SURUHANJAYA
INTEGRITI
AGENSI PENGUATKUASAAN

LAPORAN TAHUNAN 2016 ANNUAL REPORT

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ENFORCEMENT AGENCY INTEGRITY COMMISSION

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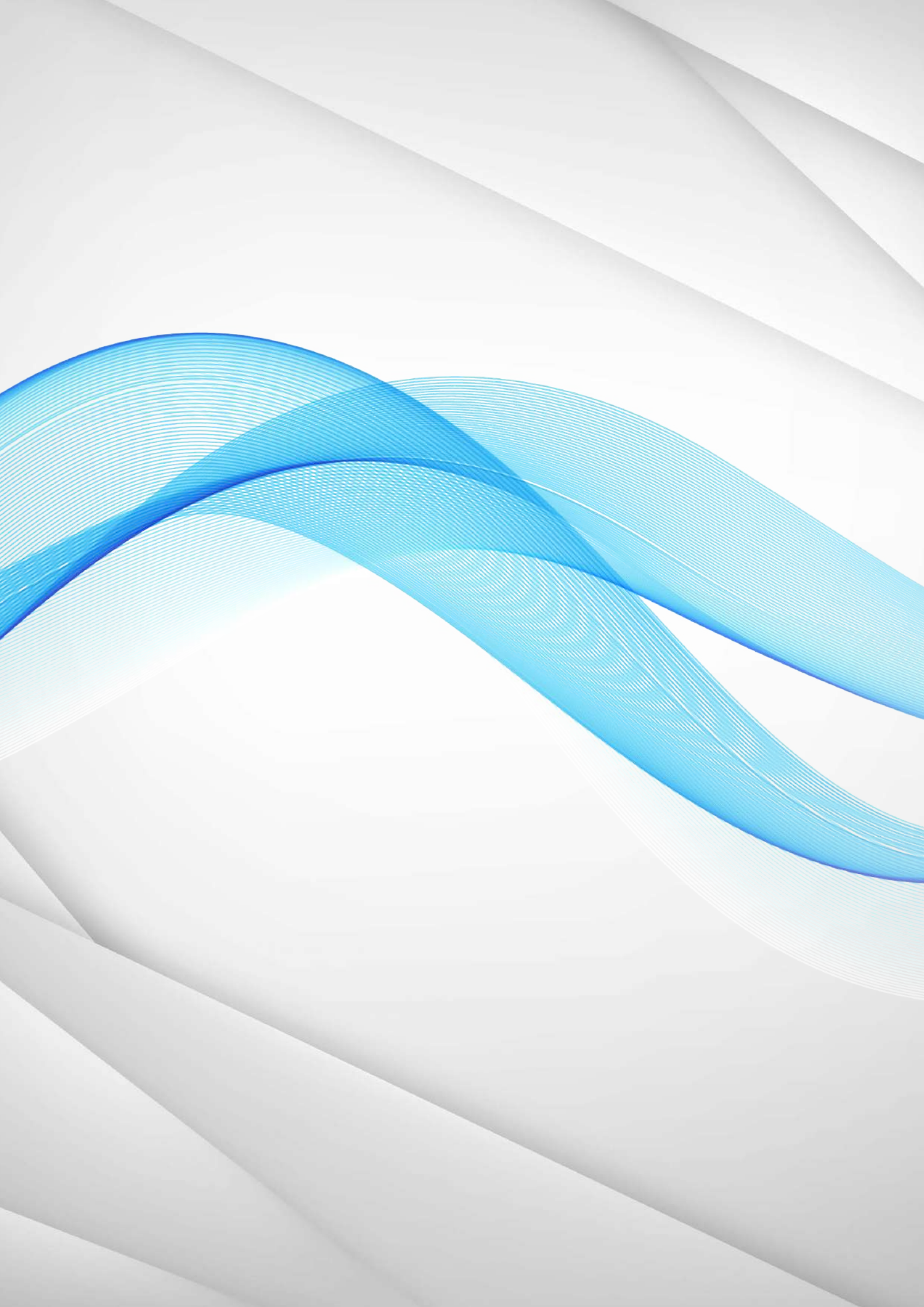


PERUTUSAN PENGERUSI

THE CHAIRMAN'S MESSAGE



PERUTUSAN PENGERUSI
CHAIRMAN'S MESSAGE

Assalamu'alaikum Warahmatullahi Wabarakatuh dan Salam Hormat

Terlebih dahulu saya memanjatkan kesyukuran kehadrat Illahi kerana atas limpah kurniaNya saya sekali lagi dapat melakarkan ucapan alu-aluan bagi Laporan Tahunan 2016 EAIC.

Tahun 2016 berlalu dengan begitu cepat. Sepantas masa berlalu, kepantasan pelaksanaan aktiviti dan program EAIC sepanjang 2016 tersebut juga dapat diperhatikan. Saya dahulukan sekalung ucapan terima kasih kepada Kerajaan atas keprihatinan melalui pengiktirafan terhadap peranan yang dimainkan oleh EAIC.

Pada 1 Julai 2015, YAB Perdana Menteri dalam Mesyuarat Jemaah Menteri telah memberi perhatian terhadap keperluan agensi-agensi penguatkuasaan melaporkan kepada EAIC mengenai keputusan tindakan tatatertib yang telah dijalankan oleh agensi

Assalamu'alaikum Warahmatullahi Wabarakatuh and Warm Greetings

I would first like to extend my deepest gratitude to Allah swt for his Blessings and for allowing me once again to pen a few opening words in the EAIC's Annual Report 2016.

