

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Country:** Malaysia  
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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**Questions**

- 1. Can you find any information on the operation of Chinese gangsters in Malaysia and any government connections?**
- 2. Can you find anything on whether Chinese gangsters in Malaysia have such international contacts and whether corruption in India is such that this could occur?**

**RESPONSE**

- 1. Can you find any information on the operation of Chinese gangsters in Malaysia and any government connections?**

The available information indicates that Chinese and other criminal gangs do operate in Malaysia, and that such organised crime operations do involve bribery and corruption of authorities. According to the sources consulted, these criminal gangs are involved in a number of illegal activities, including loan sharking. Loan sharking is an extremely large business, mainly targeting poorer groups, and has previously been tacitly allowed by the government. Despite recent attempts at a crackdown the practice continues. The available information also indicates that organised crime is increasing in the region, as is corruption. The Malaysian government has made some efforts to counter organised crime and corruption in the nation (for information on Chinese gangs, see: Kent, J. 2005, 'Meeting Malaysia's notorious triads', *BBC News*, 20 September <http://news.bbc.co.uk/2/hi/asia-pacific/4264324.stm> – Accessed 8 June 2007 – Attachment 1; for information on crime and corruption, see: Asia Economic Institute 2007, 'Asia's Rise of Organized Crime', *AEI Exclusives*, Vol. 1, No. 4, 26 January <http://www.asiaeconomicinstitute.org/AEIexclusive/aeiExv1n4.pdf> – Accessed 8 June 2007 – Attachment 2).

The following reports give some information on organised crime in Malaysia, including loan sharking, transnational crime, and corruption.

## Organised crime

A 2005 *BBC* article investigates “Malaysia’s notorious triad gangs”. According to this article “[t]he triads and Malaysia’s other criminal gangs dabble in any number of rackets”, however, as drug trafficking carries such severe penalties in Malaysia, they are more likely to be involved in prostitution, loan sharking, and pirated goods. The author writes that criminal groups like the triads are “run as businesses”, and deals are made with the authorities who often “turn a blind eye to what these gangs do”. One of the triad members interviewed for the article also claims that the gangs have virtual immunity from police. The article states:

It’s a pragmatic affair, where deals are reached with the authorities – who set boundaries for crimes they know can never be eliminated.

“If I want to operate on a particular street and ask a politician to ask the authorities not to disturb me, the politician might say: ‘It’s impossible to have zero arrests, so you can operate on certain hours and we will patrol after those hours’ – so it’s a win-win situation,” Ah Hing said.

If someone crosses him, however, it’s most certainly not win-win.

“If someone betrays me personally... I will get a few gang members together and beat him up until he’s paralysed or he’s a vegetable, but if the matter is really big then they’ll be brought before my tai ko for a trial,” he said.

“If my tai ko asks us to deal with someone, even if we kill that person, we won’t be worried, because if the police arrest us, my tai ko will get me out,” he added.

“Last time I was taken in the front door of the [police] lock-up, and right away I walk out of the back door” (Kent, J. 2005, ‘Meeting Malaysia’s notorious triads’, *BBC News*, 20 September <http://news.bbc.co.uk/2/hi/asia-pacific/4264324.stm> – Accessed 8 June 2007 – Attachment 1).

An opinion piece dated 3 June 2007 on the outspoken independent news website, Malaysia Today, states that “Malaysia has never been free of the Chinese underworld and organised crime syndicates but they had never been as organised as they are now.” This article contains relevant information on Chinese criminal gangs and their relationship with the police and authorities (Kamarudin, R. 2007, ‘Malaysia’s organised crime syndicate: all roads lead to Putrajaya’, Malaysia Today website, 3 June <http://malaysia-today.net/blog2006/corridors.php?itemid=5150> – Accessed 8 June 2007 – Attachment 3).

