

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** MYS34241  
**Country:** Malaysia  
**Date:** 22 January 2009

Keywords: Malaysia – HINDRAF rally – Involvement of LTTE – Police conduct - Custodial killings – Muslim/Chinese gang activities – Police action against Tamils post 25 November 2007

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**Questions**

- 1. Information about the rally on 25/11/2007 - its route, place/s of assembly, and information about the protestors wearing the colour orange.**
- 2. Did the LTTE play any part in the rally on 25 November 2007? If so, please provide details of its involvement.**
- 3. Please provide current information on police conduct in Malaysia, in particular information in relation to claimed killings in custody.**
- 4. Please provide current country information on Muslim and Chinese 'gang' activities in Malaysia.**
- 5. Please provide country information on police action against Tamils in Malaysia post 25 November 2007.**

**RESPONSE**

- 1. Information about the rally on 25/11/2007 - its route, place/s of assembly, and information about the protestors wearing the colour orange.**

Limited information was found in the sources consulted regarding the place of assembly and route taken during the HINDRAF (Hindu Rights Action Force) rally. Several sources indicate that the rally took place in the vicinity of the Petronas Twin Towers with the aim of marching to the British High Commission. A report by a monitoring team of thirteen lawyers who attended the rally as observers, noted the meeting place of the rally as KLCC (Kuala Lumpur City Centre), which is adjacent to the Petronas Towers. As regards to the route taken, the lawyers describe their endeavours to reach the British High Commission by walking along Jalan Ampang and Jalan Yap Kwan Seng. However, as a result of a police block around the city square, they state that they were able to get no further than Avenue K (see map – Attachment 1) ('HINDRAF Rally, 25 November 2007: Report of Monitoring Team' 2007,

The Malaysian Bar website, 30 November

[http://www.malaysianbar.org.my/human\\_rights/hindraf\\_rally\\_25\\_november\\_2007\\_report\\_of\\_monitoring\\_team.html](http://www.malaysianbar.org.my/human_rights/hindraf_rally_25_november_2007_report_of_monitoring_team.html) - Accessed 19 January 2009 – Attachment 2).

The question of whether protestors were wearing orange is addressed in a previous response dated 10 October 2008, which states:

In relation to whether persons in the rally were told to wear orange, a *Press Trust of India Limited* article dated 23 November 2007 regarding “[a] planned mass gathering of Malaysian Indians outside the British High Commission” in Kuala Lumpur that had been called by Hindraf, indicates that a report in *The Star* newspaper had said that “the protestors had been told to dress in orange” (‘Authorities warn against protest by Malaysian Indians’ 2007, *The Press Trust of India Limited*, 23 November – Attachment 3).

Another article in *Bernama Daily Malaysian News* dated 22 November 2007 refers to Kuala Lumpur’s “City Police chief Datuk Zul Hasnan Najib Baharuddin” advising “the people not to wear orange colour clothing to avoid being mistaken as supporters and participants of the assembly” that had been organised by Hindraf (‘Illegal assembly will harm national economy, says IGP’ 2007, *Bernama Daily Malaysian News*, 22 November – Attachment 4) (RRT Research & Information 2008, *Research Response MYS33820*, 10 October - Attachment 5).

Visual evidence of the kind/colour of clothing actually worn by protestors can be viewed on a videotape of the rally available on the AOL website (see ‘Hindraf rally protest in KLCC 25-Nov 2007 - Ntv8 news report’ 2007, AOL website, 25 November <http://video.aol.com/video-detail/hindraf-rally-protest-in-klcc-25-nov-2007-ntv8-news-report/1881748992> - Accessed 20 January 2009 – Attachment 6). Photographic evidence of clothing protestors wore at the rally is also provided in reports released in the Sydney Morning Herald (Bendeich, M. 2007, ‘Police break up ethnic Indians’ rally’, *The Sydney Morning Herald*, 26 November - <http://www.smh.com.au/news/world/police-break-up-ethnic-indians-rally/2007/11/25/1195975865970.html> - Accessed 20 January 2009 – Attachment 7) and on the Tamilnation.org website (‘Tamils in Malaysia Protest Against Discrimination by Malaysian Government’ 2007, Tamilnation.org website, 25 November-8 December [http://www.tamilnation.org/diaspora/malaysia/071125protest.htm#Malaysian\\_Police\\_Break\\_up\\_Rally](http://www.tamilnation.org/diaspora/malaysia/071125protest.htm#Malaysian_Police_Break_up_Rally) – Accessed 20 January 2009 – Attachment 8).