The year 2016 has passed us by in a blink of an eye, just as the activities and programmes were conducted and executed by EAIC throughout the year. A note of appreciation and our thanks to the Government for the concern and awareness shown in recognising the roles and functions played by EAIC.

On 1 July 2015, during the Ministerial Cabinet Meeting, the Prime Minister has highlighted the need for enforcement agencies to report to EAIC on the feedback of all disciplinary action that had been taken by the agencies according to EAIC's

terlibat berikutan syor-syor EAIC. Lanjutan daripada itu, Ketua Setiausaha Negara telah mengeluarkan pekeliling berhubung perkara yang sama bagi memberi kesan ke atas arahan tersebut. Pada bulan Mac 2016, YAB Perdana Menteri sewaktu Mesyuarat Mingguan Jemaah Menteri sekali lagi telah mempamerkan keprihatinan apabila beliau menyarankan ahli jemaah Menteri supaya dapat membaca dan mengamati Laporan Tahunan 2015 EAIC yang memperincikan maklumat berkenaan aktiviti-aktiviti EAIC dan program yang sangat komprehensif yang telah dijalankan sepanjang tahun 2015, yang kemudiannya telah dibentangkan dalam persidangan Parlimen pada bulan April 2016. Bertitik tolak daripada itu, dalam Mesyuarat Jemaah Menteri yang diadakan pada bulan September 2016, YAB Perdana Menteri telah menzahirkan pengiktirafan ke atas EAIC sebagai sebuah badan bebas dalam melakukan lawatan dan pemeriksaan ke atas depot-depot tahanan imigresen dan membuat syor-syor penambahbaikan ke atasnya.

recommendations. Following that, the Chief Secretary to the Government of Malaysia issued a circular to support in materializing the matter. Subsequently in March 2016, the Prime Minister, during the Weekly Ministerial Cabinet Meeting, once again demonstrated his commitment when he urged the Cabinet to study the EAIC's 2015 Annual Report which provided comprehensive details of EAIC's activities and programmes that were conducted throughout 2015 which had then been presented to the Parliamentary Assembly in April 2016. Following that, in the Ministerial Cabinet Meeting in September 2016, YAB Prime Minister declared EAIC as an independent body tasked with conducting visits and inspections of immigration detention depots and making recommendations for improvements.

Pengiktirafan oleh Kerajaan tersebut juga memperlihatkan bajet tahunan EAIC bagi tahun 2016 yang pada awalnya berlaku pemotongan sekitar 40% telah dipulihkan semula melalui peruntukan tambahan yang berjumlah sekitar 19% pada awal bulan November 2016. Ini sudah tentunya membolehkan EAIC merancang dengan lebih awal aktiviti dan program ke arah pengukuhan integriti di kalangan pegawai penguat kuasa dan agensi penguatkuasaan seliaan EAIC yang selari dengan hasrat Kerajaan semasa pembentangan Rancangan Malaysia Kesebelas (RMK 11) yang telah meletakkan amanah dan tanggungjawab ke atas dua badan, iaitu EAIC dan Suruhanjaya Pencegahan Rasuah Malaysia (SPRM). Saya juga ingin merakamkan ucapan terima kasih kepada Jabatan Perkhidmatan Awam (JPA) yang telah memberikan persetujuan terhadap pertukaran taraf 10 jawatan pegawai gred 41 daripada perjawatan terbuka kepada perjawatan tertutup yang telah membolehkan EAIC membuat pengisian pegawai-pegawai baru bagi menambah kapasiti modal insannya. Ini sudah tentunya akan meningkatkan lagi keupayaan EAIC dalam menjalankan tanggungjawabnya. Kini kesemua perjawatan yang telah diisikan di EAIC berjumlah 78 perjawatan.

The Government's acknowledgement towards EAIC's efforts was also demonstrated when EAIC's initial 2016 annual budget was previously reduced by 40% but was then raised by 19% in early November 2016,This will allow EAIC to plan its activities and programmes to enhance the integrity of the enforcement officers and agencies under its supervision in line with the Government's aim in the Eleventh Malaysia Plan (RMK-11) which places trust and responsibility on two bodies - EAIC and the Malaysia Anti-Corruption Commission (SPRM). I would also like to thank the Department of Public Services (JPA) for agreeing to change the status of 10 closed grade 41 officer posts to open status, thus enabling EAIC to enlist new officers and incease its human resource capacity. This will definitely further improve EAIC's ability to fulfill its responsibilities. Currently all 78 posts in EAIC have been filled.

Sukacitanya saya memaklumkan beberapa siri siasatan yang disifatkan sebagai kes berprofil tinggi yang telah diselesaikan oleh EAIC bagi tahun 2016. Kes-kes yang terlibat merupakan kes signifikan yang mempunyai elemen kepentingan awam yang disiasat atas inisiatif EAIC sendiri melalui kuasa yang diperuntukkan di bawah seksyen 28 Akta 700. Siasatan tersebut kini telah selesai dan hasil siasatan telah diumumkan kepada orang awam (public disclosure) melalui sidang akhbar serta kenyataan media dan juga dimuat naik ke laman sesawang EAIC (www.eaic.gov.my) bagi membolehkan orang ramai mendapat akses ke atasnya. Laporan penuh siasatan juga telah diberikan kepada agensi-agensi terlibat dengan syor tindakan termasuk langkah penambahbaikan yang perlu dilakukan selaras dengan peruntukan seksyen 30 Akta 700.

