



Australian Government
Refugee Review Tribunal

Country Advice Malaysia

Malaysia – MYS35845 – Police – Crime –
State Protection

11 January 2010

1 Please provide an update on police protection in Kuala Lumpur.

Crime in Malaysia

Reliable and current crime statistics are very difficult to locate in Malaysia. Some crime index indicators are adjusted year to year making it difficult, if not impossible, to assess consistent trends over time.¹ That said, a 2005 paper published in the Journal of the Kuala Lumpur Royal Malaysia Police College, entitled *The Rise of Crime in Malaysia*, reported that violent crimes comprised only 10% of reported crimes each year and the majority of crimes, 90%, were classified as property crimes. Vehicle thefts comprised very nearly one half of all property crimes.² A current review of media sources indicates crimes of opportunity such as burglaries, purse-snatchings and vehicle theft, are consistently the most topical crime problems.

Royal Malaysian Police and Justice

The Royal Malaysian Police (RMP) is under the command of the Inspector General of Police, who reports to the Home Minister. The RMP reports that they employ 93,000 officers³, and the Centre for Public Policy Studies Malaysia reports that the ratio of police to population is 3.6 officers to 1,000 citizens and the ethnic composition of the police force is 78% Malay, 4% Indian, 2.5% Chinese, and 15% others.⁴ For comparison purposes, Australia's ratio is 2.1 officers per 1,000 citizens.⁵ Many sources caution that police to population ratios alone are not a comprehensive measure of crime fighting capabilities.⁶

The RMP has been heavily criticised for abusing human rights using the Internal Security Act (ISA) provisions established in 1960, originally enacted to fight a communist rebellion. The

¹ Charles, L. 2008 'More crimes last year, but fewer violent ones' *The Star On Line*, 10 January
<http://thestar.com.my/news/story.asp?file=/2008/1/10/nation/19964810&sec=nation> - Accessed 5 January 2010
Attachment 1

² ACP Amar Singh Sidhu 2005, 'This Rise of Crime in Malaysia An Academic and Statistical Analysis', *Journal of the Kuala Lumpur Royal Malaysia Police College*, No. 4, p. 25, 23-24 March
<http://mpk.rmp.gov.my/jurnal/2005/riseofcrime.pdf> - Accessed 6 January 2010 Attachment 2

³ Royal Malaysian Police website
<http://polismalaysia.brinkster.net/Royal%20Malaysian%20Police%20Force%20-%20About.asp> - Accessed 16 December 2009 - Attachment 3

⁴ Center for Public Policy Studies Malaysia website, 'Policy Fact Sheet Police'
<http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf> - Accessed 4 January 2010 – Attachment 4

⁵ NationMaster.com website, Statistics Tab, *Crime statistic - police per capita by country*
http://www.nationmaster.com/graph/cr_pol_percap-crime-police-per-capita - Accessed 17 December 2009-
Attachment 5

⁶ International Association of Chiefs of Police website, 'Research Center Directorate Perspectives Police Officer to Population Ratios Bureau of Justice Statistics Data' -
<http://www.theiacp.org/LinkClick.aspx?fileticket=LF7xdW1tPk%3D&tabid=87> - Accessed 21 December 2009-
Attachment 6

ISA permits police to detain subjects without charge for long periods of time and without access to legal representation. In a 29 April 2009 letter to the Prime Minister, Human Rights Watch calls for the abolishment of the ISA and the establishment of an Independent Police Complaints and Misconduct Commission, first proposed in April 2005 to investigate allegations of police abuse.⁷ Both Human Rights Watch and the US Department of State have documented incidents indicating that police are harassing, detaining, and abusing human rights activists and political activists under the ISA provisions.⁸ The perception of ongoing police abuses in this area is likely to reduce public confidence in police professionalism in general. While there are occasional press reports questioning why police had to use their weapons in hot pursuit of criminals, there is no corresponding volume of information criticising police for handed-treatment of common criminals.