Further information regarding the HINDRAF rally is provided in several previous research responses as outlined below:

- *Research Response MYS30488*, dated 1 December 2008, provides information on the origins and scale of the rally along with the response of authorities, and arrests and convictions that followed (RRT Research & Information 2008, *Research Response MYS30488*, 1 December - Attachment 9).
- *Research Response MYS33820*, dated 10 October 2008, provides general information about the rally, the purpose of the demonstration, and the names of those arrested (RRT Research & Information 2008, *Research Response MYS33820*, 10 October - Attachment 5).
- *Research Response MYS33129*, dated 31 March 2008, provides information regarding bodies involved in the rally, reasons for the protest and repercussions

for those involved (RRT Research & Information 2008, *Research Response MYS33129*, 31 March - Attachment 10).

**2. Did the LTTE play any part in the rally on 25 November 2007? If so, please provide details of its involvement.**

In the sources consulted no evidence was found indicating any involvement by the LTTE (Liberation Tigers of Tamil Eelam) in the HINDRAF rally which took place on 25 November 2007. However, various sources note allegations having been made by the Malaysian government following the rally, accusing HINDRAF of having connections with LTTE.

For example, a news report in *The Hindu*, dated 8 December 2007, refers to a statement by Inspector-General of Police Musa Hassan that “investigations revealed ‘signs’ that the Hindraf ‘has been actively canvassing for support and assistance from terrorist groups’”. According to the report, HINDRAF leader and lawyer P. Uthayakumar denied these allegations, challenging the authorities to produce evidence to substantiate these claims (Suryanarayana, P.S. 2007, ‘Hindraf never established links with LTTE, says Uthayakumar’, *The Hindu*, 8 December <http://www.thehindu.com/2007/12/08/stories/2007120860861500.htm> - Accessed 19 January 2009 – Attachment 11; also see ‘Hindu group in Malaysia denies links with LTTE’ 2007, *Deccan Herald*, 9 December <http://www.deccanherald.com/Content/Dec92007/foreign2007120940363.asp?section=updates> – Accessed 19 January 2009 – Attachment 12).

The US State Department’s *Malaysia - Country Reports on Human Rights Practices* covering the year 2007 notes the arrest of HINDRAF leaders under the Internal Security Act (ISA) soon after the rally, stating:

On December 13, police arrested five HINDRAF leaders -- P. Uthayakumar, M. Manoharan, R. Kenghadharan, Ganabatirau, and T. Vasantha Kumar -- under the ISA and indicated they would be held without trial for a period of two years. After the November 25 rally, government officials, the police, and the government-influenced mainstream media reports on HINDRAF included claims the NGO was a militant organization with links with foreign militant groups including the Liberation Tigers of Tamil Eelam and the Hindu fundamentalist group, National Volunteer's Organization (Rashtriya Swayamsevak Sangh). An official from the Office of the Prime Minister, in a published statement, explained the decision to use ISA as follows: "The government had warned HINDRAF not to engage in activities that would inflame communal tensions and had charged its leaders in court for sedition. This did not stop the spread of inflammatory rhetoric. On two occasions, the leaders of HINDRAF issued implicit threats that the group would turn to violence if its demands were not met. The Royal Malaysian Police have also uncovered links with international terrorist organizations. While the government is determined to take action against the five individuals in open court, it is also determined to preempt any unfortunate incidents that may be inspired by the irresponsible words and deeds of a small minority." (US Department of State 2008, *Malaysia - Country Reports on Human Rights Practices 2007*, Section II, March - Attachment 13).

