Appeal and Federal Court, the total amount was reduced to RM 401,700. In the criminal case, Navindran Vivekanandan was sentenced to three years' imprisonment. He remains the only person convicted for killing Kugan.



Sugumar Chelladury

Died 23 January 2013 at Batu 14, Hulu Langat, Selangor (39 years old)

Given cause of death: Coronary artery disease
Likelier cause of death (as submitted by lawyers during the inquest): Positional asphyxia and suffocation causing acute respiratory failure and ultimately cardiopulmonary arrest (suffocation eventually leading to a heart attack)

▼
C. Sugumar's family with lawyers Dr. Dheeraj Bhar and Eric Paulsen following the conclusion of the inquest at the Shah Alam Coroner's Court.



The deceased C. Sugumar was a mentally disturbed man who had raved, caused damage to a few banana trees, flower pots and swung a steel rod in public on 23 January 2013. However, at no point in time did his actions put any bystanders in imminent danger.

During the inquest at the Shah Alam Coroner's Court, it was revealed that he was chased by members of the public for two kilometres and tailed by policemen on a motorcycle and a car. Eyewitnesses recalled a struggle to subdue him during which a policeman kicked his legs, causing him to fall face down. Forced to lie down struggling on the ground, one policeman sat on his buttocks and pressed him down to handcuff him; another policeman stepped on his neck and handcuffed him again with a second pair of handcuffs. The policeman continued to step on Sugumar's neck until he stopped struggling.

Sometime during or immediately after his apprehension, Sugumar died. Photos of his naked, twice-handcuffed body with curry powder smeared on his face went viral later that evening, as he was left lying on the ground where he died. No attempt was ever made to check on his condition or transport him to a hospital for medical attention, under the pretext that the policemen present were not medically trained. A policeman further claimed that he was told that there was no ambulance available at the time. Four hours after his death, he was finally taken to the Serdang Hospital morgue, his hands still handcuffed together.

The subsequent post-mortem by pathologist Dr. Mohamad Azaini found that he had died of 'coronary artery disease', completely failing to consider the chain of events leading up to the death and the way he was forced into submission by the police. Further, he came to his conclusion due to a 70 percent occlusion (cholesterol blockage) in the deceased's artery, despite cardiology guidelines stating that an occlusion of 75 percent or above is a cause for concern.

During the inquest, questioning by lawyers representing the deceased's family eventually led Dr. Azaini to amend his findings of the cause of death, stating 'the physical exertion and the stress connected with the events (during apprehension) could have precipitated his death'. In March 2015, the Coroner declared the police responsible for their failure to provide first aid assistance to Sugumar after his collapse during arrest.

Despite the Coroner's verdict, no action has been taken by the police or by the Attorney-General's Chambers to identify and prosecute those responsible for his death.



▼
C. Sugumar at the scene of his death. Note the double handcuffs used on him.

THE POST-MORTEM DEBACLE

“Suspek telah jatuh di tepi jalan berhampiran longkang dan meninggal dunia.”

(“The suspect fell down on the road near a drain and died.”)

Police application for post-mortem, Chelladury Sugumar
23 January 2013

In light of Dr. Azaini’s obvious failure to consider the suspicious circumstances of Sugumar’s death and previous attempts by coroners to exonerate the police in their reports, an independent pathologist was needed to uncover the truth. Ultimately, the family of the deceased decided upon Dr. Pornthip Rojanasunand of the Thai Ministry of Justice, who was well-regarded in her field. She had previously testified in Malaysia during the inquiry into the death of Democratic Action Party political aide Teoh Beng Hock, during his detention by the Malaysian Anti-Corruption Commission (MACC). Upon hearing of the request, Dr. Pornthip agreed in principle to conduct the second post-mortem.

The initial request to the Ministry of Health (MOH) was blocked on the pretext that permission was required from the police to conduct a second post-mortem. A bureaucratic back-and-forth between the MOH, police and lawyers for the family of the deceased ensued; finally, after a sit-in by family members of the deceased, activists and lawyers at the MOH building, verbal permission was granted by the ministry.

In the MOH letter stating their approval, however, a caveat was attached: as a foreigner, Dr. Pornthip would have to apply for a Temporary Practising Certificate from the Malaysian Medical Council – this, despite her credibility as a well-respected professional in her field, and her role during the Teoh Beng Hock inquiry.

A week later, Dr. Pornthip abruptly changed her mind, citing personal reasons. Lawyers for the deceased’s family claim that the Malaysian government pressured its Thai counterpart to prevent her from conducting the post-mortem. Further attempts to secure a second pathologist to conduct the post-mortem failed, and eventually the matter was dropped.

▼
C. Sugumar found
with curry powder
on his face.



The brutal apprehension of Sugumar and the viral photos of his body drew national attention, with then-Prime Minister Najib Razak even discussing the case with his Cabinet. Subsequently, Dr. Azaini's conclusion that the cause of death was 'coronary artery disease' was roundly scorned and criticised as beyond belief.

During the inquest, details emerged that made Dr. Azaini's conclusion seem even more preposterous, such as the fact that the police chose not to check on him or to send him to the hospital in a patrol car claiming that the deceased was 'large' (he was 164 centimetres tall and weighed 95 kilogrammes). Further, he had been handcuffed twice with two pairs of handcuffs when there was no such standard operating procedure, and a policeman had stepped on his neck as he was lying down. The pathologist had also failed to consider that with the partial occlusion of the left coronary artery, the right coronary artery would still be able to compensate by supplying the additional blood flow required.

Additionally, the unnatural position in which he was forced into would have made it impossible for Sugumar to breathe (positional asphyxia). Failing to consult updated medical literature, Dr. Azaini glossed over various signs that the deceased suffocated as he was pressed onto the ground, and he admitted as much when being questioned by lawyers.

Dr. Azaini failed to consider any of these factors, taking information from the police at face value and blindly identifying a 'natural' cause of death that absolved them despite their actions (and inaction). Throughout the inquest, he continued to insist that the death was a result of Sugumar running two kilometres, and not the violent way in which he was apprehended.