The Malaysian legal system is hampered by understaffed and overcrowded courts resulting in many delays which compound police inefficiencies. According to the U.S. Department of State there are approximately 10,000 criminal cases backlogged in lower courts and 900 in high courts. This is in addition to a reported 903,000 pending civil cases in lower courts and 91,000 in the high courts. This backlog has resulted in lengthy pre-trial detentions – sometimes lasting years.⁹

International Comparisons

While press articles and public forums, such as blog sites, indicate a level of public dissatisfaction with crime rates and accompanying criticism of police effectiveness, several other sources assess that crime in Malaysia is not severe when compared to other nations. In an article in a Malaysian university journal analysing crime and unemployment, the author states: “from the international standard the criminal cases in Malaysia is relatively low and still manageable compared to high crime economies like Colombia, Mexico and Estonia.”¹⁰ Similarly, a 2006 Human Rights Watch article characterizes the Malaysian criminal justice system’s capabilities fairly positively, stating: “Malaysia has a strong criminal justice system and robust criminal laws.”¹¹

A very basic comparison of available statistical information against other nations indicates that while the RMP is publicly criticised, police abilities may well compare favourably against many other nations. Malaysia’s ratings in crime categories were analysed in the Global Peace Index, which is published by the Vision of Humanity organisation in cooperation with the Economist Intelligence Unit. The GPI incorporates analytical scores

⁷ Adams, B, Human Rights Watch 2009 ‘Letter to the Prime Minister of Malaysia’ 27 April, <http://www.hrw.org/en/news/2009/04/27/human-rights-watch-letter-prime-minister-malaysia> - Accessed 21 December 2009 – Attachment 7

⁸ U.S. Department of State 2009, Country Reports on Human Rights Practices 2008 Human Rights Report: Malaysia, February 25 Section D <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm> - Accessed 6 January 2010 - Attachment 8

⁹ U.S. Department of State 2009, Country Reports on Human Rights Practices 2008 Human Rights Report: Malaysia, February 25 Section D Arrest and Detention <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm> - Accessed 6 January 2010 - Attachment 8

¹⁰ Chor Foon Tang ‘The Linkages among Inflation, Unemployment and Crime Rates in Malaysia,’ 2009 *Int. Journal of Economics and Management* 3(1): 50 – 61 (2009) p.51, Economics Programme, School of Social Sciences, Universiti Sains Malaysia, 11800 USM, Penang, Malaysia <http://www.econ.upm.edu.my/ijem/vol3no1/bab04.pdf> - Accessed 6 January 2010 - Attachment 9

¹¹ Human Rights Watch 2006, ‘Convicted Before Trial: Indefinite Detention Under Malaysia’s Emergency Ordinance’, <http://www.hrw.org/en/node/11224/section/1> - Accessed 23 December 2009 - Attachment 10

specifically addressing perception of criminality in society, homicide rates, and violent crime levels, and Malaysia rates very well both regionally and worldwide.¹²

Using the GPI chart below (Figure 1), and comparing Malaysia against Australia, Italy, Japan, and Thailand (countries chosen at random from 144 nations), and specifically looking at crime categories, Malaysia is assigned the same, or better, ratings than these countries (lower scores being optimal). These ratings indicate that police agencies are likely performing at favourable international standards and public opinion of these services is, relatively, no worse than in many similar and more developed economies.

Figure 1: Global Peace Index, Crime-related comparison of ratings among Malaysia, Australia, Italy, Japan, Thailand.