The Colour Blind website posts information regarding responses to these allegations sourced from several Malaysiakini reports, dated 7 and 8 December 2007. According to the first report, entitled “Hindraf ‘A state conspiracy to lock us up’”:

Opposition Leader Lim Kit Siang slammed the police allegations and called on the government to drop the attacks and instead listen to the concerns of Indians.

He filed for an emergency debate on the issue in Parliament on Monday, saying that levelling the terror allegations “without any evidence whatsoever is a matter of grave national concern”.

The second article, entitled “LTTE expert rubbishes Hindraf link to terror”, cites an expert on the LTTE as disparaging allegations that HINDRAF “has ‘terror links’ with the national liberation movement in Sri Lanka, as claimed by the Malaysian police chief”. The report states:

P Ramasamy - who in 2003 served on the LTTE’s Constitutional Affairs Committee to draft proposals for an interim administration in Sri Lanka’s northeast - said the claim shows that the government is sidestepping legitimate grievances of Indian Malaysians.

“Don’t bring terrorism into this, because there is no link. There is no LTTE involvement,” said the former professor at Universiti Kebangsaan Malaysian’s Centre for History, Political Science and Strategic Studies.

Ramasamy, now the DAP international secretary, was responding to claims by Inspector-General of Police Musa Hassan that Hindraf is soliciting support from terrorist groups.

Musa’s allegation, contained in a press statement issued yesterday, follows a similar claim by Attorney-General Abdul Gani Patail in court on Wednesday when he alleged that Hindraf had met with LTTE members.

...Ramasamy said the government should own up to the problems faced by the Indian community instead of resorting to such smear campaign tactics.

“Look at the Indian problem and find a way to resolve it. That’s all. What does this have to do with the LTTE? Nothing,” he said when contacted today.

“By trying to link them with terrorism, they’re trying to demonise Hindraf. It’s a well known smear campaign to sidestep resolving a problem. It’s utter nonsense, and there’s no basis for it.”

He also challenged Musa to come up with evidence.

“There is no LTTE (support). LTTE itself needs support. What support can they give us? They themselves are appealing to the Tamil diaspora in Europe and US. We don’t need their support. This is a Malaysian problem,” he noted.

He said there is very little to link the Tamils in Malaysia, the majority of whom originate from south India, to issues in Sri Lanka (see ‘Opposition Leader slammed allegations on Hindraf’ 2007, Colour Blind website, 7 December <http://colour-blind.org/wordpress/?p=332> – Accessed 20 January 2009 – Attachment 14).

On 5 January 2008 *The Hindu* reported that detained leader of HINDRAF, P. Uthayakumar, had filed a defamation suit against Malaysian authorities for having portrayed him as an activist with links to the LTTE. The report notes:

P. Uthayakumar, detained leader of the Hindu Rights Action Force, on Friday filed a defamation suit against Malaysian authorities for having portrayed him as an activist with links to the Liberation Tigers of Tamil Eelam.

...Mr. Uthayakumar, who was arrested along with four other Hindraf leaders under Malaysia's tough Internal Security Act (ISA) on December 13 last year, sought damages to the tune of 100 million Malaysian ringgit.

...As Legal Adviser to Hindraf, Mr. Uthayakumar was representing several "supporters" of the group in a case of alleged rioting, when Attorney-General Abdul Gani Patail first spoke of a suspected LTTE link. The Sessions Court judge did not record that submission by the Attorney-General.

Noting that the judge had "expunged" the remark, Mr. Uthayakumar told *The Hindu* from Kuala Lumpur in early December that Hindraf had never fashioned links with the LTTE.

In his suit now, he cited not only the Attorney-General but also Inspector-General of Police Musa Hassan and the Malaysian government for "defaming" him as a "terrorist" intending to overthrow it. Mr. Uthayakumar had, before his detention without any charges, written a letter asking for apologies from the authorities.