VERDICT

The inquest ruled that police negligence had directly hastened Sugumar's death as a result of them not providing medical assistance to him or sending him to the hospital. To date, no action has been taken to identify and punish those responsible.



Karuna Nithi Palani Velu

*Died 1 June 2013 at Tampin Police District Headquarters (IPD),
Negeri Sembilan (42 years old)*

*Given cause of death: Fatty change of the liver
Actual cause of death: Blunt force trauma leading to rhabdomyolysis
(breakdown of skeletal muscles) or commotio cordis (lethal disruption of heart
rhythm due to a direct blow to the chest)*



Following an altercation with his wife, P. Karuna Nithi was arrested on 28 May 2013. He was remanded at IPD Tampin until his death on 1 June.

The deceased's body was sent to Tuanku Ja'afar Hospital in Seremban, and a post-mortem was conducted by pathologist Dr. Sharifah Safoorah. Signs of abuse were visible on the body, including a jaw fracture and multiple haematoma (swelling of clotted blood) on the victim's chest. Erring on the side of the police, the pathologist made several assumptions that conveniently overlooked these injuries, concluding the cause of death was 'fatty change of the liver'.

Subsequently, an inquest into the death was held at the Seremban Coroner's Court. CCTV footage tendered as evidence revealed that during his time in remand, Karuna Nithi was beaten by other inmates and police officers and displayed mentally abnormal behaviour. Despite being unfit for detention, he was not sent to the hospital contrary to the Lock-up Rules 1953.

Throughout the inquest, the policemen were dismissive of his condition, testifying that the deceased had never said he was ill or asked for assistance, and that they thought he had been suffering from alcohol withdrawal and was feigning death ("Karuna bermain-main, berpura-pura mati sahaja") as his condition deteriorated by the day. They suggested that his injuries were self-inflicted, and that they did not know he was ill even though it was clear that he was unfit to be detained and needed medical assistance. Some policemen even went to the extent to claim the deceased only spoke Tamil (which was proven to be untrue), and therefore there was no way they could understand him.

In January 2015, the Coroner in a landmark ruling rejected Dr. Sharifah's post-mortem report and instead concluded that the cause of death was blunt force trauma leading to rhabdomyolysis or commotio cordis, and that the policemen and other inmates were directly and indirectly responsible for Karuna Nithi's death.

Unusually, some two months later, the Ministry of Health (MOH) convened a committee of pathologists to review Dr. Sharifah's report and the Coroner's verdict. The committee attributed her erroneous findings to misinformation in order to exonerate her and further sought to water down the Coroner's decision. The committee concluded the deceased's death was due to 'multiple blunt force trauma in a man with moderate fatty change of the liver' even though according to Dr. Sharifah's post-mortem report, the liver disease symptoms were mild.

The Attorney-General's Chambers (AGC) reopened the inquest, purportedly to tender the committee's report as 'new evidence', and Dr. Mohd Shah, chairperson of the committee, testified before the inquest. In April 2016, the Coroner held that no 'new evidence' was tendered in law as the committee merely reinterpreted the existing medical evidence and therefore his verdict remained unchanged. Dissatisfied, the AGC applied for a revision of the Coroner's decision to the High Court, but this was dismissed in October 2017. Being dissatisfied yet again, the AGC appealed to the Court of Appeal. However, at the time of writing, the appeal has yet to be heard.

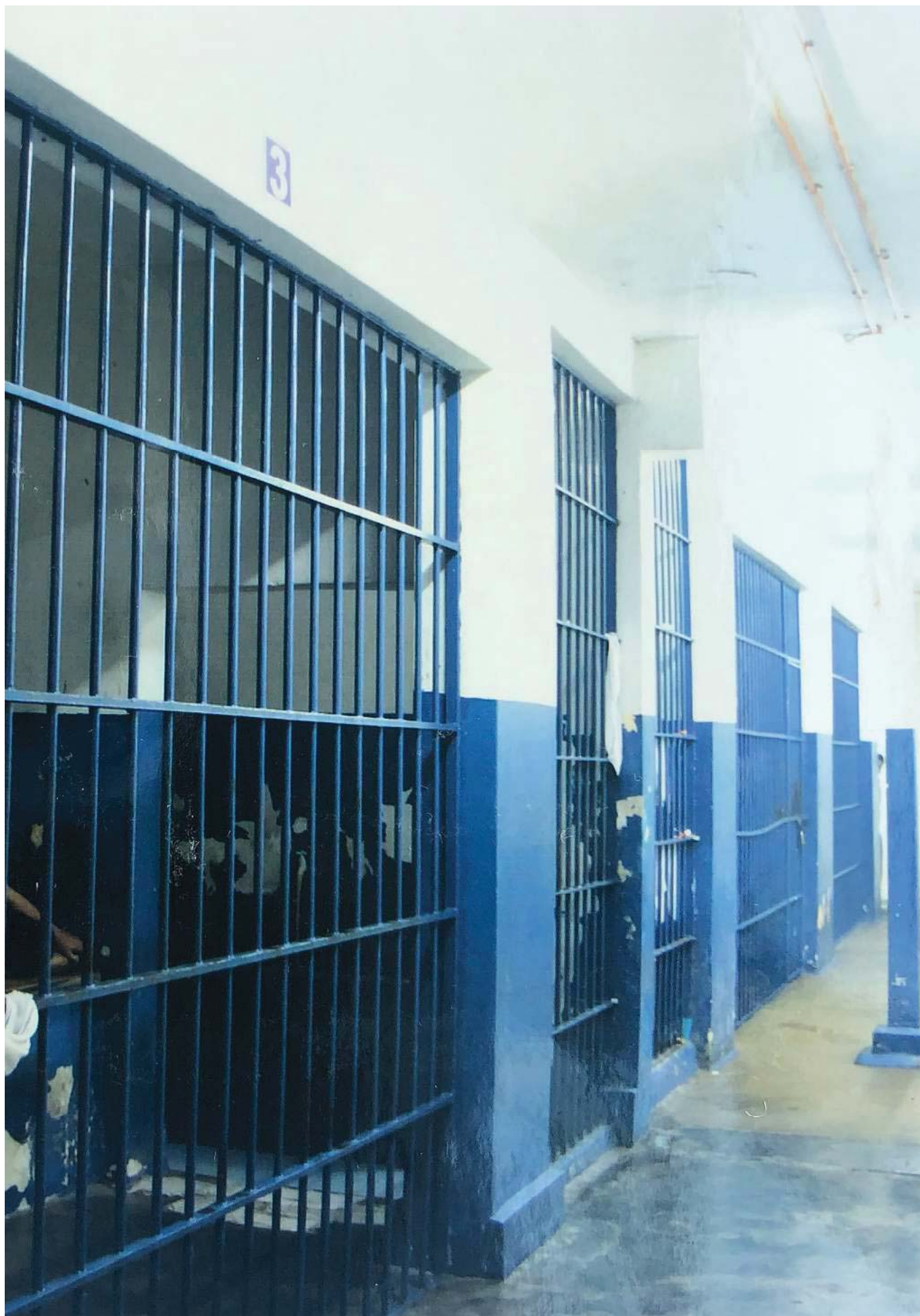
"The deceased was a healthy adult male with no life threatening diseases when he entered the lock-up but ended up dead 3 days later with 49 external injuries."