The above-quoted *BBC* article also notes that “[m]ost Malaysians have little or nothing to do with the triads. But many poorer people have nowhere else to turn when they need to borrow money.” An article dated 22 May 2007 states that “borrowers knew the risks involved when they borrow from Ah Long [loan sharks] but did so because they were desperate for money” (Kent, J. 2005, ‘Meeting Malaysia’s notorious triads’, *BBC News*, 20 September <http://news.bbc.co.uk/2/hi/asia-pacific/4264324.stm> – Accessed 8 June 2007 – Attachment 1; Chern, L. 2007, ‘Michael Chong asks for action on “Ah Long” loan defaulters as well’, *Bernama Daily Malaysian News*, 22 May – Attachment 4).

It should be noted here that, according to most sources, Malaysian Indians remain among the nation’s poorest groups. Deepa Kholsa writes that whilst the minority Malaysian-Chinese tend to be economically dominant, Indians in Malaysia are economically and politically disadvantaged in relation to the country’s majority population. He also states that:

They face significant poverty and under-representation in the economic arena due to historical practices by the Malay community. Their political under-representation is also due to the social practices of the dominant group and there are few public policies that seek to redress Indian disadvantages (Kholsa, Deepa 2002, 'Indians in Malaysia', Minorities at Risk website, 21 May. <http://www.cidcm.umd.edu/inscr/mar/data/malind.htm> – accessed 17 January 2004 – Attachment 5; see also US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Malaysia*, March, Section 5 – Attachment 6).

### **Loan sharks (a.k.a “Ah Longs”)**

According to the above-quoted 2005 *BBC* article, loan sharks were previously condoned by the government. However, more recently, local media interest has been focused on the increasingly violent practices involved with loan sharking. In December 2006 a Cabinet Committee was set up to curb loan shark activities. An article dated 10 December 2006 in *The Star* refers to a recent incident in which three brothers in Kuala Lumpur were found dead. Neighbours said that loan sharks had been harassing the family. The article quotes the chairman of the Malaysian Crime Prevention Foundation as saying “We are concerned about the whole thing. It is getting out of hand” (Kent, J. 2005, ‘Meeting Malaysia’s notorious triads’, *BBC News*, 20 September <http://news.bbc.co.uk/2/hi/asia-pacific/4264324.stm> – Accessed 8 June 2007 – Attachment 1; ‘Joint fight against loan sharks’ 2006, *The Star Online*, 10 December <http://thestar.com.my/news/story.asp?file=/2006/12/10/nation/16281497&sec=nation> – Accessed 8 June 2007 – Attachment 7).

In January 2007 a proposal to prosecute those who tried to borrow from loan sharks was put forward by police, “who accused borrowers of contributing to a system that sees Ah Longs resort to crimes such as assault and even murder to recover bad debts.” The proposal was immediately criticised by Amnesty International, and was later rejected by the Malaysian cabinet (Hamid, R. 2007, ‘Cops want to prosecute Ah Long’s victims’, *The Star Online*, 30 January <http://thestar.com.my/news/story.asp?file=/2007/1/30/nation/16720880&sec=nation> – Accessed 8 June 2007 – Attachment 8; ‘Malaysian cabinet rules out prosecution of illegal borrowers’ 2007, *Agence France Presse*, 3 February – Attachment 9; Amnesty International 2007, *Malaysia: Preventive legislation not the answer to illegal money lending*, Amnesty International Malaysia website, 30 January [http://www.aimalaysia.org/index.php?option=com\\_content&task=view&id=209&Itemid=46](http://www.aimalaysia.org/index.php?option=com_content&task=view&id=209&Itemid=46) – Accessed 4 June 2007 – Attachment 10).