...He said Hindraf would yet organise "various peaceful protests throughout the country to highlight the plight of the 70 per cent poor underclass Malaysian Indian society" (Suryanarayana, P.S. 2008, 'Denies LTTE link, sues Malaysia', *The Hindu*, 5 January <http://www.thehindu.com/2008/01/05/stories/2008010556641400.htm> - Accessed 20 January 2009 - Attachment 15).

General information regarding the operations and activities of the LTTE in Malaysia can be found in *Research Response MYS30488* (RRT Research & Information 2008, *Research Response MYS30488*, 1 December - Attachment 9).

### **3. Please provide current information on police conduct in Malaysia, in particular information in relation to claimed killings in custody.**

Information on police conduct in Malaysia and the death of people in custody is covered comprehensively in a recent research response, dated 1 December 2008, which states the following:

Comments made in Jane's Sentinel security assessment for Southeast Asia relating to the Malaysian police force (Royal Malaysian Police [RMP]) provide some relevant background;

Emphasis on the RMP's paramilitary and public order function is often greater than on community policing. The force is also dominated by ethnic Malays, leading many members of the country's other communities to mistrust the service. This sentiment was heightened following the distribution of a video in November 2005, allegedly showing an ethnic Chinese female prisoner forced to squat naked in front of ethnic Malay RMP personnel. The prisoner was in fact ethnic Malay, but the rapidity with which racial blame was cast is indicative of the mistrust in the RMP's ethnic bias. The generally poor reputation has been reinforced by misconduct at all levels of the RMP in recent years, ranging from an assault on opposition politician Anwar Ibrahim while in custody by the then inspector-general of police to numerous accusation of brutality, including extra-judicial killings by individual officers. Public antipathy towards the police reduces the service's effectiveness in all areas of its responsibility, including intelligence gathering and counter-terrorism (Jane's Sentinel 2006, *Security Assessment – Southeast Asia*, Issue 19, Jane's Information Group, Coulsdon, Surrey, 2006, p. 373 – Attachment 16).

Criticisms of the police force, its use of excessive force in the treatment of suspects and demonstrators and those in custody are long-standing. These criticisms have been sustained by documented reports by Malaysian civil society and non-government organisations and *Suhakam*, the Human Rights Commission of Malaysia.

In its 2003 human rights report *Suhakam* devoted a chapter to issues relating to police shootings and deaths in custody. It did refer to police having little regard for basic “civil, political, legal and constitutional rights” and that “little effort is made to ensure that the right person has been arrested for a criminal offence.”

Mass arrest is common, especially in cases connected to drug activities. Sometimes hundreds of suspected drug addicts are arrested or raids on entertainment outlets... Arrest of anyone remotely connected to the crime or crime victim is equally common, especially in high profile cases... In the name of ‘investigation’, police personnel easily arrest and apply for remand orders from magistrates who oftentimes comply. For more serious offences such as murder, rape or drug trafficking, the situation for the suspect is made even more onerous, as even less respect is given to their rights, well-being and dignity... They often target civil society groups, opposition parties and any member of the public who dares to exercise the right to free speech, peaceful assembly and association or other rights that are construed as forms of dissent. These persons are subjected to threats, harassment, arrest, detention and, in some cases violence. (Suaram 2004, *Malaysia: Human Rights Report 2003: Civil and Political Rights*, Chapter " Police Brutality, Police Shootings and Death in Custody" at AHRC website <http://malaysia.ahrchk.net/> - Accessed 25 November 2008 – Attachment 17).

A Royal Commission of Inquiry was announced by the Prime Minister at the end of 2003 and following some preliminary findings, Amnesty International published an extensive report which assembled and analysed some of this material. As the report states,

In Malaysia, concern over apparently unlawful police shootings have persisted over many years. In 1998 Raja Aziz Addruse, one of most senior members of the Malaysian Bar association and President of the human rights NGO, *Hakam*, issued a statement<sup>43</sup> expressing concern that over 50 persons, suspected to have been armed robbers, had been shot dead by police since 1996. Noting that a police officer defending himself in a civil action in 1997 had stated that a police unit had orders to shoot dead suspected criminals if they are “armed and dangerous”, Raja Aziz Addruse expressed alarm at an apparent lack of proportionality and discrimination in police use of firearms, and at the possible existence of an unofficial police “shoot to kill” policy. He called for the creation of an independent investigation mechanism. Then Prime Minister Mahathir responded publicly by calling the statement “grossly unfair” and asserted that the police had no choice but to use firearms when faced with armed criminals.