I would like to touch upon a few investigations on what were considered as high profile cases which had been resolved by EAIC in 2016. The cases mainly holds the elements of significant public interest and they were investigated by EAIC through its own initiative with the authority provided under Section 28 Act 700. The investigations were completed and the results of the investigations were disclosed to the public through press conferences and media statements, and uploaded onto the EAIC website (www.eaic.gov.my) to enable the public in accessing them. The complete investigation reports were forwarded to the relevant agencies, along with recommendations as well as suggestions for improvements in line with the provisions of Section 30, Act 700.

Pada bulan Februari 2016, EAIC telah membuat pendedahan awam ke atas hasil siasatan berhubung aduan oleh nelayan pantai dan persatuan nelayan pantai Tanjung Piandang, Perak tentang ketiadaan penguatkuasaan oleh Agensi Penguatkuasaan Maritim Malaysia (APMM) terhadap pencerobohan berterusan oleh bot-bot kenka yang menangkap ikan dalam kawasan lima batu nautika persisir pantai Tanjung Piandang yang bertentangan dengan lesen penangkapan ikan yang diluluskan oleh Jabatan Perikanan yang hanya membenarkan bot-bot kenka sedemikian menangkap ikan bagi kawasan perairan di luar dan melebihi daripada lima batu nautika dari kawasan pantai. Kejadian pencerobohan tersebut mula berlaku dan berlanjutan sejak tahun 2008 tanpa sebarang usaha yang efektif diambil oleh pihak berkuasa bagi mengekang pelanggaran permit atau lesen oleh pengusaha bot-bot kenka. Akibat daripada pencerobohan tersebut, berlaku ketegangan hubungan antara nelayan pantai dan pengusaha bot-bot kenka yang telah secara langsung menjejaskan pendapatan dan hasil tangkapan nelayan pantai yang bergantung penuh kepada sumber ikan dan hidupan laut di kawasan persisiran pantai. Dua buah bot kenka bersaiz besar yang bergerak secara serentak akan menurunkan pukat kenka/apollo yang diikatkan kepada dua bot kenka hingga ke dasar laut dan kemudiannya bergerak seiringan dan menarik pukat tersebut dari dasar laut ke permukaan. Bot-bot tersebut bukan sahaja mengaut

In February 2016, EAIC has made a public disclosure on the outcome of its investigation based upon complaints lodged by coastal fishermen and the fishermen association of Tanjung Piandang, Perak against the Malaysia Maritime Enforcement Agency (APMM). The complaint was lodged on the issue of continuous encroachment of kenka trawlers, fishing within five-nautical mile radius from the Tanjung Piandang coast which was in violation of the fishing license issued by the Fisheries Department, which only permitted kenka trawlers to fish in waters beyond five-nautical miles from the beach area. The encroachment had occured since 2008 without any effective measures taken by the authorities to prevent the violation of permit/license by the operators of the kenka trawlers. As a result of the encroachment, tension and misunderstanding arose between the coastal fishermen and the kenka trawler operators whose actions directly affected their catch and income which totally depended on resources from the coastal waters. Kenka trawlers operates as two big-sized boats that moves together, side by side, dropping the kenka nets tied to each boat and together rise to the sea bed. The nets are dragged by the moving boats, catching huge loads of not just the big fish but also the smaller ones including prawns which are found mainly on the sea bed. The smaller fish are then used to produce fertilizers. The kenka operators usually have big capitals so they would employ foreign workers to operate their trawlers.The encroachment did not

ikan besar tetapi juga anak-anak ikan dan udang yang terdapat di dasar laut persisir pantai tersebut dalam jumlah tangkapan yang besar. Anak-anak ikan tersebut kemudiannya akan dijual sebagai ikan baja. Pengusaha-pengusaha kenka yang mempunyai modal besar biasanya akan mengupah pekerja asing bagi menggerakkan bot-bot kenka mereka. Pencerobohan tersebut bukan sahaja menjejaskan mata pencarian nelayan pantai tetapi juga telah mendatangkan kerosakan besar ke atas ekosistem kehidupan laut di kawasan tersebut. Saya berterima kasih atas kegigihan pegawai-pegawai EAIC dalam menjalankan siasatan tersebut termasuk melakukan penyamaran sebagai nelayan pantai dengan cara menumpang bot-bot nelayan pantai bagi melihat sendiri pencerobohan yang dijalankan oleh bot-bot kenka tersebut. Hasil daripada siasatan tersebut, EAIC telah membuat syor-syor penambahbaikan ke atas dasar pelesenan dan pendakwaan serta kaedah operasi penguatkuasaan agar tindakan dapat diambil oleh APMM, Jabatan Perikanan dan Pasukan Gerakan Marin. Menerusi dialog susulan yang diadakan dengan agensi penguatkuasaan terlibat dan EAIC telah dimaklumkan bahawa tindakan-tindakan susulan sedang dilaksanakan termasuk mengadakan operasi secara bersama (joint operations) yang lebih kerap dan akan melibatkan agensi-agensi yang berkenaan. Adalah menjadi harapan dan strategi EAIC agar tindakan susulan ini akan berakhir dengan pemansuhan penuh terhadap lesen-lesen bot kenka oleh Jabatan Perikanan menjelang tahun 2020.

only affect the income of the coastal fishermen but also also caused unstableness towards the marine life and ecosystem of the waters in the surrounding area. I highy applaud the determination of the EAIC officers in conducting the investigation, including their effort in going as undercover as fishermen and sail to sea with the coastal fishermen in boats to witness the encroachment activities of the kenka trawlers. As a result of the investigation, EAIC had proposed recommendations for the improvement of the licensing and prosecution policies as well as enforcement operation procedures from APMM, the Fisheries Department and the Marine Police. Based on the dialogue session that was held with the relevent enforcement agencies after the investigation, EAIC was informed that follow-up action would be carried-out which would include joint-operations with relevant agencies. It is EAIC's hope that with the follow-up plan, the issuance of kenka trawler licences by the Fisheries Department will come to a full stop by the year 2020.