*Coroner Jagjit Singh, Verdict of the inquest into the death of Karuna Nithi
Coroner's Court, Seremban, Negeri Sembilan
28 January 2015*

Despite the inquest verdict and the repeated failure of the AGC to overturn the verdict, no action has been taken by the police nor the AGC to identify and prosecute those responsible for Karuna Nithi's death.



From left to right: The deceased's son, K. Yugeshvaran, 19; his brother P. Elam Sezhian, 50; his mother B. Katija, 75.





The first inquest uncovered many issues regarding the credibility of Dr. Sharifah's report, the most apparent of which are summarised below:

- (a) The deceased was an otherwise-healthy individual suffering from mild liver disease which would not have resulted in his imminent death and therefore at odds with the post-mortem conclusion that the deceased died from 'fatty change of the liver';
- (b) The pathologist testified that the multiple haematoma and an unknown brown gel on the deceased's chest were "possibly from the CPR (cardiopulmonary resuscitation) process", an unfounded assumption made by her that automatically ruled out commotio cordis as a possible cause of death. It was later revealed that CPR was never conducted on the deceased;
- (c) The right jaw fracture (which required significant force to inflict) was noted but not investigated further;
- (d) A history into the circumstances of the deceased's death was not taken and information provided by the police was taken at face value despite the deceased having died in police custody;
- (e) Over 16 months after taking specimens from the deceased's body to be sent for testing, the pathologist failed to inquire as to the results of the tests and was unable to furnish answers at the inquest.

Dr. Sharifah was thoroughly discredited during questioning by lawyers for the family of the deceased. In an unprecedented move, the Coroner rejected her report and conclusions, finding instead that rhabdomyolysis and commotio cordis were likely to have caused Karuna Nithi's death.

The follow-up report conducted by the MOH committee was a blatant attempt to exonerate Dr. Sharifah, going out of its way to absolve her of any wrongdoing by suggesting she was misled by false information provided to her by the police. In addition, the report concluded that commotio cordis ought to be excluded from the cause of death



The Tampin police lock-up where Karuna Nithi was found dead with 49 injuries.

and that the deceased 'was thin with sunken eye[s], pale, [had] prominent ribs, and [was] dehydrated', rewriting the established fact that the deceased had been healthy at the time of death.

Over the course of the reopened inquest, it was revealed that Dr. Sharifah had failed to note down the weight of the deceased and did not follow basic documentation procedures when taking photographic evidence or noting down injuries.

The committee's report was designed to vindicate Dr. Sharifah and to downplay the Coroner's established findings. They acted outside of their jurisdiction in reviewing the Coroner's verdict and did not in fact have anything new to offer the inquest that was re-opened. Indeed, their unusual report was completed in a day's meeting and utilised the same medical records as Dr. Sharifah's which were examined in the inquest. It was an underhanded attempt to overturn the findings of the inquest, which ran for a year and considered testimonies from 44 witnesses, CCTV footage and other documentary evidence. Unsurprisingly, the Coroner rejected the committee's report and his verdict remained unchanged.

More than any other, this episode called into question the impartiality of pathologists in Malaysia and highlighted the need for reform to the post-mortem system. Moreover, the AGC's conduct in attempting to repeatedly overturn the Coroner's decision was more akin to that of a defence lawyer for the pathologist and the police, as opposed to their role as the guardian of public interest.

In March 2015, family members of the deceased lodged a complaint at the Malaysian Medical Council (MMC) regarding Dr. Sharifah's misconduct but to this date the MMC has not convened a disciplinary hearing against her. The MMC postponed the proceeding against her on the basis that the inquest verdict was still under appeal.

VERDICT

The inquest found the policemen at the lock-up and other detainees responsible for Karuna Nithi's death. A revision filed by the AGC was dismissed at the High Court; the matter is currently at the Court of Appeal. To date, no action has been taken to identify and punish those responsible.

A portrait of a man in a blue suit and white shirt, smiling, standing in a ceremonial frame. The frame is decorated with a large, ornate garland of red and white flowers. Two small vases of flowers sit on blue pedestals on either side of the man. The background is a light blue wall.

Dharmendran Narayanasamy

*Died 21 May 2013, at Kuala Lumpur Police
Contingent Headquarters (IPK) (31 years old)*

*Given cause of death: Asthma attack
Actual cause of death: Diffuse soft tissue
injuries due to multiple blunt force traumas*

▼
Lawyers N. Surendran
and Latheefa
Koya with family
members of the
deceased gather at
the morgue to ensure
an independent
and competent
post-mortem report.



On 12 May 2013, the deceased N. Dharmendran was arrested along with three other suspects following reports of an armed brawl in Cheras. Following their arrest, the four were taken to the Dang Wangi police district headquarters (IPD) and were remanded until 16 May at IPK Kuala Lumpur. Dharmendran's remand would later be extended for five more days until 21 May. Inspector Hare Krishnan of the Special Investigation Division (D9) along with three other police officers were assigned to interrogate the deceased.