The report also notes that discrepancies existed in the reporting of the numbers of deaths in custody:

According to government statistics 425 prisoners (including both prison inmates and detainees in police custody) died during their incarceration between January 2002 and July 2003.<sup>88</sup> As regards those in police custody, six died in 2000, ten in 2001, 16-19 in 2002 and seven by September 2003.<sup>89</sup> Officials claimed that that the majority of deaths occurred when detainees attempted to escape (Amnesty International 2005, “Malaysia: Towards Human Rights-Based Policing”, April, p. 39 –Attachment 18).

The US Department of State has indicated that in 2006 local NGOs reported that police killed 20 persons while apprehending them, up from nine such killings in 2005 and seven in 2004. Local NGOs also reported that 19 persons died in police custody during 2006, up from eight such deaths in 2005 and two in 2004. In its most recent report, for the year 2007,

...local nongovernmental organizations (NGOs) reported that police killed 16 persons while apprehending them, down from 20 such killings in 2006. Local NGOs also reported that 11 persons died in police custody, down from 19 such deaths in 2006.

In November 2006 police charged police chief inspector Azilah Hadri and police corporal Sirul Azhar Umar with the October 2006 murder of Altantuya Sharibu, a Mongolian citizen and part-time translator. The prosecution also charged Abdul Razak Baginda, a well-known political analyst and advisor to the deputy prime minister, with abetting murder for allegedly ordering her death. The prosecution claimed the two police officers shot Altantuya in the head and then destroyed her body with explosives. The trial remained ongoing at year's end.

The federal criminal investigation department investigated 57 deaths in custody dating back to 2000. The authorities did not release any results of the investigation and were not expected to do so (US Department of State 2007, *Country Reports on Human Rights Practices for 2007 – Malaysia*, March – Attachment 13).

Most of the people detained under the country's *Internal Security Act*, numbering 83 in 2007 according to Amnesty International, were alleged members of Islamist groups, including Jemaah Islamiah. The report goes on to say that

- At least four suspected Jemaah Islamiah members were arrested in 2007, and at least 16 were released during the year, having all been detained for over four years. Many were given restricted residence orders.
- Others arrested under the ISA included five leaders of the Hindu Rights Action Force, a group campaigning for the rights of ethnic Indian Malaysians, who were sent directly to Kamunting Detention Camp. Five others, arrested for allegedly spreading rumours of racial riots, were subsequently released.
- In October 2007, Abdul Malek Hussain, an ex-ISA detainee, was awarded damages of 2.5 million ringgit (approximately US\$746,000). The judge ruled that he was unlawfully detained in 1998 and that he had been assaulted and tortured in custody (Amnesty International 2008, *Amnesty International Annual Report 2007 – Malaysia*, May - Attachment 19).

The statistics page of the Royal Malaysian Police force which might provide additional relevant information has not been accessible, despite attempts over a number of days.

In 2007, the government introduced a bill to establish the Special Complaints Commission (SCC) which would have responsibility to investigate complaints of police misconduct, however as Amnesty International reported, the bill

prompted concerns that the recommendations of a 2005 Royal Commission of Inquiry were not adequately reflected, particularly as regards the proposed SCC's independence and investigative powers. Not only did the Bill grant the Prime Minister broad powers to appoint and dismiss Commissioners, but it also included the Inspector-General of Police as a permanent SCC member. The SCC also did not have the power to oversee police investigation of complaints. The Criminal Procedure Code was amended to provide increased protection to people under arrest. It required the police to inform detainees arrested without a warrant of the circumstances of their

arrest and, in most cases, to allow detainees to contact a family member or a lawyer (Amnesty International 2008, *Amnesty International Annual Report 2007 – Malaysia* – Attachment 19) (RRT Research & Information 2008, *Research Response MYS30488*, 1 December - Attachment 9).