Pada bulan April 2016, EAIC telah membuat pendedahan awam ke atas hasil siasatan kes kematian tahanan bernama Dharmendran a/l Narayanasamy yang mati pada hari kesepuluh ketika mendiang berada dalam lokap Bahagian D9 (Jenayah Berat), Ibu Pejabat Polis Kontinjen (IPK) Kuala Lumpur. Pendengaran awam kes siasatan tersebut telah melibatkan seramai 62 orang saksi. Siasatan mendapati berlaku penderaan oleh anggota dan pegawai polis yang telah menjalankan soal siasat ke atas tahanan tersebut sehingga membawa kepada kematiannya. Laporan siasatan tersebut telah mendapat liputan meluas oleh media. Laporan siasatan tersebut juga telah dirujuk dan dipetik secara meluas oleh beberapa orang ahli Parlimen sewaktu perbahasan dalam persidangan Parlimen bulan Mei

In April 2016, EAIC made a public disclosure of the results of the investigation into the death of a detainee, Dharmendran a/l Narayanasamy who died on the tenth day of being in the lockup at Division 9 (Serious Crimes), Police Contingent Headquarters (IPK) Kuala Lumpur. The public hearing of such investigation held involved 62 witnesses. The investigation revealed that there was evidence of physical abuse by the police officers during the interrogation of the detainee which eventually led to his death. The investigation report received extensive media coverage. The report was also been referred to and quoted widely by members of the Parliament during their debates in the Parliamentary Assembly in May 2016. Among the positive tone portrayed by the members during the Parliamentary session was the need for physical

2016 yang lalu. Antara pernyataan positif dalam persidangan tersebut termasuklah perlunya perlakuan jenayah kekerasan dan salah laku oleh pegawai penguat kuasa ke atas orang tahanan diberikan perhatian dan sepatutnya dibasmi sepenuhnya. Siasatan yang amat komprehensif oleh EAIC tersebut telah mendapat pujian serta pengiktirafan oleh beberapa pertubuhan bukan kerajaan (NGO) yang prihatin terhadap isu-isu kematian dan kecederaan tahanan semasa berada di bawah jagaan pihak berkuasa. Jabatan Peguam Negara (AGC) dan Polis Diraja Malaysia (PDRM) yang telah menerima laporan siasatan EAIC telah memberikan makluman bertulis kepada EAIC bahawa tindakan susulan termasuk pendakwaan jenayah seperti mana yang disyorkan oleh EAIC akan dipertimbangkan terlebih dahulu dan tindakan tatatertib juga akan diambil terhadap pegawai-pegawai yang dinamakan di dalam laporan EAIC tersebut.

brutality and misconduct by enforcement officers on detainees to be paid serious attention to and be curbed from recurring. EAIC's comprehensive investigation also received recognitions from few of the non-governmental organisations (NGO) that were mainly concerned about issues of deaths and injuries of detainees while being in custody. The Attorney General's Chambers (AGC) and the Royal Malaysia Police (PDRM) also received a copy of the report and replied with a written feedback to EAIC stating that follow-up action(s) including criminal indictment as recommended by EAIC, would be taken into consideration, and that disciplinary action would also be taken against the officers as named in EAIC's report.

Sementara itu siasatan EAIC terhadap kes kematian tahanan yang bernama Syed Mohd Azlan bin Syed Nur Mohamed yang telah dibuat pendedahan awamnya pada bulan Oktober 2015, pada bulan Mei 2016, seramai dua anggota dan seorang pegawai berpangkat inspektor polis telah dihadapkan ke muka pengadilan di Mahkamah Sesyen Kota Tinggi, Johor oleh pihak Pendakwa Raya (AGC). EAIC berterima kasih kepada pihak AGC atas tindakan pendakwaan tersebut yang memperlihatkan sistem keadilan negara masih kukuh terpelihara khususnya dalam usaha mengekang salah laku bersifat jenayah oleh pegawai penguat kuasa. Saya juga berasa terharu apabila menerima penghargaan terima kasih oleh ahli keluarga simati yang memuji hasil kerja EAIC dalam menyiasat kes kematian tersebut.

As for EAIC's investigation into the death of detainee, Syed Mohd Azlan bin Syed Nur Mohamed of which the report had been disclosed to the public by EAIC in October 2015, in May 2016, two regular police officers and one police inspector were brought to justice at the Kota Tinggi Sessions Court, Johor, by the Public Prosecutor (AGC). EAIC would like to express its utmost gratitude towards the AGC for their indictment which proves that the justice system in the country is still steadfast and is preservering its efforts to curb criminal misconduct by enforcement officers. I was also touched upon receiving positive gestures of appreciation and gratitude by the family of the deceased, commending EAIC in investigating the case.