Throughout this time, Dharmendran's wife, Marry Susay, was kept unaware about her husband's whereabouts, and was only notified of his remand after repeatedly visiting the Pudu police station between 13 and 17 May, and given a letter authorising her to visit the deceased at IPK Kuala Lumpur. She was then directed to the D9 department, where she managed to contact Inspector Hare over the phone who refused to allow her to see her husband.

Marry was finally allowed to meet her husband for half an hour on 19 May, during which time she managed to pass him an asthma inhaler, food, soft drinks, and cigarettes. During this time, Dharmendran did not appear to be injured or have difficulty breathing, but spoke in a more cautious tone than usual. He also told his wife to prepare RM 3000 for bail come 21 May.

At 8 p.m. on 21 May, Marry received a call from the police informing that her husband had died due to an asthma attack while on the way to court, and that she should make her way to the Kuala Lumpur Hospital (HKL). In truth, however, he had been found dead in his cell at the D9 lock-up at IPK Kuala Lumpur. When she arrived at the hospital, police officers told her that her husband had died of chest pains before changing their story to one in which he had died due to difficulty breathing during an asthma attack. Suspensions were further raised by Kuala Lumpur Criminal Investigation Department (CID) Chief Ku Chin Wah publicly stating that Dharmendran had died of 'breathing difficulties' even before the post-mortem had been conducted.

The post-mortem, conducted by Dr. Siew Sheue Feng, promptly dismissed these claims, unequivocally finding the cause of death to be 'diffuse soft tissue injuries due to multiple blunt force traumas'. Crucially, the pathologist refuted the police's version of events by finding no evidence of significant natural disease that contributed to his



death. Dr. Siew instead documented 52 different injuries to the deceased, including two stapler bullets embedded in both his ears, all of which had occurred 2-3 days prior to the post-mortem when he was still alive and that he had been handcuffed while being beaten. He further confirmed that the injuries sustained were not self-inflicted, accidental in nature, or defensive wounds.

In June 2013, Inspector Hare Krishnan and police officers Jaffri Jaafar, Mohd Nahar Abdul Rahman, and Mohd Haswadi Zamri Shaari were charged for the murder of Dharmendran at the Kuala Lumpur High Court. However in June 2016, all four accused persons were acquitted by the High Court, a decision which was further upheld by the Court of Appeal in April 2017. In May 2016, the wife of the deceased brought a civil suit at the Kuala Lumpur High Court against the police officers involved and the government which is still ongoing at the time of writing.

An Enforcement Agency Integrity Commission (EAIC) inquiry would go on to uncover the depth of the police cover-up following Dharmendran's death. The police moved



From left to right: The deceased's wife, M. Marry, 31; his son Santosh, 7; his mother K. Sarawaty, 62; and his father V. Narayasamy, 64

immediately to downplay any wrongdoing on their part, and implied that Dharmendran had died of natural causes. In addition to Kuala Lumpur CID Chief Ku Chin Wah publicly stating prior to the post-mortem that the deceased had died from 'breathing difficulties,' senior police officers also conspired to falsify lock-up entries to obfuscate Dharmendran's movements and his condition prior to his death.

On the night of 21 May 2013, the Deputy Head of the CID of Intelligence and Operations Department (Khairi Ahrasa), the Officer-in-charge of D9 IPK Kuala Lumpur (Yahya Abdul Rahman), the Deputy Officer-in-charge of D9 IPK Kuala Lumpur (Glenn Anthony Sinappah), and Inspector Hare Krishnan instructed lock-up sentries Mohd Fairus Mohd Saharuddin and Mohd Fairul Mohd Fauzi to falsify entries 3150 to 3153 of the lock-up diary. The false narrative implied that Dharmendran had been released after his remand ended, re-arrested, and had been complaining of chest pains and asthma before collapsing and dying.

Two days later on 23 May, the two lock-up sentries were ordered to return to IPK Kuala



Lawyers N. Surendran and Melissa Sasidaran with family of the deceased after filing the civil suit against the police and government.

“There was no significant natural disease found in his body that could have caused or contributed to his death at that particular moment in time... The overall pattern of these injuries is neither self-inflicted nor accidental in nature.”

Dr. Siew Sheue Feng, Post-Mortem Report
Summary and Conclusions
22 May 2013

Lumpur by Inspector Hare Krishnan and police officers Jaffri Jaafar, Mohd Nahar, and Mohd Haswadi, where they received further instructions to falsify entries 3154 to 3161 of the lock-up diary. These new falsified entries further expanded upon the false narrative earlier created on the night of Dharmendran’s death. Later that day, the sentries were brought to meet Khairi Ahrasa, who reassured the two that there was nothing to be concerned about, and to not lodge a police report on the falsified entries.

In addition to the falsified entries, the two lock-up sentries were also instructed to tamper with the time in entries 3149 and 3150 of the lock-up diary to further synchronise with the time stated in the re-arrest report of the deceased. Similarly, the re-arrest itself (conducted by officers Mohd Haswadi and Mohd Nahar upon the instruction of Yahya Abdul Rahman and Hare Krishnan) was based on a random police report taken from the Police Reporting System and had nothing whatsoever to do with Dharmendran. The police report on the deceased’s death also contained false content and had been prepared on the instruction of Khairi Ahrasa.

The gambit to propagate the false narrative by means of falsifying lock-up diary entries ultimately fell through when sentry Mohd Fairul lodged a police report revealing what had transpired. The two sentries would later go on to testify during the EAIC inquiry, but despite a recommendation to the Attorney-General’s Chambers (AGC) to charge the various senior police officers involved, none were ever prosecuted.

THE PROSECUTION FAILURE

In the face of the post-mortem report, the AGC charged Inspector Hare Krishnan and police officers Jaffri Jaafar, Mohd Nahar, and Mohd Haswadi for the murder of Dharmendran in June 2013. Despite seemingly moving swiftly to take action and bucking the trend of previous death in custody cases, however, the prosecution case would be undermined by poor police investigation leading to a failure to provide a solid case against the accused persons.