Country:						
Overall peace index		AU	IT	JP	MY	TH
Rank		19	36	7	26	118
Score		1.476	1.648	1.272	1.561	2.353
Indicator information		AU	IT	JP	MY	TH
Number of external and internal conflicts fought: 2002-2007		2.5	1.5	1	1	1.5
Estimated number of deaths from organised conflict (external)		1	1	1	1	1
Number of deaths from organised conflict (internal)		1	1	1	1	2
Level of organised conflict (internal)		1	1	1	1	3
Relations with neighbouring countries		1	1	3	2	3
Perceptions of criminality in society		2	3.5	2	2	3
Number of displaced people as a percentage of the population		1	1	1	1	1
Political instability		1.25	1.25	1	2.25	3.625
Respect for human rights		1	2	1	2.5	4
Potential for terrorist acts		2	1	1	2	4
Number of homicides per 100,000 people		1	1	1	2	3
Level of violent crime		2	3	1	2	4
Likelihood of violent demonstrations		2	2	1	2.5	4
Number of jailed population per 100,000 people		1.5	1	1	1.5	2

The GPI chart, Figure 1, indicates that in the category of Perception of Criminality in Society Malaysia is assigned a rating better than Thailand and Italy and on par with Australia, and Japan. In the category of Number of Homicides per 100,000 people, Malaysia rates one level better than Thailand and only one level below Australia, Italy, and Japan. In the category of Level of Violent Crime, Malaysia is rated one level better than Italy, two levels better than Thailand, and on par with Australia. While these ratings are only indicators, it is logical to conclude that Malaysian police and justice capabilities are fairly effective, given these favourable ratings against other nations.

The Malaysian Centre for Public Policy Studies reports that the RMP is fairly effective at fighting crime in several categories, presenting statistical data from 2003-2004 (unsourced

¹² Global Peace Index Vision of Humanity website <http://www.visionofhumanity.org/gpi/results/rankings.php> - Accessed 6 January 2010 – Attachment 11

and characterised as the most recent publicly available data). The CPPS Policy Fact sheet on police reports:

97.2% of rapes were solved
Two thirds of attempted murder and successful murder cases were solved
Less than one half of robberies were solved
57% of snatch thefts solved.¹³

In a very basic comparison, the RMP police results compare favourably with same year statistics published in the NSW Police Annual Report 2004-2005, showing statistics for finalised investigations after 30 days:¹⁴

26% of NSW sexual assault cases finalised **versus** 97.2% rapes in Malaysia solved

68% NSW murder incidents finalised **versus** two thirds of all murder cases in Malaysia

17% NSW robberies finalised **versus** less than one half of robberies solved in Malaysia

Public Perception and Community Initiatives

There is ample evidence that public perception of police effectiveness is negative and there is a sense that crime is on the increase. Public polls consistently indicate that most people do not believe that the RMP can adequately protect them from crime. It would not be unusual for an ordinary citizen to express a loss of confidence in the police or to believe that police commitment to protect them from criminal elements is limited. The U.S. Department of State Country Report on Human Rights Practices for Malaysia, published in 2009, states that 73% of citizens polled in a survey believe that government efforts to eliminate corruption are “ineffective or very ineffective”.¹⁵ The report summarises public perceptions that the police are guilty of accepting bribes, stealing, and even committing rapes.

News articles, even in the government-monitored press environment¹⁶, frequently lament the incidence of criminal activity and the inability of police to fight crime. More pointed comments on the crime problem and calls for reform are found on many less regulated blog sites. There are numerous sites devoted to discussing crime and the number of comments suggest that the average citizen is very concerned, does not trust the police to professionally investigate and prevent crimes, and does not have much confidence in government programs designed to rectify the problems.