#### **4. Please provide current country information on Muslim and Chinese 'gang' activities in Malaysia.**

Numerous reports in Malaysian newspapers make reference to incidents involving gangs in Malaysia. These often involve armed robbery, theft, extortion, rape, street violence, drugs, gambling, illegal human trafficking, illegal logging and wildlife smuggling and other forms of crime. While gangs are often identified by name (for example, 'Mat Rempit' – see Papaech, S.K. 2008, 'Mat Rempit - Scourge of M'sian roads', *AsiaOne*, 1 February <http://motoring.asiaone.com/print/Motoring/Motorworld/Motorbikes/Story/A1Story20080201-47801.html> - Accessed 20 January 2009 – Attachment 20), reports seldom specify to which ethnic/religious group gang members and their victims belong.

Information regarding Chinese gangs can be found in cases where there are identifiable links with Chinese triads and transnational organised crime. A previous research response, dated 8 June 2007, for example, provides comprehensive information regarding the operations and activities of Chinese gangs in Malaysia (RRT Research & Information 2007, *Research Response MYS31873*, 8 June - Attachment 21). Information regarding Chinese triads and gangs operating in Malaysia and Singapore are also presented in *Research Response SGP32632*, dated 16 November 2007 (RRT Research & Information 2007, *Research Response SGP32632*, 16 November - Attachment 22). No updates on this information were available in the sources consulted.

Specific references to Muslim gangs operating in Malaysia have not been found. A search of sources available to the Tribunal found no references to 'Muslim gangs' as such, although references were found to gangs involving Indonesians (who are possibly Muslim) and the 'Mamak Gang', which is likely to involve Malaysian Indian Muslims (see definition of 'mamak' – Attachment 23).

An example of a gang involving Indonesians is the 'Ronal Gang' which was involved in a shootout with police reported by the *New Straits Times* on 20 January 2009. The report cites Selangor police chief Datuk Khalid Abu Bakar as stating "This gang is one of the most wanted in the country". The gang is alleged to have raped a teacher and carried out numerous burglaries in Malacca and Selangor. It is also reported to have committed crimes in other states including Johor, Kedah, Pahang, Negri Sembilan and Perak (Lee, S. 2009, 'Vicious gang of 3 shot dead', *New Straits Times*, 20 January [http://www.nst.com.my/Current\\_News/NST/Tuesday/National/2457790/Article/index.html](http://www.nst.com.my/Current_News/NST/Tuesday/National/2457790/Article/index.html) - Accessed 20 January 2009 – Attachment 24).

In relation to the Mamak Gang, a report in the *Malay Mail*, dated 3 September 2008, claims:

The gang gained notoriety in 1994 for the RM10 million gold bar heist at the Malaysia Airlines cargo complex at the Subang International Airport on Merdeka Day.

The gang was also suspected of being responsible for the RM47 million microchip heist at the Batu Maung Free Trade Zone in Penang on Nov 20, 2006.

They committed more than 150 robberies involving more than RM50 million, such as cargo hijackings and warehouse break-ins in the 1990s.

The original gang specialised in carjacking luxurious vehicles and robbing people who had just withdrawn money from banks. They also impersonated police officers (D'Cruz, F. & Sharif, A. 2008, 'Mamak crime wave blocked', *Malay Mail*, 3 September [http://www.mmail.com.my/Mamak\\_crime\\_wave\\_blocked.aspx](http://www.mmail.com.my/Mamak_crime_wave_blocked.aspx) - Accessed 21 January 2009 – Attachment 25).

A 2007 Asia Economic Institute report describes the Mamak Gang as being “the bane of the Malaysian transport system” having “siphoned cargo away from legitimate businesses for over twenty years” (Asia Economic Institute 2007, 'Asia's Rise of Organized Crime', *AEI Exclusives*, Vol. 1, No. 4, 26 January, p.3 <http://www.asiaeconomicinstitute.org/AEIexclusive/aeiExv1n4.pdf> – Accessed 8 June 2007 - Attachment 26).