At the time of his arrest and subsequent interrogation, Dharmendran was held along with three other suspects, including Balachantar Muniadi. Balachantar was called upon as a witness during the criminal trial and had spoken privately to the Deputy Public Prosecutor (DPP) regarding the chain of events that had occurred while they were being interrogated, including being tortured and forced to eat fistfuls of chilli lest they be beaten for stopping.

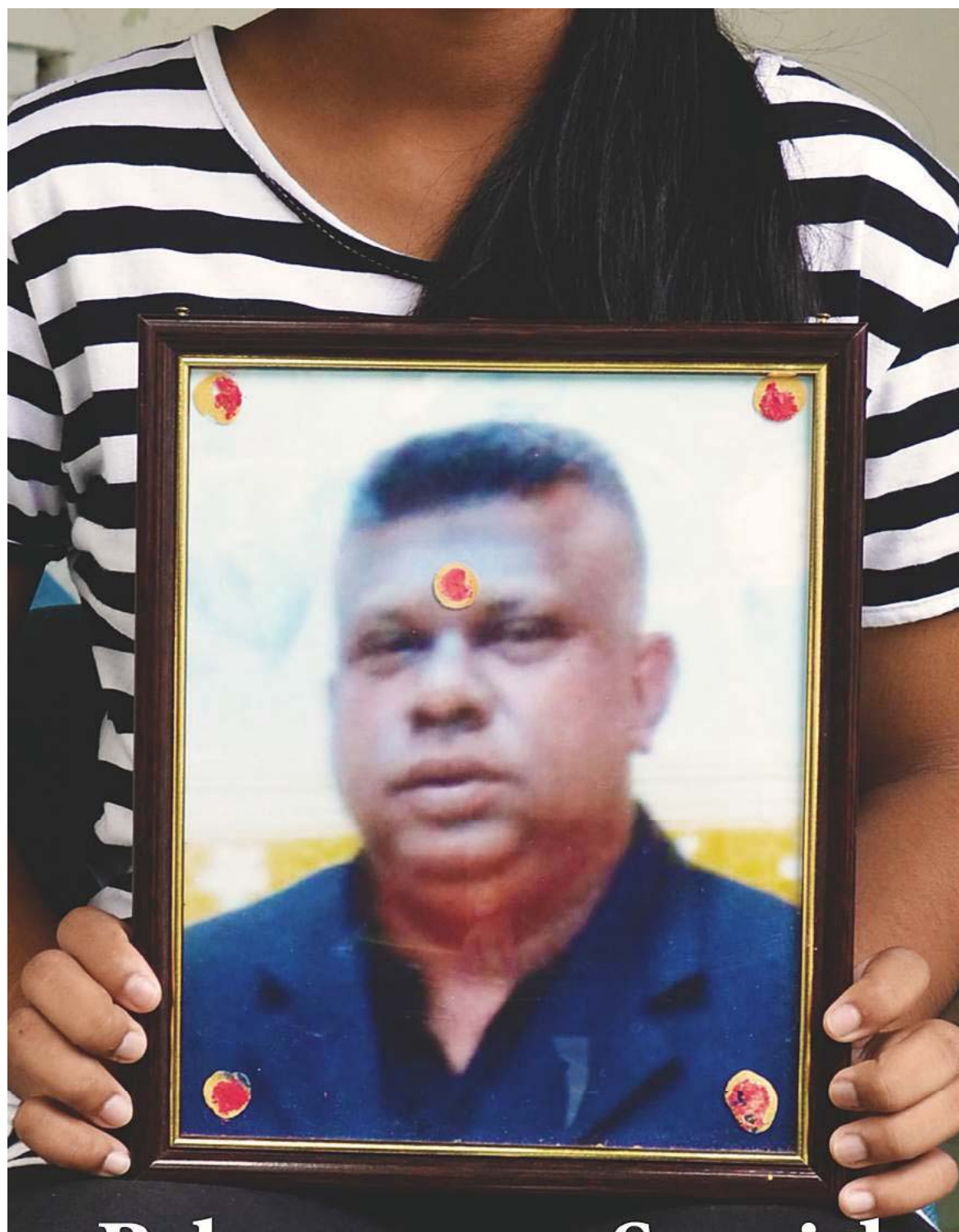
Prior to the hearing, however, whilst waiting in the witness room in court, Balachantar was allowed to be accosted and harassed by the family of one of the accused policemen, who told him to go easy before the judge and to let the matter slide as much as possible. Subsequently, when Balachantar was called to the stand, the DPP proceeded to omit asking any questions relating to the issue of his (and by extension, Dharmendran's) torture while in police custody, leading to serious questions about whether the case was being prosecuted properly.

Unfortunately, the DPP's failures, intentional or otherwise, ultimately meant that the prosecution was unable to prove the murder case against the four accused policemen. They were acquitted by the High Court in June 2016, a decision upheld by the Court of Appeal in April 2017.

The revelation that the DPP had left out asking Balachantar any questions about how he was treated while being detained and interrogated was only uncovered when he was being questioned as a witness during the ongoing civil suit by Marry Susay at the High Court.

VERDICT

The High Court acquitted the four police officers accused of murdering Dharmendran in June 2016, a decision which was upheld by the Court of Appeal in April 2017. A civil suit filed by the deceased's wife is ongoing at the High Court. No other police officers were charged for conspiring to cover-up the murder or falsifying evidence.



Balamurugan Suppiah

*Died 7 February 2017 at Klang Utara Police District
Headquarters (IPD), Selangor (44 years old)*

*Given cause of death: Heart problems
Actual cause of death: Coronary artery disease with multiple blunt force injuries*

From left to right:
The deceased's
daughter, Yanika,
15; his wife,
Natthanan, 41; his
brother, Balraj, 35.



The deceased S. Balamurugan, was arrested along with suspects Ang Kian Kok and TAMILASAN KARAPIAH on 6 February 2017 after the car they were travelling in was suspected of being used in a car theft case. All three were taken to the Bandar Baru Klang police station. An hour later, Inspector T. Mohaneswaran of the Special Investigation Division (D9) from IPD Klang Selatan arrived to interrogate them.