Saya memaklumkan perkara-perkara di atas bersama hasrat memperlihatkan bahawa EAIC sudah mula mendapat kepercayaan serta keyakinan yang kukuh dari pelbagai pihak ke atas kerja-kerja yang dilakukan yang mana keyakinan tersebut perlu terus-menerus dibina oleh EAIC melalui kerja-kerja siasatan yang kredibel efektif, telus dan tidak memihak kepada mana-mana pihak. Pada bulan Ogos 2016, EAIC juga telah membuat pendedahan awam ke atas hasil siasatan berhubung dakwaan oleh dua orang wanita warga negara Kemboja yang merupakan bekas

I mentioned the above matters specifically to highlight the fact that EAIC has begun to gain the trust of various parties for the efforts in their work and as such, it should continue to build its confidence through continuous investigative works which is credible, flexible, transparent and neutral. In August 2016, EAIC again made a public disclosure but this time concerning its investigative efforts on claims made by two Cambodian women who had been detained at the Juru Immigration Detention Depot, Jawi, Penang. They claimed that there had been abuse by the

tahanan di Depot Tahanan Imigresen Juru, Jawi, Pulau Pinang berkenaan penderaan yang dilakukan oleh pegawai imigresen di depot tersebut sehingga menjurus kepada kematian dua orang wanita warga negara Kemboja dan lima wanita warganegara Vietnam pada sekitar awal tahun 2016 hingga bulan Jun 2016. Dakwaan wanita tersebut telah mendapat liputan meluas oleh media antarabangsa serta media tempatan khususnya di portal-portal. EAIC telah mengambil inisiatif serta merta dengan menjalankan siasatan terhadap dakwaan tersebut melalui siri lawatan dan pemeriksaan mengejut ke Depot Tahanan Juru. EAIC turut menjemput dua orang pegawai daripada Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM) bagi bersama-sama menjalankan siasatan. Pegawai penyiasat EAIC bukan sahaja telah membuat pemeriksaan dan analisa ke atas dokumen-dokumen depot serta buku-buku daftar rawatan, buku lawatan pelawat serta rekod-rekod berkaitan tahanan wanita dari tahun 2015 hingga pertengahan tahun 2016, malah keterangan daripada sepuluh orang tahanan di depot tersebut termasuk seorang wanita Kemboja yang satu-satunya masih terdapat di situ juga dapat direkodkan. Kesemua mereka menafikan kejadian penderaan dan kematian akibat deraan seperti yang didakwa. Rekod menunjukkan hanya terdapat dua orang wanita warga Kemboja yang masing-masing berusia 36 tahun dan 26 tahun yang mati pada 18 Oktober 2015 dan 5 Jun 2016. Sebab kematian wanita berusia 36 tahun tersebut adalah akibat menghidapi pneumonia. Sebab kematian wanita berumur 26 tahun pula semasa rawatan di Hospital Bukit Mertajam adalah akibat kekurangan garam dalam badan (cardial arrhythmia secondary to severe hypokalaemia). Rekod juga menunjukkan bahawa Kedutaan Kemboja telah dimaklumkan berkenaan kematian tersebut. Tiada kematian yang melibatkan wanita Vietnam. Kesimpulannya, siasatan EAIC mendapati tidak terdapat sebarang kesahihan atas dakwaan berkaitan kematian kerana deraan tersebut.

immigration officers at the depot which had eventually led to the deaths of two Cambodian women and five Vietnamesewomen from early 2016 till June 2016. The women's claims received extensive media coverage, both locally and internationally. EAIC immediately took action and conducted an investigation by making a surprise visit and inspection at the Juru Detention Depot. EAIC invited along two officers from the Malaysia Human Rights Commission (SUHAKAM) to observe the inspection. EAIC's investigation officer did not only examine and analyse the depot documents as well as medical records, visitors' log and any records pertaining to women detainees from 2015 to mid-2016, but also recorded statements from ten detainees at the depot which included one Cambodian woman who was the only women detainee at the material time. All of them denied the claims of abuse and death from abuse. The records showed that there were only two Cambodian women, ages 36 and 26 years, both deceased, had died on 18 October 2015 and 5 June 2016 respectively. The 36 year-old woman died of pneumonia. The 26 year-old woman died while under treatment at Hospital Bukit Mertajam due to lack of sodium (cardial arrhythmia secondary to severe hypokalaemia). The records also showed that the Cambodian Embassy had been duly informed of the deaths. There were no records of deaths involving Vietnamese women. In conclusion, EAIC's investigation found that there was no basis to the claims of death by abuse.

Pada bulan September 2016, EAIC telah membuat pendedahan awam ke atas hasil siasatannya berkaitan dakwaan seorang tahanan berprofil yang dikenali sebagai Namewee yang mendakwa keadaan lokap Balai Bayan Baru Pulau Pinang berada dalam keadaan yang teruk (deplorable) dan

In September 2016, EAIC made a public disclosure regarding the claims of a high profile detainee known as Namewee who claimed that the Bayan Baru Central Lockup in Pulau Pinang was in a deplorable state and that the lockup that he was in was over-crowded with detainees resulting in the death of one