¹³ Center for Public Policy Studies Malaysia website, ‘Policy Fact Sheet Police’, <http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf> - Accessed 6 January 2010 - Attachment 4

¹⁴ NSW Police Annual Report 2004-2005 p. 44 Table 15
http://www.police.nsw.gov.au/_data/assets/pdf_file/0015/42171/nswp_annual_report_2004-2005.pdf - Accessed 6 January 2010 – Attachment 12

¹⁵ U.S. Department of State 2009, *Country Reports on Human Rights Practices 2008 Human Rights Report: Malaysia*, February 25 Section D Arrest and Detention <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm> - Accessed 6 January 2010 - Attachment 8

¹⁶ Reporters Without Borders 2008 ‘Authorities order ISPs to block access to Malaysia Today news website’ 28 August <http://www.rsf.org/Authorities-order-ISPs-to-block.html> - Accessed 21 December - Attachment 13, and Human Rights Watch 2006, ‘Convicted Before Trial: Indefinite Detention Under Malaysia’s Emergency Ordinance’, Summary, <http://www.hrw.org/en/node/11224/section/1> - Accessed 11 January 2010 - Attachment 10 - Accessed 23 December 2009

A sampling of comments are summarised below:

In a recent article in the *New Straits Times*, lauding the government's efforts to fight crime, a reporter still comments that there is "alarm over the sharp increase in the country's crime rate" including "increases in violent crime such as murders, armed robberies, snatch thefts and house break-ins". While the author claims police are unfairly demonised by the public for their failings, he still admits: "there is a serious problem of many criminal cases not being reported to the police because of the lack of confidence in the police force".¹⁷

A 24 November 2009 article in the same newspaper describes slow police response times and comments such as "I made a fruitless trip to the Batu Pahat police station. My conversation with the officers there left me wondering how the police are able to do any effective crime-busting given that their standard operating procedures (SOP) seem to be out of touch with reality".¹⁸

A 13 November 2009 *Malaysian Mirror* newspaper article claims that crime rates are soaring and that public anger against the police is "on the rise". The same article discusses abuse of power by police over a reported 39 police shootings resulting in death in 2008. The article attributes statements to a Minister of Parliament claiming there is "a rampant abuse of police powers and a growing sense of insecurity among the public".¹⁹

Community Anti-Crime Initiatives

Public outcry over the perceived worsening crime situation and the perceived inability of police to effectively address crime has produced several grass roots initiatives. One such initiative is Crime Watch Malaysia, which is a user-based crime news and discussion website consisting of comments and blogs about criminal incidents. It was designed to share information about crime, gather statistics, and provide a community platform for raising awareness and sharing information that the public believes the police and government agencies is not, otherwise, delivering.

A 23 November 2009 posting on Crime Watch Malaysia references police statistics and states that reported criminal cases nationwide continue to rise year after year, reaching "staggering" numbers:²⁰

Year	Crime Cases
2005	157,365
2006	197,780
2007	209,559
2008	242,544

¹⁷ Yesuiah, S. 'Crime Fighting: Keep faith in our police force' *New Straits Times*, 2009, November 17 http://www.nst.com.my/Current_News/NST/articles/18coa/Article/index.html - Accessed 16 December 2009 - Attachment 14.

¹⁸ T.Y.S., Batu Pahat, 'Crime: Police must respond faster', *New Straits Times*, 2009, 24 November http://www.nst.com.my/Current_News/NST/articles/18crimee/Article/index.html - Accessed 21 December 2009 - Attachment 15

¹⁹ 'Jobs not bullets stop crime' *Malaysian Mirror* 2009 <http://www.malaysianmirror.com/homedetail/45-home/18846-jobs-not-bullets-stop-crime> 13 November - Accessed 16 December 2009 - Attachment 16

²⁰ Crime Watch Malaysia Blog website, 'Inaugural Posting 2009s', Posting by Hawkeye November 23 <http://crimewatch-malaysia.blogspot.com/2009/11/crime-watch-malaysia-inaugural-postings.html> - Accessed 16 December 2009 - Attachment 17