During the interrogation, Mohaneswaran and other police officers allegedly slapped, punched, kicked, and forcefully smeared chilli on the bruised bodies of the three suspects to force a confession out of them. Other police officers on duty at the station front desk also overheard screaming, shouts for help, and sounds of blows being landed.

Following the interrogation, the three suspects were transported to the Shah Alam Central Lock-up. During the journey, Balamurugan coughed up blood whilst in the care of TAMILASAN, who notified the policemen in the van; he was promptly told “padan muka” (“you deserved it”). Upon arrival, he was unable to walk and had to be assisted by both the driver and TAMILASAN, drawing the attention of the Shah Alam lock-up supervisor. However, the supervisor dismissed Balamurugan’s condition as a result of alcohol withdrawal symptoms.

Note that the centralised lock-up system was initiated to reduce deaths in custody by ensuring detainees were under the custody and care of police officers specially assigned to the centralised lock-ups and unconnected to ongoing investigations.

The next morning on 7 February, Balamurugan was taken to the Klang Magistrate’s Court by the police seeking a remand order. He was unable to raise his head when called on by the court, and vomited blood when his lawyer attempted to help him drink some water. The Magistrate, noting his condition, rejected the remand application and ordered that he be taken to a hospital for treatment.

In direct defiance of the court order, however, the police instead chose to fix him up and rearrested him for no reason other than to continue detaining him, even as his condition deteriorated. Senior police officers conspired on WhatsApp to fabricate investigations against him; in another WhatsApp group, police officers openly joked about him as they decided what to do with him, calling him derogatory racist terms and referring to him as a drunkard.

At 11.00 p.m. that evening, Balamurugan was found unconscious in a holding area in IPD Klang Utara. A medical officer confirmed his death an hour later, and his body was sent to the Tengku Ampuan Rahimah Hospital in Klang for a post-mortem. Pathologist Dr. Kartini Md Ariff stated that the cause of death was ‘heart problems’.

Unhappy with these findings, the deceased’s family applied to the Shah Alam High Court for a second post-mortem, which was carried out at Hospital Kuala Lumpur (HKL) on 18 February. The second pathologist, Dr. Siew Sheue Feng, concluded the cause of death was ‘coronary artery disease with multiple blunt force injuries’.

Subsequently, the Enforcement Agency Integrity Commission (EAIC) and the Malaysian Human Rights Commission (SUHAKAM) organised separate probes into Balamurugan’s death.

At the time of writing, Inspector Muhammad Noor Husri (the investigating officer in charge of a case in which Balamurugan was a suspect) and Inspector Mohaneswaran have been charged under section 342 (wrongfully confining a person) and section 330 (voluntarily causing hurt to extort a confession) of the Penal Code respectively at the Klang Magistrate’s Court.

“Insp Husri okt ni (Balamurugan) ada byk kes di klang utara.semak semula dgn anggota D9 utk sangkutkan kes samun yg lain berdasarkan [p]engakuan rakan suhabat.tq”

(“Insp Husri, this suspect has many cases in north Klang. Review with D9 officers to fix him up with other cases based on the admission of other accomplices. Thanks”)

*“Tangkap sangkut lain dulu dan bawa pi reman semula”
 (“Arrest and fix him up with other cases and take him for another remand”)*

*WhatsApp messages among senior police officers in the Klang district, tendered as evidence during the EAIC inquiry
7 February 2017*

Nevertheless, questions remain over how serious the Attorney-General’s Chambers (AGC) are conducting both cases. Both accused persons were charged at the Magistrate’s Court despite the high-profile nature of Balamurugan’s death in custody. The AGC could have filed the charges at the Sessions Court and assigned senior Deputy Public Prosecutors (DPP) to specifically focus on both cases. Instead, both cases have been assigned to the resident Magistrate’s Court DPP who has to deal with dozens of other cases on a daily basis and therefore may not be able to provide the attention that these cases deserve.



THE POST-MORTEM DEBACLE

The first post-mortem conducted by Dr. Kartini Md Ariff of Tengku Ampuan Rahimah Hospital initially concluded that Balamurugan had died of 'heart problems'. Three injuries were noted down by the pathologist, and she decided that despite their severity, they were not serious enough to have caused the death; instead, she highlighted the deceased's various cardiac and liver problems as the underlying causes. Predictably, this triggered a public uproar given the sheer absurdity of these findings.

Dissatisfied, the family of the deceased applied for a second post-mortem to be conducted, and the Shah Alam High Court acceded to their request. The second post-mortem was carried out by Dr. Siew Sheue Feng from HKL, and the cause of death was found to be 'coronary artery disease with multiple blunt force injuries'. He further found 22 different injuries on the deceased's body.

During the EAIC hearings, both pathologists testified, and several differences were made apparent. Most clearly, Dr. Siew's post-mortem report was more detailed than Dr. Kartini's, with the additional injuries that he had found as a result of him dissecting the deceased's muscle – something which Dr. Kartini had failed to do.

Ultimately, however, the findings of both post-mortems corroborated each other, and both pathologists agreed that the injuries inflicted upon Balamurugan were intended to cause pain. While Dr. Kartini's initial conclusions were not incorrect, his heart problems were exacerbated by the torture he was subjected to, and ultimately led to his death.

Yet again, the conduct of the pathologist has been called into question, and why Dr. Kartini was prepared to exonerate the police of either directly causing or accelerating Balamurugan's death. More chillingly, without pressure from lawyers, activists, and the family of the deceased, Balamurugan's death would likely have been covered up following the conclusion of the first post-mortem report.

VERDICT

At the time of writing, two senior police officers have been charged for wrongfully detaining Balamurugan and for voluntarily causing hurt to extort a confession, but questions remain over whether the investigations and subsequent prosecutions have been carried out in a thorough manner that implicate the accused persons beyond reasonable doubt, potentially leading to their acquittals.



Nattlianant Yoochomsuk, 41, the deceased's wife.



**“Keling ni macam mana? Dia
macam nak mampus”**

(How about this keling? He looks like he's going to die)

**“Kasi dia Carlsberg la,
confirm dia ok!”**

(Give him Carlsberg, confirm he'll be ok!)