terdapat kesesakan tahanan yang berada di sel lokap beliau ditahan yang boleh menyebabkan kematian daripada jangkitan penyakit bawaan oleh tahanan. Dakwaan oleh individu tersebut telah mendapat liputan meluas oleh media dan portal. EAIC telah mengambil langkah serta merta bagi menjalankan siasatan dengan membuat lawatan dan pemeriksaan mengejut ke lokap berpusat di Lokap Balai Polis Bayan Baru, Pulau Pinang.Siasatan EAIC mendapati lokap berpusat yang diwartakan itu merupakan lokap baharu dan mempunyai kemudahan mencukupi bagi kegunaan tahanan dengan CCTV lokap yang berfungsi dengan baik. Rakaman CCTV dan rekod daftar lokap menunjukkan seramai 12 orang berada dalam bilik sel lokap yang menempatkan individu tersebut di mana kapasiti maksima bagi sel tersebut boleh menempatkan 15 orang pada satu masa seperti yang diwartakan. Namewee telah berada dalam sel tersebut bermula daripada anggaran pukul 4.30 petang pada 22 Ogos 2016 hingga pukul 8.00 pagi pada 25 Ogos 2016. Pada anggaran pukul 6.00 petang pada 22 April 2016, seramai 11 orang tahanan yang berada dalam sel dengan individu tersebut telah dipindahkan ke sel lain dan dengan itu hanya individu itu sahaja yang berada di sel penama ditahan itu sehingga 25 Ogos 2016 apabila dia dibebaskan selepas Majistret memutuskan reman lanjut tidak dibenarkan ke atasnya. Rakaman CCTV jelas menunjukkan hanya Namewee berada secara bersendirian dalam sel tersebut sejak pukul 6.00 petang pada 22 Ogos 2016 hingga 25 Ogos 2016. Siasatan juga mendapati keadaan sel lokap adalah baru dan terjaga rapi serta bersih. Kesimpulannya, siasatan mendapati dakwaan Namewee tersebut sama sekali adalah tidak benar. Siasatan mendapati lokap berpusat Balai Polis Bayan baru telah diuruskan dengan mematuhi SOP Pengurusan Lokap PDRM iaitu SOP yang dikemaskini dan telah berkuatkuasa pada bulan Julai 2014 dan dikeluarkan oleh Jabatan Pengurusan PDRM Bukit Aman.

of the detainess from an infection he caught from another detainee. The first claim received a wide media and portal coverage. EAIC took immediate action and conducted an investigation by making a surprise visit at the Bayan Baru Police Central Lockup, Pulau Pinang. EAIC's investigation found that the lockup had been gazetted with sufficient facilities for the use of the detainees and that the CCTV system at the lockup were functioning in good condition. The CCTV recordings and the lockup register recorded that 12 men had been in the lockup cell where the claimant was held; the maximum capacity for the cell was 15 pax at a time as gazetted. The claimant was in the cell from about 4.30pm on 22 August 2016 up till 8.00am on 25 August 2016. At about 6pm on the 22 April 2016, 11 detainees who had been in the same cell as the claimant were transferred to another cell, leaving the claimant the only one left in the cell up to 25 August 2016 when he was released after the Magistrate court ruled to not extend the remand on the claimant. The CCTV captured recordings of the claimant alone in his cell from 6pm on 22 August 2016 till 25 August 2016. The investigation also revealed that the lockup cell was new, clean and in good condition. The conclusion of the investigation was that the claims were totally baseless. The investigation further found that the Bayan Baru Police Central Lockup was well managed and had adhered to the PDRM Lockup Management SOP; the SOP had been updated and issued by the PDRM Management Department, effective July 2014.

Kini terdapat tiga lagi kes siasatan kematian dalam tahanan yang sedang dikendalikan oleh EAIC. Sebagai sebuah badan bebas, EAIC dituntut untuk berlaku adil dan tidak berpihak dalam siasatannya selari dengan moto EAIC iaitu "Telus, Tegas dan Efisyen". Berpegang kukuh kepada prinsip tersebut, EAIC akan terus melaksanakan tugas-

There are three more cases of detainees' deaths which are being investigated by EAIC. As an independent body, EAIC is called to be just, fair and neutral in all of its investigations, in line with its motto: "Transparent, Assertive and Efficient". As EAIC holds strongly to its principles, it will continue to perform its duties with integrity and carry out its responsibilities

tugasnya dengan penuh berintegriti dan menggalas tanggungjawab tanpa takut dan gentar atau berpihak.

Sepanjang tahun 2016, EAIC telah menerima sejumlah 470 aduan berbanding 307 aduan pada tahun 2015. Daripada jumlah tersebut, sejumlah 306 adalah terhadap Polis Diraja Malaysia (PDRM). 27 aduan terhadap Jabatan Imigresen Malaysia, 15 aduan terhadap Kementerian Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan, 12 aduan terhadap Jabatan Pengangkutan Jalan, 9 aduan terhadap Jabatan Kastam Diraja Malaysia, 5 aduan terhadap Kementerian Kesihatan Malaysia (Penguatkuasaan), 5 aduan terhadap Jabatan Alam Sekitar, 5 aduan terhadap Agensi AntiDadah Kebangsaan (AADK), 4 aduan terhadap Agensi Penguatkuasaan Maritim Malaysia (APMM), 3 aduan terhadap Jabatan Pendaftaran Negara, 3 aduan terhadap Jabatan Tenaga Kerja, 3 aduan terhadap Jabatan Keselamatan dan Kesihatan Pekerjaan, 2 aduan terhadap Kementerian Perumahan dan Kerajaan Tempatan (Penguatkuasaan), dan masing-masing 1 aduan terhadap Jabatan Perikanan Malaysia dan Kementerian Pelancongan Malaysia (Penguatkuasaan). Terdapat sejumlah 68 lagi aduan adalah terhadap agensi di luar bidang kuasa EAIC. Penyumbang kepada aduan ialah negeri Selangor sejumlah 111 aduan, Wilayah Persekutuan Kuala Lumpur 63 aduan, Pulau Pinang 52 aduan, Perak 40 aduan, Johor 32 aduan, Kedah 28 aduan, Negeri Sembilan 26 aduan, Putrajaya 26 aduan, Pahang 19, Sabah 16 aduan, Melaka 14 aduan, Kelantan 13 aduan, Terengganu 7 aduan, Sarawak 6 aduan, Perlis 2 aduan.