An article dated 19 March 2007 quotes the Deputy Internal Security Minister as saying “[t]he Ah Long menace has reached a worrying stage and they have become a public nuisance. They have been causing hardship and misery to borrowers. We have to come down hard on them because it is getting out of hand”. According to the Housing and Local Government Ministry parliamentary secretary, quoted in an article dated 29 March 2007, the “Cabinet Committee set up last December to curb loan shark activities has successfully reduced the number of complaints from victims...the ministry, which oversees money-lending activities, did not receive a single complaint on loan sharking last month” (Rajah, D. & Jessy, K. 2007, ‘Ah Long menace has reached a worrying stage, says Fu’, *The Star Online*, 19 March <http://thestar.com.my/news/story.asp?file=/2007/3/19/nation/17116118&sec=nation> – Accessed 8 June 2007 – Attachment 11; ‘Move against loan sharks begins to bite’ 2007, *The Star Online*, 29 March <http://thestar.com.my/news/story.asp?file=/2007/3/29/parliament/17286748&sec=parliament> – Accessed 8 June 2007 – Attachment 12).

However, despite these claims, a number of more recent articles report that “Ah Long” activities continue. A *New Straits Time* piece, dated 2 May 2007, claims that “there is complete apathy” on the part of the authorities and police. Other recent articles report ongoing harassment by loan sharks, including the alleged abduction of a man for failure to settle an outstanding debt (‘Lack of action against loan sharks’ 2007, *New Straits Times*, 2 May – Attachment 13; ‘Man held captive by Ah Long rescued’ 2007, *The Malay Mail*, 10 May – Attachment 14; ‘Gambler mum (chased by Ah Longs) abandons children’ 2007, *Daily Express*, 24 May <http://www.dailyexpress.com.my/news.cfm?NewsID=50163> – Accessed 8 June 2007 – Attachment 15).

Proposals to punish borrowers who default on loans have also recently been put forward again. An article dated 22 May 2007 quotes Datuk Michael Chong, head of the MCA Public Service and Complaints Department (PSCD), as saying:

Besides the loan sharks or “Ah Long”, the government should also take action on the loan defaulters, especially those whose bad habits had caused untold misery on their families (‘Michael Chong asks for action on “Ah Long” loan defaulters as well’, *Bernama Daily Malaysian News*, 22 May – Attachment 4).

### **Other recent news articles of relevance**

- An article in *Bernama Daily Malaysian News*, dated 20 April 2007, states that 95 people believed to be involved in organised crime activities, including loan sharking, had been arrested over recent months in Sarawak. The article quotes the chairman of the Malaysia Crime Prevention Foundation as saying:

“From the data that I have, it appears that police have taken effective actions to curb gangsterism in the state” (‘95 Suspected Gangsters Arrested In Sarawak’ 2007, *Bernama Daily Malaysian News*, 20 April – Attachment 16).

- An article in *Agence France-Presse*, dated 8 April 2007, states that the “Malaysian government has been battling a soaring crime rate amidst criticism that the country’s poorly-paid police force is inept and corrupt.” The article cites the Deputy Internal Security Minister as saying:

“We are very concerned about the increase in crime. I have been informed that over the last three months, there has been a 40 percent increase in crime in Kuala Lumpur” (‘Crime surge in Malaysian capital’ 2007, *Agence France Presse*, 8 April – Attachment 17).

### **Transnational organised crime**

A 2002 paper by Dr Ralf Emmers, a Post-Doctoral Fellow in Asian Security at the Institute of Defence and Strategic Studies (IDSS) in Singapore, discusses transnational organised crime in Southeast Asia, describing it as a severe problem. According to this information, the Chinese triads are one of the largest and most dangerous criminal organisations operating in the region. Dr Emmers states that:

The problem of transnational crime in Southeast Asia is severe and consists primarily of drug trafficking, trafficking in persons, money laundering, transnational prostitution, piracy, arms smuggling, credit card fraud, and corruption...Some of the largest and most dangerous criminal organizations operating in the region are the Chinese triads, the Japanese yakuza, and Vietnamese gangs. Smaller networks have also flourished in most Southeast Asian states and

set up transnational criminal activities. All these groups take advantage of corrupt officials and politicians as well as weak governmental institutions and law enforcement agencies to broaden their actions and increase their profits (Emmers, R. 2002, 'The Securitization of Transnational Crime in ASEAN', *Working Paper series*, No. 39, Institute of Defence and Strategic Studies, Singapore, November, p. 6

<http://www.rsis.edu.sg/publications/WorkingPapers/WP39.PDF> – Accessed 8 June 2007 – Attachment 18).