**WhatsApp messages by police officers prior
to Balamurugan's death, tendered as evidence
during the Enforcement Agency Integrity
Commission (EAIC) inquiry
7 February 2017**



INTRODUCING ACCOUNTABILITY TO THE POST-MORTEM PROCESS

The lack of accountability in the preparation of the post-mortem report — which is the most crucial consideration, the deal-breaker in the investigating authorities deciding whether to treat the death in custody as suspicious and criminal in nature — has allowed the detaining authorities in some cases to dodge liability. Whenever such a case arises, it is not uncommon to find the post-mortem report citing ‘heart attack’ or other natural causes as the deceased’s cause of death — thereby exonerating the detention authorities from any blame even if there are injuries on the body and other suspicious circumstances.

Over the years, there have been many requests from families of the deceased for a second post-mortem to be conducted when the initial post-mortem report makes inexplicable conclusions that ignore the injuries and warning signs of custodial death, and instead give a natural cause of death. The inexplicable post-mortem findings of some custodial death cases lead one to question either the competence or integrity of these pathologists.

It must be emphatically stated that this state of affairs cannot be allowed to become an established pattern. The protracted process of determining the true cause of death, the public outrage and the demand for second post-mortems speak volumes about the credibility of the post-death forensic investigative procedure. It is also a waste of time and resources on all fronts, and unnecessarily extends the family’s period of grief and sense of injustice.

One way to maintain the integrity and credibility of the post-mortem reports is to subject them to an audit process as recommended in the UK Harold Shipman Inquiry (concerning a doctor who was convicted of murdering his patients in 2000, the Inquiry’s investigation of which prompted reforms of the coroner’s system including the death certification process).

One could consider the establishment of a panel of qualified doctors, who could be recruited on a part-time or sessional basis to act as second-level certifiers in dealing with custodial death cases. The panel doctors should be from different hospitals to ensure that they are independent of each other.

Panel doctors may also be tasked to perform retrospective checks on documentation relating to custodial deaths. It is feasible, for example, to audit at least one death among the deceased of every prison, lock-up facility, and immigration detention centre every two to three years, and up to 10 percent of deaths occurring in each institution. Checks may be targeted - for instance, where certain institutions record an unusually high number of deaths.

One crucial issue revealed by the Shipman Inquiry was that pathologists were often supplied with inadequate information to allow them to place their findings in context. The Inquiry thus recommended that adequate background information about the death should be made available to the pathologist, who are also encouraged to liaise with the family of the deceased and persons who saw the deceased last. In short, the post-death forensic investigative procedure should be made in light of the surrounding circumstances, not just what is 'officially' declared as what has happened to the deceased.

It is important to note that the Shipman Inquiry uncovered amongst coroners and pathologists an 'attitude that it will be to everyone's satisfaction if a cause of death can be found that will enable the coroner to certify the cause of death without further delay, cost or inconvenience', and 'it is easy to see how this attitude can become entrenched'.

To counter this, the Inquiry recommended that pathologists should be instructed and trained to 'think dirty' – that is, not to approach each death with the expectation that there will be 'something wrong' but to keep in mind the worst possibility and actively look out for signs of non-natural death.

FREQUENCY OF CUSTODIAL DEATHS

The frequency of custodial death cases should not come as a shock as according to police statistics, the number of detainees who have died while in their custody from 2000 to 2016 was 284 (according to a Home Minister parliamentary reply). The number of deaths in prisons and immigration detention centres is higher – with 1,654 deaths in prisons between 2010 and February 2017 (Home Minister parliamentary reply) and for immigration detention centres, 82 deaths in 2015 and 35 deaths in 2016 (SUHAKAM Annual Report 2016).

Out of these numbers – how many deaths have our pathologists attributed to ‘natural causes/ diseases’, so that the detaining authorities can claim that no one, therefore, can be held responsible?

Among the common causes of death stated by the authorities have included ‘sakit asma, usus, hati, penyakit kuning, ulser, paru-paru, kerongkong, masalah darah, TB’ (asthma, intestine, liver, jaundice, ulcer, lungs, throat, blood diseases, tuberculosis) – all of which are generally preventable or treatable if given proper and timely medical attention.

Can the medicolegal death investigative procedure be so simplistic? If it is the case that a detainee has died from a medical condition or that an inordinate number of persons are dying in that detention facility, is it not important for the pathologist to address the issue and other significant factors that have contributed or precipitated the cause of death?

It is high time the post-death forensic investigative procedure in custodial death cases be reformed so that pathologists are able to perform their roles competently and independently. In order to do so, there must be a process of check and balance, where post-mortem reports are audited and held to account without the need for a second post-mortem or inquest process.

There must be a serious reassessment and soul-searching within the medical authorities as to why in cases like A. Kugan, C. Sugumar, P. Karuna Nithi and S. Balamurugan, the pathologists have been compelled to make inexplicable findings that have had the effect of exonerating the custodial authorities when the medical evidence and other circumstances showed otherwise.

This is an urgent call for the medical authorities not to forsake their sworn and highest duty to do no harm and to start taking custodial deaths more seriously. They have an indispensable role to play in bringing the truth to light, or not – if they choose to downplay or turn a blind eye to signs of injuries, neglect and other suspicious circumstances in the medicolegal death investigation.

As the Court of Appeal in A. Kugan’s civil case said, ‘Further, to state the obvious, there has been a custodial death and that should have rung “alarm bells from the word go”’.



RECOMMENDATIONS

The road to justice and accountability is an uphill battle for the victims and their families. At the outset, the police will attempt to downplay the death and cover-up from within, failing which some pathologists stand ready to exonerate the police of any wrongdoing. In doing so, they knowingly breach the trust and confidence placed on them by the families of the deceased and society at large. Only after public outcry and a court order (which would have been unnecessary had the first post-mortem been done properly) will a second post-mortem be conducted, potentially leading to an investigation.