A *New Sunday Times* article located on The Malaysian Bar website, dated 1 July 2007, notes that the “godfather” of the Mamak Gang, Mohd Shariff Abu Bakar, had just been caught by police after years of being on the run. The report provides the following information about the gang:

The Mamak Gang gained prominence in 1994 when Shariff and his brothers, Mohd Rozland, 49, and Mohd Yusof, 42, pulled off the RM10 million gold bar heist at the Subang International Airport.

The three are part of six brothers who are said to be the original Mamak gang members. The brothers are sons of a moneylender in Kuala Kangsar.

...Reports have indicated that the Mamak Gang has raked in more than RM50 million from more than 150 robberies they are believed to have pulled off since the early 1990s.

...Rozland was arrested in April 2002 during a police ambush at the Summit Hotel in USJ. He was later sent to Simpang Renggam under the Emergency Ordinance.

Yusof was arrested in 2004 at a condominium in Puchong Perdana, Selangor, more than three years after he had escaped from police custody in Malacca.

The most brutal member of the Mamak Gang, Khairul Affendie Mohd Noor, 29, was arrested at the Puncak Damansara condominium in 2002 ('IGP says situation in Johor is under control' 2007, The Malaysian Bar website, 1 July [http://www.malaysianbar.org.my/index2.php?option=com\\_content&do\\_pdf=1&id=9626](http://www.malaysianbar.org.my/index2.php?option=com_content&do_pdf=1&id=9626) – Accessed 21 January 2009 – Attachment 27).

The *Malay Mail* report noted above describes a manhunt for two Mamak Gang fugitives following a shootout with police in Shah Alam in which four of the fugitive's accomplices were killed. The report comments:

The manhunt for the two Mamak Gang fugitives who escaped on foot during yesterday's shootout in Shah Alam widened early today even as information emerged that the gang had been on the verge of a new, vicious crime spree.

Police sources said last night that four of the fugitives' accomplices, who were shot dead in the gun battle, had hatched a brutal crime blueprint while at the Simpang Renggam detention centre in Johor.

This was in the tradition of the notorious Mamak Gang, which the police thought had been wiped out.

The sources said the four killed were relentless in their efforts to re-establish the crime empire of the Mamak Gang that ruled in the early 1990s.

Others at the detention centre, banished there under the Emergency Ordinance for criminal activities, were approached to join them as well, the sources said.

"We believe the men (one of them a new recruit) had met at the Simpang Renggam detention centre, and then revived the Mamak Gang when they were released," Selangor police chief Datuk Khalid Abu Bakar said last night.

...Khalid said two of the dead, Asrab Ali Ahmad Kabir, 47, from Selayang, and D. Logatharan, 33, from Jalan Klang Lama, were former members of the Mamak Gang who had been banished to Simpang Renggam.

The third man had two identity cards belonging to Ravi Shanker a/l Devaraj Muniandy, 35, from Bangsar, as well as Murugan a/l Thangavelu, 27, from Kapar, Klang.

Both were believed to have been inmates at the Simpang Renggam centre as well.

Police found a 9mm semi-automatic Steyr pistol and its magazine, a dagger, a machete, a cellphone, 15 bullets, including five hollow-point bullets, three shells and a police vest in the cars. Hollow-point bullets are deadlier as they explode upon impact.

Khalid said police also seized a Proton Waja, believed to have been stolen in Petaling Jaya early this year, and a Proton Perdana.

The Waja had a police sticker. Police also found a police vest and a pair of handcuffs in it (D'Cruz, F. & Sharif, A. 2008, 'Mamak crime wave blocked', *Malay Mail*, 3 September [http://www.mmail.com.my/Mamak\\_crime\\_wave\\_blocked.aspx](http://www.mmail.com.my/Mamak_crime_wave_blocked.aspx) - Accessed 21 January 2009 – Attachment 25).