An article in the September 2006 *Jane's Intelligence Review* details the recent increase in illicit drug production in Southeast Asia, including in Malaysia, despite its tough drug laws. According to this, "Chinese organised crime groups appear to have played a significant role in establishing new production centres." The article states that "busts in Malaysia in 2004 and 2006 have also involved criminal elements from China setting up production facilities in partnership with locals" ('Southeast Asian crime syndicates turn to 'ice' 2006, *Jane's Intelligence Review*, 9 September – Attachment 19).

According to the available information, human trafficking is a large organised crime activity in Malaysia, and efforts to counter trafficking are lagging. The US Department of State reports that the country was a destination, and to a lesser extent, a source and transit point for men and women trafficked for the purposes of sexual exploitation and forced labor. There is no specific law in Malaysia that criminalizes human trafficking, and the report notes that police and NGOs believed that "criminal syndicates" were behind most of it. In 2004 the Deputy Chief of Mission for the US Embassy in Kuala Lumpur, Robert Powell, delivered a speech on trafficking in which he stated that "[i]t is increasingly clear that TIP [trafficking in persons] is linked to other forms of criminal activity, and is a destabilizing force in nations where it goes unchecked." He also notes that it has a "deeply corrupting influence on government" (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Malaysia*, March, Section 4 – Attachment 6; Pollard, R. 2004, 'US Efforts to Stop Trafficking in Persons', Remarks to Malaysian Human Rights Commission, 4 October, cited on Human Rights Commission of Malaysia (SUHAKAM) website [http://www.suhakam.org.my/docs/document\\_resource/Speech\\_MrRobert\\_Pollard\\_041004.pdf](http://www.suhakam.org.my/docs/document_resource/Speech_MrRobert_Pollard_041004.pdf) – Accessed 8 June 2007 – Attachment 20).

### **Corruption**

A 2007 Asian Economic Institute article refers to Malaysia as an area in which criminal gangs have operated "for over twenty years." The article describes the "linkage between organized crime, host governments, and legitimate businesses" as an important factor in the growth of criminal syndicates in Asia, and states that "corruption has become common throughout the region." It further states that:

Gangs have established extensive contacts with government officials and private business and have integrated themselves with the broader economy. Gang-controlled front businesses have become more common, and many legal groups have acquiesced to gang demands. The longer gangs can operate in such a manner, the harder it will be for governments to disentangle organized crimes from legitimate businesses (Asia Economic Institute 2007, 'Asia's Rise of Organized Crime', *AEI Exclusives*, Vol. 1, No. 4, 26 January <http://www.asiaeconomicinstitute.org/AEIexclusive/aeiExv1n4.pdf> – Accessed 8 June 2007 – Attachment 2).

According to the most recent US Department of State report on human rights in Malaysia, "[a] 2005 police commission report on reform noted a rising incidence of police corruption and stated that it was endemic. Police offenses listed in the report included accepting bribes,

theft, and rape”. Malaysian human rights group, *Suara Rakyat Malaysia* (SUARAM), also notes that, despite the government’s pledge to reform the police force, corruption and other forms of police misconduct remain extensive. The US Department of State also reports that in 2006 there were allegations of corruption among law enforcement personnel in relation to human trafficking by alleged criminal syndicates (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Malaysia*, March, Section 1.d – Attachment 6; Suaram 2005, *Malaysia: Civil And Political Rights Report*, p. 1 <http://www.suaram.net/2005-hr-exec-summ-eng.pdf> – Accessed 11 September 2006 – Attachment 21).

The US Department of State report on human rights states that “[t]here was a broadly held perception of widespread corruption and cronyism within the governing coalition and in government institutions” in its section on ‘Government Corruption and Transparency’. The section provides further information on government corruption allegations, arrests, and prosecutions, as well as information on the work of the Anti Corruption Agency (ACA) (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Malaysia*, March, Section 3 – Attachment 6).