Lacklustre efforts in investigations by the police result in poor cases being built, with deputy public prosecutors who do not take such cases seriously. At the end of it all, the courts have no choice but to acquit the accused persons, given the lack of a solid case against them. The only semblance of recourse left is a civil suit, but the Federal Court's decision in the A. Kugan case has further reduced the compensation that can be claimed.

It must be stressed that few cases ever make it as far as criminal prosecution – most are largely swept under the carpet, covered up by the machination of an entire system designed to frustrate attempts to uncover the truth.

In any other democratic country with the rule of law, a death in custody would be treated as a serious matter and investigated thoroughly. However, this is not so in Malaysia. The entire system must be overhauled if there is any hope of justice and accountability prevailing in the future. We make the following recommendations:

FEDERAL GOVERNMENT

- Form the Independent Police Complaints and Misconduct Commission (IPCMC) as called for in the 2005 Report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police;
- Implement any outstanding recommendations made by the Enforcement Agency Integrity Commission (EAIC) and Malaysian Human Rights Commission (SUHAKAM) in previous death in custody inquiries and related reports on remand and places of detention;
- Table a comprehensive Coroners' Act in Parliament, making clear the inquisitorial role of a coroner in an inquest, and empowering them to make their findings and recommendations binding;
- Amend or repeal the Civil Law Act 1956 provision denying family members of the deceased the right to claim exemplary damages against the government where the death is caused by a breach of the constitutional right to life.

MINISTRY OF HEALTH

- For the MOH and the police to work together to ensure access to adequate healthcare for detainees, including the presence of medical personnel at all lock-ups and places of detention on a permanent or rotational basis, or for detainees who are unfit to be detained to be transferred to secured hospital wards;
- Ensure hospitals are fully equipped to accept detainees who need to be warded in a secured hospital ward, and to be more responsive towards taking in such detainees;
- For pathologists to carry out their duties responsibly, to ensure their medical observations and conclusions are valid and do not breach the trust of the victims, their families, and society at large;
- For the MOH to facilitate qualified foreign pathologists to conduct post-mortems in Malaysia should family members of the deceased so require;
- For the MOH to ensure negligent pathologists who cover-up cases of custodial deaths whether intentionally or otherwise are severely dealt with including by instituting disciplinary action against them;
- Subject post-mortem reports to an auditing process by a panel of independent pathologists from different hospitals (see also the Shipman Inquiry in the United Kingdom).

ATTORNEY-GENERAL'S CHAMBERS

- For the AGC to return to its role as the guardian of public interest, and to recognise the severity of cases of custodial death and accord the necessary serious attention;
- To recognise the importance of inquests as a fact-finding exercise, and to assist the coroner and facilitate the discovery of the cause and circumstances of the death as opposed to acting akin to defence lawyers for the police;
- Act upon the findings and recommendations of the inquests including instituting criminal prosecutions or requiring further investigations in order to prosecute the perpetrators and prevent further custodial deaths;

- Relook at the five cases highlighted in this report and other inquest or inquiry decisions where verdicts have implicated the detaining authorities and to follow-up accordingly;
- For the AGC to assign senior Deputy Public Prosecutors (DPPs) to prosecute all cases of police brutality and custodial death, and to conduct such prosecutions at the Sessions Court instead of the Magistrate's Court.

ROYAL MALAYSIAN POLICE

- Declassify and make public all police Standard Operating Procedures (SOPs) and the Inspector-General's Standing Orders (IGSOs) on arrest, detention, medical treatment for detainees, and use of firearms, and ensure that police officers are trained to adhere to them;
- Address all incidents of non-compliance with SOPs and IGSOs strictly, and institute disciplinary proceedings against the police personnel involved regardless of rank;
- Install and properly maintain CCTV cameras in all police stations, especially lock-ups;
- Ensure all lock-ups adhere to the standards prescribed in the Lock-up Rules 1953 (and updating any relevant provisions to meet international standards) including but not limited to providing access to adequate food, clean water, sanitary conditions, and medical attention;
- To censure and punish all police personnel found guilty of directly or indirectly causing the death of a detainee, whether through the use of torture or negligence, following a transparent and accountable internal investigation;
- Ensure the practice of falsifying evidence, including lock-up diaries and personal pocketbook diaries ceases, and that those responsible for advocating or directing such practices, in particular senior police officers, are severely disciplined.

METHODOLOGY

LFL lawyers represented the families of the deceased of A. Kugan, C. Sugumar, P. Karuna Nithi, N. Dharmendran, and S. Balamurugan.

In all of these five cases, LFL lawyers were heavily involved since the very beginning – from when the families of the deceased were notified of their loved one’s death, to ensuring accountability and justice at the police station, hospital and morgue – until the very end of legal proceedings.

LFL lawyers represented the families of the deceased during the Coroner’s Court inquest and Enforcement Agency Integrity Commission (EAIC) inquiry proceedings, in civil suits and appeals against the police and government from the High Court until the Federal Court. The contents of this report are based on our experiences handling these cases and are corroborated by information, documents, findings and judgments from our files. The report is further supported by the work of the EAIC and the Malaysian Human Rights Commission (SUHAKAM) where available.

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Between 2000 to 2016, an average of 17 people died each year in the custody of the Polis Diraja Malaysia. Most of these deaths were attributed to diseases and health complications.

The truth, however, is far more sinister.

In this report, we take you through five shocking deaths in police custody, and the chain of events as the families of the deceased battle for a modicum of justice against an unfair system determined to frustrate them at every juncture. We display the lengths to which the police, hospital pathologists, and the Attorney-General's Chambers will go to exonerate the detention authorities and help cover-up these crimes and wrongdoings.

Seen through our eyes as lawyers and activists, this report is a culmination of our work on police custodial deaths for the past decade both in and out of court. It provides frightening insight into the culture of impunity entrenched in the police force that allows for a detainee to enter a lock-up alive and come out dead.

We believe this report will prove to be a wake-up call that all is not well in the administration of justice. For the families of those who die in police custody, there is much work to be done if we are to ever see justice for them and the victims.

We hope this report will serve as a rallying call for reform to the current system, so that every death in custody is taken seriously, and the transgressions of the very people we entrust to uphold the law are brought to account.

SEPTEMBER 2018