Additional information regarding 'Muslim gangs' was not available in the sources consulted.

## **5. Please provide country information on police action against Tamils in Malaysia post 25 November 2007.**

In the sources consulted little information was found on police action against Tamils in Malaysia since 25 November 2007, except in relation to the prosecution of HINDRAF leaders involved in the rally under the Internal Security Act (see question 2). In relation to this, the following recent events were reported:

- **22 October 2008** *The Hindu* reported that HINDRAF leader P. Uthayakumar was "produced in a Sessions Court in Kuala Lumpur... on a sedition charge." Uthayakumar was charged in relation to "the contents of a 'letter,' addressed to British Prime Minister Gordon Brown and posted on a website, in the context of protest rallies that Hindraf organised last November, demanding a

‘fair deal’ for the minorities. Mr. Uthayakumar had, accused the authorities of resorting to an ‘ethnic cleansing’ of the people of Indian origin, the second largest minority in the country (Suryanarayana, P.S. 2008, ‘Hindraf leader faces sedition case’, *The Hindu*, 22 October – Attachment 28).

- **25 October 2008** *New Straits Times* reported that 10 supporters of HINDRAF, who had gone to the prime minister's office to hand over a memorandum seeking the release of all Internal Security Act detainees, had been arrested (‘Hindraf 10 could be jailed for 5 years’ 2008, *New Straits Times*, 25 October – Attachment 29). On the same day, another report by *New Straits Times* issued a statement by the Home Minister Datuk Seri Syed Hami Albar relating to this incident. The report states:

Putrajaya (Malaysia), Oct 25 (ANI): The action against the Hindu Rights Action Force (Hindraf) should not be construed as a clampdown on Indians or Hinduism by the government, said Home Minister Syed Hamid Albar.

He said the action taken so far against the outlawed movement was simply because of their association with militancy and their extremist views, the NST Online reported.

We are very clear on this and I don’t offer any apologies for taking action in order to protect the peace, security and harmony of the country, he said when commenting on the arrest of the 10 Hindraf supporters who had turned up outside the Prime Ministers office on Friday (‘Government action not anti-Indian’ 2008, *New Straits Times*, 25 October – Attachment 30).

- **26 November 2008** *New Straits Times* reported that no charge would be laid against the ten HINDRAF supporters for the time being although an officer “refused to promise them that it would remain that way” (‘No charge against Hindraf 10’ 2008, *New Straits Times*, 26 November – Attachment 31).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

Immigration and Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

#### **United Nations (UN)**

UNHCR Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Human Rights Watch (HRW) <http://www.hrw.org/>

Freedom House [www.freedomhouse.org/](http://www.freedomhouse.org/)

#### **International News & Politics**

*BBC News* website <http://news.bbc.co.uk/>

*The Sydney Morning Herald* [www.smh.com.au/](http://www.smh.com.au/)

#### **Region Specific Links**

*Malay Mail* <http://www.mmail.com.my/>

*The Star Online* <http://www.thestar.com.my.com/>  
*Daily Express* (Sabah, Malaysia) [www.dailyexpress.com.my/](http://www.dailyexpress.com.my/)  
*The New Straits Times Online* [www.nst.com.my/](http://www.nst.com.my/)  
*The Hindu* [www.hinduonnet.com/](http://www.hinduonnet.com/)  
*Deccan Herald* [www.deccanherald.com/](http://www.deccanherald.com/)  
The Malaysian Bar website [www.malaysianbar.org.my/](http://www.malaysianbar.org.my/)  
Tamilnation.org website [www.tamilnation.org/](http://www.tamilnation.org/)  
Colour Blind website <http://colour-blind.org/wordpress/>

**Search Engines**  
Copernic <http://www.copernic.com/>  
Google search engine <http://google.com.au/>  
Clusty <http://clusty.com/>

#### Databases:

FACTIVA (news database)  
BACIS (DIAC Country Information database)  
REFINFO (IRBDC (Canada) Country Information database)  
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)  
RRT Library Catalogue

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