Another community based initiative is the Malaysia Crime blog, a website designed to depict crimes as they occur on a map along with descriptions of incidents. Information is gathered from news sources and users upload personal incidents as well. It was modelled after a blog devoted to raising public awareness in Chicago and fighting crime using information.²¹ In November 2009 Malaysia Crime announced plans to partner with a wireless service provider to upload incidents and descriptions of criminal acts on maps reflecting regional and neighbourhood reports accessible to civilians on line and through wireless applications. Notifications are sent to individuals if crimes occur in their areas.²² Malaysia Crime is hoping to gain access to official police crime data and statistics in order to deliver a better product; however, representative of the difficulty in obtaining reliable data on crime, the Home Ministry has not yet approved releasing information for this purpose.²³

Government Reform Efforts

The Malaysian government has taken several positive steps to increase police effectiveness and reduce crime since 2004, when the Prime Minister announced the formation of a Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police. The ultimate report of the Royal Commission contained 125 recommendations. Many of the recommendations were designed to address police skills and procedures pertaining to prisoner treatment and detention guidelines, adherence to human rights principles, guidelines for dealing with demonstrations and political activity, and legal representation. However, several points specifically addressed crime fighting and included “strengthen community policing. Allocate more resources towards fighting crime.”²⁴ A key recommendation was to establish an agency to review police rules and conduct and investigate public complaints. The proposed agency would be called the Independent Police Complaints and Misconduct Commission (IPCMC). Modelled on watch dog organisations in other countries, the IPCMC would be able to order any action deemed fit, including suspension or demotion of guilty officers, with the only recourse for appeal being the courts. This key recommendation has not yet been implemented.

For several years now, the Malaysian government has regularly announced programs to increase police capabilities and to address corruption problems, but progress is slow. Foreign governments and non-governmental organisations have welcomed efforts to professionalise the police and to create watch dog agencies against corruption, but they have also criticised the slow pace of reform and the lack of transparency.²⁵ Recent, and numerous, official announcements about government programs to improve crime fighting in the public eye is in direct response to the general population’s continuing concern. Statistics are frequently used

²¹ Malaysia Crime Blog website ‘Fighting Crime with Information’, <http://blog.malysiacrime.com/> - Accessed 16 December 2009 - Attachment 18

²² ‘Amax And Malaysia Crime Cooperate To Check Crime’ ,2009 ,*Malaysian National News Agency* 25 November <http://www.bernama.com/bernama/v5/newsgeneral.php?id=457922> - Accessed 16 December 2009 - Attachment 19

²³ ‘Police stats needed for crime prevention initiative’ 2009 *The Malaysian Bar*, 14 December. http://www.malaysianbar.org.my/legal/general_news/police_stats_needed_for_crime_prevention_initiative.html - Accessed 16 December 2009 - Attachment 20

²⁴ Center for Public Policy Studies Malaysia website, CPPS Policy Fact Sheet Police, Rising Crime Section <http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf> - Accessed 4 January 2010 - Attachment 4

²⁵ U.S. Department of State 2009, *Country Reports on Human Rights Practices 2008 Human Rights Report: Malaysia*, February 25 Section D Arrest and Detention <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm> - Accessed 6 January 2010 - Attachment 8

officially in public announcements with no explanation, or reference, and this does not improve public confidence.

To address the public's concern with crime, the prime minister announced in July 2009 that the government set a target to reduce street crime by 20% in 2010. The plan involves 55 initiatives, including mobile police stations and increased police officer deployments. The government will also list crime reduction as a Key National Result Area, making it a national priority.²⁶ There is, as yet, no reporting indicating substantial progress toward meeting these goals. Another initiative announced by government officials in August 2009 is designed to deploy more police to 50 crime hotspots.²⁷ No substantive reporting on the success of these initiatives could be located and the frequent announcement of further reform efforts are a likely indicator that targets have not yet been met, thereby sustaining public confidence problems.