Malaysia’s National Integrity System report (described below) provides the following information on the ACA:

The Anti-Corruption Agency (ACA), established in Malaysia in 1967, is the primary institution charged with combating corruption in the public and private sectors. As do the most effective of the anti-corruption agencies in other parts of the world, it has been adopting a three-pronged approach of investigation, prevention, and education. The Anti-Corruption Act 1997 (Act 575) provides for the mandate and function of the ACA... The ACA is made up of a head office comprising nine divisions as well as a state office in each of Malaysia’s fifteen states. In turn, each of these is headed by a State Director (Malaysian Institute of Integrity & United Nations Development Programme 2007, *National Integrity System: A Guiding Framework*, United Nations Development Programme – Malaysia website, February, p. 45 [http://www.undp.org.my/index.php?act=oth&oth\\_id=593](http://www.undp.org.my/index.php?act=oth&oth_id=593) – Accessed 8 June 2007 – Attachment 22).

Malaysia has introduced various measures in an attempt to lessen the impact of corruption. Along with the United Nations Development Programme (UNDP), Malaysia has recently developed a “National Integrity Plan” to combat corruption in the public and private sectors, and to “enhance ethics and integrity” in civil society. In February 2007 guidelines for the National Integrity System (NIS) reform programme were published in a report titled *National Integrity System: A Guiding Framework*. According to this report, “[o]ver the years, money politics have plagued the Malaysian body politic, and it continues to do so”. It also states that the “greatest impact of corruption is on the poor, especially women and the disadvantaged – those least able to absorb its costs.” The functions of the Anti-Corruption Agency (ACA) and the powers of ACA officers, along with other watchdog agencies are described in the NIS report. The effectiveness of these institutions is also discussed, including the concern that the ACA and the Public Complaints Bureau (PCB) are placed under the Prime Minister’s Department and are therefore not independent bodies (Malaysian Institute of Integrity & United Nations Development Programme 2007, *National Integrity System: A Guiding Framework*, United Nations Development Programme – Malaysia website, February, pp. 45-49 [http://www.undp.org.my/index.php?act=oth&oth\\_id=593](http://www.undp.org.my/index.php?act=oth&oth_id=593) – Accessed 8 June 2007 – Attachment 22).

## **2. Can you find anything on whether Chinese gangsters in Malaysia have such international contacts and whether corruption in India is such that this could occur?**

No information was found of Chinese gangsters in Malaysia having contacts in India. As detailed in the previous question, however, the available information indicates that Chinese and other criminal groups operating in Malaysia are involved in a number of cross-border organised crime activities, such as human trafficking. India is also a source country of many of Malaysia's legal and illegal foreign workers, a practice which involves networks of recruitment agents and employers. Regarding corruption in India, the available information indicates that it is endemic in the government and the police forces (for information on India foreign workers, see: George, K. 2005, 'Finally, equal treatment for foreign workers', *Aliran Monthly*, Vol. 25, Issue 10 <http://www.aliran.com/oldsite/monthly/2005b/10e.html> – Accessed 8 June 2007 – Attachment 23; for information on corruption in India, see: US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – India*, March – Attachment 24).

There were no reports of gangsters or loan sharks operating in both Malaysia and India. However the following articles may be of some relevance:

- A somewhat confusing article in *New Straits Times*, dated 26 May 2007, reports on the case of a foreign worker from India who was allegedly murdered in Malaysia by his employers. The man was indebted to loan sharks in India and had taken the job through an employment agent in order to earn enough to repay the debt. The article does not make it clear as to whether there is any link between the two events (Arulldas, S. & Suparmaniam, S. 2007, 'Debts brought Ganesh here', *New Straits Times*, 26 May – Attachment 25).
- An article dated 22 May 2007 refers to "loan sharks who fled abroad after police reports had been made against them." Although the article mentions that Malaysian police are looking to trace them, no information is given on where they are believed to have fled ('Michael Chong asks for action on "Ah Long" loan defaulters as well', *Bernama Daily Malaysian News*, 22 May – Attachment 4).
- A January 2007 article published by the Asia Economic Institute discusses the rise of organised crime, and the factors behind the growth of crime syndicates in Asia. The article notes that Malaysia employs a large number of foreign workers, and that "[b]ackground checks are extremely lax, and many workers have ties to criminal gangs" (Asia Economic Institute 2007, 'Asia's Rise of Organized Crime', *AEI Exclusives*, Vol. 1, No. 4, 26 January <http://www.asiaeconomicinstitute.org/AEIexclusive/aeiExv1n4.pdf> – Accessed 8 June 2007 – Attachment 2).
- A 2005 article describes the illegal recruitment of foreign workers from India to Malaysia, involving agents in both countries, as well as corrupt immigration officials (George, K. 2005, 'Finally, equal treatment for foreign workers', *Aliran Monthly*, Vol. 25, Issue 10 <http://www.aliran.com/oldsite/monthly/2005b/10e.html> – Accessed 8 June 2007 – Attachment 23).

### **Corruption in India**

Corruption in India's police force was the subject of a lengthy article which appeared in *The*

*Hindu* on 26 January 2007. The article states that “corruption is endemic” and that “[t]here is an unholy nexus among politicians, armed criminals, and the police. The steady criminalisation of politics has been followed by the politicisation of crime.” In addition:

Most people believe that the police perpetrate some crimes themselves, shield criminals, refuse to register complaints against criminals, fabricate false cases against innocent victims instead, use beatings as their favourite technique of investigation, and frequently resort to illegal detentions at police stations. For ordinary citizens, contact with the police can lead to extortion and bribery (Thakur, R. 2007, ‘India’s dysfunctional police’ 2007, *the Hindu*, 26 January – Attachment 26).

An article in the December 2002 *Jane’s Intelligence Review* discusses the increasing transnational crime problem in India, particularly in the northeast, and states that:

Efforts to counter the current trends are undermined by rampant corruption at all levels of government, and collusion between politicians, organised crime groups and insurgents undermines civil society and governance. Confronting these threats are police forces that are compromised by corruption, undermanned, poorly trained, underfunded and overworked (Jasparro, C. 2002, ‘Transnational pressures destabilise India’s northeast’, *Jane’s Intelligence Review*, 1 December – Attachment 27).

The following recent research responses include information on corruption in India:

- *Research Response IND31476*, dated 27 March 2007, provides information police corruption in India (RRT Country Research 2007, *Research Response IND31476*, 27 March (Questions 2-3) – Attachment 28);
- *Research Response IND30743*, dated 25 October 2006, also provides information on police corruption, as well as political manipulation in India (RRT Country Research 2006, *Research Response IND30743*, 25 October (Question 2) – Attachment 29);
- *Research Response IND30742*, dated 18 October 2006, provides information on criminal gangs in relation to political connections and corruption in the police force (RRT Country Research 2006, *Research Response IND30742*, 18 October (Questions 1-2) – Attachment 30).



## List of Sources Consulted

### Internet Sources:

Google search engine <http://www.google.com.au/>

### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. Kent, J. 2005, 'Meeting Malaysia's notorious triads', *BBC News*, 20 September <http://news.bbc.co.uk/2/hi/asia-pacific/4264324.stm> – Accessed 8 June 2007.
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13. 'Lack of action against loan sharks' 2007, *New Straits Times*, 2 May. (FACTIVA)
14. 'Man held captive by Ah Long rescued' 2007, *The Malay Mail*, 10 May. (FACTIVA)
15. 'Gambler mum (chased by Ah Longs) abandons children' 2007, *Daily Express*, 24 May  
<http://www.dailyexpress.com.my/news.cfm?NewsID=50163> – Accessed 8 June 2007.
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