



Commonwealth Human Rights Initiative

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Advisory Commission Members Abdullah Ahmad Badawi
Prime Minister of Malaysia

Sam Okudzeto
Ghana (Chair)

By email

Tuesday 18 April 2006

Eunice Brookman-
Amissah
Kenya

Dear Prime Minister

Murray Burt
Canada

Independent Police Complaints and Misconduct Commission

Jean Corston
UK

I am writing to convey my support for the immediate creation of an Independent Police Complaints and Misconduct Commission (IPCMC) as recommended by both Royal Commissions of Inquiry held to look into the conduct of the Malaysian police in 2004 and 2005.

Maja Daruwala
India

Alison Duxbury
Australia

I commend your government for mandating two Royal Commissions to look into policing in Malaysia. These Commissions were an important first step on the road to reforming the police service, and ensuring that it becomes the democratic, accountable service that Malaysia deserves. I endorse the recommendations of the Commissions, particularly with regard to the creation of an independent oversight body in the form of the IPCMC. An independent oversight body is a key mechanism to ensure that the police operate efficiently and effectively. I welcomed your announcement in January this year that the government would put the IPCMC into place in the very near future.

Nihal Jayawickrama
Sri Lanka

B. G Verghese
India

Zohra Yusuf
Pakistan

I am concerned that the government has not made any further announcements regarding the creation of the IPCMC, particularly given the emphasis on the timely nature of the body in your original announcement and the extensive public support for the body.

I am also concerned that the government has not revealed details of the IPCMC's powers, structures or mandate. These issues are all key to the success of the body. The minimum requirements for a successful oversight body are:

- independence – the body should be independent of the police and the executive, and report directly to Parliament;
- sufficient power – the body should have the authority to independently investigate complaints and issue findings (this includes the power to conduct hearings, subpoena documents and compel the appearance of witnesses);
- adequate resources – this involves financial support, infrastructure backup and skilled human resources; and
- the power to follow up on recommendations – this means that the body can make public reports, follow up recommendations with the police and draw Parliament's attention to police inaction.

CHRI Ghana Office

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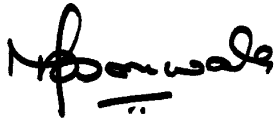
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CHRI has been working in the area of police reform for over eight years, and has built up a considerable expertise related to democratic policing and independent police oversight mechanisms. Our comparative knowledge allows us to look at various accountability mechanisms in different jurisdictions, comparing the mechanisms with one another and international best practice. If you, or any of your Ministries, would like any assistance as you go forward with the IPCMC, email Daniel Woods at our headquarters (daniel@humanrightsinitiative.org).

I look forward to the implementation of the Royal Commissions' recommendations and the creation of the IPCMC.

Regards



Maja Daruwala
Director

cc: Teresa Kok – Member of Parliament
Norian Mai – Inspector General of Police
Ambiga Sreenevasan – The Bar Council of Malaysia
Matthew Neuhaus – Director of Political Affairs Division, Commonwealth Secretariat

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