Aduan tersebut meliputi aduan-berhubung pegawai penguat kuasa yang gagal mengikut atau mematuhi undang-undang dan SOP sebanyak 190 aduan, tindakan yang tidak adil atau menindas sebanyak 85 aduan, tiada tindakan 75 aduan, salah guna kuasa 55 aduan, lewat ambil tindakan 40 aduan, rasuah 15 aduan dan perlakuan jenayah 10 aduan.

Sukacitanya saya memaklumkan bahawa kadar penyelesaian aduan yang disiasat awal dan dipertimbangkan oleh Jawatankuasa Aduan yang dibentuk di bawah seksyen 26 Akta 700 adalah pada kadar 100% bagi aduan tahun 2011, 2012, 2013,

without fear and remain neutral.

Throughout 2016, EAIC received 470 complaints compared to 307 in 2015. From that amount, 306 were complaints against the Royal Malaysia Police (PDRM). 27 were complaints against the Immigration Department of Malaysia, 15 were against the Ministry of Domestic Trade, Co-Operatives and Consumerism, 12 complaints were against the Department of Road Transport, 9 were against the Royal Malaysian Customs Department, 5 were against the Ministry of Health (Enforcement), 5 were against the Department of Environment, 5 were against the National Anti Drugs Agency (AADK), 4 were against the Malaysian Maritime Enforcement Agency (APMM), 3 were against the National Registration Department, 3 were against the Labour Department, 3 were against the Department of Work Safety and Health, 2 were against the Ministry of Housing and Local Authority (Enforcement), and 1 complaint each was against the Department of Fisheries and the Ministry of Tourism Malaysia (Enforcement). There were still 68 more complaints against agencies that were outside EAIC's jurisdiction. The complainants comprised 11 from Selangor, 63 from the Federal Territory of Kuala Lumpur, 52 from Pulau Pinang, 40 from Perak, 32 from Johor, 28 from Kedah, 26 from Negeri Sembilan, 26 from Putrajaya, 19 from Pahang, 16 from Sabah, 14 from Melaka, 13 from Kelantan, 7 from Terengganu, 6 from Sarawak, and 2 from Perlis.

There were a total of 190 complaints regarding enforcement officers who failed to abide by the law and SOP, 85 were complaints regarding unfairness or exploitation, 75 were regarding non-action, 55 were regarding misuse of authority, 40 were regarding late action, 15 were regarding bribery and 10 were criminal complaints.

It is also with great pleasure that I mention that the rate of settled complaints, that had undergone preliminary investigations and then taken into consideration by the Complaints Committee, formed under Section 26 Act 700, was 100% for the years of 2011, 2012,

2014 dan 2015. Kadar penyelesaian aduan yang disiasat awal bagi tahun 2016 adalah pada kadar 90% melebihi daripada kadar 85% yang ditetapkan oleh Suruhanjaya bagi diselesaikan oleh Jawatan Kuasa Aduan EAIC tersebut.

Bagi peringkat Mesyuarat Suruhanjaya yang diadakan dua kali pada setiap bulan, sejumlah 333 aduan yang telah disiasat awal yang dibawa kepada mesyuarat Suruhanjaya telah diputuskan. Daripada jumlah tersebut, 19 aduan yang telah disiasat penuh dirujukkan kepada pihak berkuasa tatatertib agensi dan Suruhanjaya Pencegahan Rasuah Malaysia (SPRM). Manakala 218 aduan yang telah disiasat penuh telah diputuskan untuk ditolak selepas didapati tiada kesalahan salah laku dapat dibuktikan. Sejumlah 96 aduan lagi telah diputuskan untuk siasatan penuh. Saya berterima kasih kepada semua ahli Pesuruhjaya dan ahli Jawatan Kuasa Aduan atas dedikasi dan komitmen tinggi yang telah diberikan dalam menggalas semua tangggungjawab yang diamanahkan.

Dalam pada itu, saya mengharapkan kerja keras EAIC secara berterusan dalam mengukuh dan memartabatkan lagi integriti pegawai penguat kuasa dan agensi penguatkuasaan dan justeru, dapat disambut dengan baik oleh pihak kepimpinan tertinggi agensi penguatkuasaan khususnya pihak berkuasa tatatertib agensi penguatkuasaan. EAIC kerap kali mengutarakan ketiadaan keprihatinan yang tinggi oleh pihak berkuasa tatatertib dalam melaksanakan syor tindakan tatatertib dan hukuman setimpal yang mempunyai elemen pengajaran dan membentuk perilaku baik di kalangan pegawai penguat kuasa. EAIC tidak bercadang untuk mencampuri urusan tindakan tatatertib dan kuasa budi bicara yang dipegang dan dijalankan oleh badan tatatertib agensi penguatkuasaan. Walau bagaimanapun, melalui maklum balas yang diberikan kepada EAIC oleh agensi penguatkuasaan dan pihak berkuasa tatatertib, didapati hampir keseluruhan keputusan tindakan tatatertib menunjukkan pegawai penguat kuasa terlibat hanya dikenakan hukuman yang ringan dan ada kalanya jelas tidak setimpal dengan pemberatan kesalahan salah laku yang telah dilakukan oleh pegawai. Suruhanjaya berpandangan jika hasrat untuk membentuk disiplin hendak dicapai oleh agensi

2013, 2014 and 2015. The rate of settled complaints that had undergone preliminary investigations in 2016 was 90%, still surpassing the 85% success rate of complaints solved by the EAIC Complaints Committee, as set by the Commission.