On 6 October 2009, Criminal Investigation Department Director announced plans to study ways to improve the public perception of the police and effectiveness. The Director claimed that there was still a "crisis of perception" even though there had been an increase of 20 per cent in the ability of police to solve cases", not further defined or explained. In the same press article, the Director claimed that police were able to solve 38% of cases "which is better than the standard set by Interpol, proving that Malaysian police have achieved the benchmark as a world-class enforcement agency." The Director admitted, however, that the police are still challenged in creating a perception that the public is safe from crime, stating: "However, it looks like all these achievements are not enough to convince the people on the police's capability".²⁸

Police and Past Ethnic Chinese Issues

Even though there is a body of evidence suggesting that ethnic Chinese are discriminated against with regards to government employment, ownership, and economic incentive and support programs, there is no corresponding evidence or available sources suggesting police are less effective at preventing crimes specifically against ethnic Chinese. Crime Watch Malaysia, in a comment on increasing crime incidents, makes a point that crime problems are affecting all citizens equally (bold portion added):

These figures are more than just numbers, as they represent a **growing threat to the safety and wellbeing of all Malaysians, regardless of race, background or social stature**. Almost every Malaysian has either been a victim of crime, or knows someone close who has been victimised.²⁹

In 2005 there was public outcry over an incident in which two alleged Chinese women were taken into custody by police and were forced to strip naked during interrogation. Subsequent investigations revealed the women were not ethnic Chinese, but Malay. This incident, even

²⁶ 'Government targets to cut street crimes by 20%', 2009, *Bernama*, 27 July
http://www.pmo.gov.my/?menu=newslist&news_id=303&news_cat=13&page=1731&sort_year=&sort_month=
- Accessed 17 December 2009 - Attachment 21

²⁷ 'Malaysia to roll out crime-fighting plans in 2010', 2009, *People Daily*, 4 December.
<http://english.people.com.cn/90001/90777/90851/6832939.html#> - Accessed 15 December 2009 - Attachment 22

²⁸ 'Police to study measures to improve public perception' 2009, *The Malaysia Insider*, 6 October.
<http://www.themalaysianinsider.com/index.php/malaysia/39569-police-to-study-measures-to-improve-public-perception-> - Accessed 15 December 2009 - Attachment 23

²⁹ Crime Watch Malaysia Blog website, 'Inaugural Postings', 2009, Posting by Hawkeye November 23
<http://crimewatch-malaysia.blogspot.com/2009/11/crime-watch-malaysia-inaugural-postings.html> - Accessed 16 December 2009 - Attachment 17

though the facts were misrepresented, still generated tremendous public speculation at the time that ethnic Chinese were deliberately mistreated by the RMP.³⁰

In 2005-2006, the question of police mistreatment of ethnic Chinese was again the topic of debate after several press articles reported that ethnic Chinese were not reporting crimes due to their limited ability to speak Bahasa and limited police abilities to speak Mandarin in eastern Sabah.³¹ The RMP responded by announcing that officers would attend language classes improve proficiencies and the Deputy Minister of Internal Security stated in the press that: “applications by Chinese to join the police [remained] low at the constable level but showed positive signs for the posts of inspector and assistant superintendent”.³²

Since 2006, reports of specific ethnic Chinese dissatisfaction with police services could not be located.

List of Attachments

1. Charles, L. 2008 ‘More crimes last year, but fewer violent ones’ The Star On Line <http://thestar.com.my/news/story.asp?file=/2008/1/10/nation/19964810&sec=nation> – Accessed 5 January 2010.
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³⁰‘Malaysia: Stripping scandal inquiry widens’ 2005, *Asia Media* website, : *South Morning China Post*, 1 December <http://www.asiamedia.ucla.edu/article.asp?parentid=34741> – Accessed 11 September 2006 – Attachment 24;

³¹ RRT Research Response 2006 MYS30607 11 September – Attachment 25

³² ‘3,000 More Police Personnel To Be Recruited’ 2006, *Bernama Daily Malaysian News*, 20 August <http://www.bernama.com> – Accessed 11 September 2006 - Attachment 26;

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<http://english.people.com.cn/90001/90777/90851/6832939.html#> – Accessed 15 December 2009.
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