At the Commission's Meetings, which were held twice a month, the 333 complaints which had undergone preliminary investigations, were taken into consideration. From that number, 19 complaints were fully investigated and were referred to the disciplinary authority of the respective agencies and the Malaysian Anti-Corruption Commission (SPRM). 218 complaints which had undergone full investigations were rejected after it was proven through preliminary investigation that no misconduct had occurred. Another 96 complaints were deemed to be in need of full investigations. I am thankful to all members of the Commission and the Complaints Committee on their dedication and commitment towards fulfilling all their responsibilities.

Overall, I hope that EAIC's continuing efforts to strengthen the integrity of enforcement officers and agencies will be well received and acknowledged by the top leadership of the enforcement agencies especially the disciplinary authorities of the enforcement agencies. EAIC has often noted the lack of serious interest by the disciplinary authorities in taking its recommendations of disciplinary action and punishment which holds elements to mould exemplary behaviour amongst enforcement officers. EAIC does not intend to interfere with disciplinary acts and discretionary power of the disciplinary authority of the enforcement agencies. However, the feedback given to EAIC by the enforcement agencies and the disciplinary authorities revealed that almost all disciplinary actions involved the offender receiving minimum sentences which more often than not, did not match the seriousness of the offence committed by the officers. The Commission is of the opinion that if the desire to instill discipline is strong within an enforcement agency, and for integrity to be an integral part of the agency, hence the punishment should be propotional to the offence and misconduct committed and they should not be treated lightly by the heads and the disciplinary authority.

penguatkuasaan, dan integriti seharusnya menjadi amalan agensi, maka hukuman juga sewajarnya mempamerkan manifestasi yang jelas bahawa salah laku yang dilakukan tidak patut dipandang sebagai sesuatu yang ringan dan tidak signifikan oleh ketua dan pihak berkuasa tatatertib.

Saya ingin menyentuh berkenaan siri dialog yang telah diadakan dengan pihak pengurusan tertinggi agensi penguatkuasaan yang bertujuan merungkai isu-isu dasar dan program serta operasi dalam penguatkuasaan undang-undang yang melibatkan agensi berkaitan serta isu semasa berhubung isu integriti. EAIC telah berkesempatan berjumpa dengan semua kepimpinan tertinggi agensi penguatkuasaan terlibat. Secara khusus pada tahun 2016, EAIC telah menumpukan perhatian kepada masalah ketirisan yang berlaku di Jabatan Imigresen Malaysia (JIM). Pada bulan Februari 2016, EAIC telah menulis kepada JIM bagi memberikan sokongan terhadap Pelan Integriti JIM 2015-2016 yang merangkumi pelbagai perkara dalam memperkasa dan memperkukuh integriti pegawai-pegawai imigresen. Pegawai EAIC juga membuat lawatan kerja ke beberapa Depot Tahanan JIM, lawatan ke "Not To Land" (NTL) di KLIA dan KLIA2 bagi menempatkan sementara pelawat yang tidak dibenarkan masuk, serta lokap JIM di Putrajaya. EAIC telah menulis kepada JIM bagi beberapa penambahbaikan dilakukan ke atasnya termasuk mewujudkan satu SOP yang komprehensif berkaitan pengurusan dan pengendalian penumpang di kawasan NTL tersebut. Satu dialog khas juga telah diadakan oleh Pesuruhjaya EAIC dengan Ketua Pengarah JIM pada awal bulan Mei 2016, khusus bagi membincangkan masalah ketirisan dan pembolosan imigrasi di pintu masuk imigresen di KLIA dan Setulang Laut, Johor. Beberapa langkah susulan telah diusulkan dan diambil tindakan oleh JIM termasuk melakukan intipan ke atas tempat-tempat sensitif yang dikatakan berlaku ketirisan dan pembolosan. Hasilnya, sebilangan pegawai JIM telah ditangkap oleh pihak polis dan sebahagian lagi dikenakan tindakan tatatertib kerana kesalahan bersubahat dalam memudahkan pembolosan masuk pendatang asing tanpa mengikut prosedur. Pada bulan Ogos 2016, Pesuruhjaya EAIC telah berjumpa dengan pegawai kanan JIM dan pihak MyEG bagi mengetahui tatacara dan polisi pengendalian

I would also like to touch upon the series of dialogues that were held with the top management of the enforcement agencies to discuss policy issues and programmes as well as law enforcement operations which involved respective agencies, and current issues involving integrity. EAIC had successfully met all the top management of the respective enforcement agencies. In 2016, EAIC paid special attention to the leakage problems at the Immigration Department of Malaysia (JIM). In February 2016, EAIC wrote in to JIM, in supporting the JIM Integrity Plan 2015 – 2016 which covered various subject matters on ways to strengthen the intergrity of immigration officers. EAIC officers also made working visits to several JIM Detainee Depots, the "Not To Land" (NTL) areas at KLIA and KLIA 2 where visitors who were not allowed to enter Malaysia are placed, and the JIM Lockup at Putrajaya. EAIC had also written to JIM to suggest a few recommendations for further improvements, including creating a comprehensive SOP regarding the management and the handling of passengers at the NTL area. A special dialogue session was also held by the EAIC Commissioners with the Director General of JIM in early May 2016, specifically to discuss the problem of illegal entry at the immigration entry points at KLIA and Setulang Laut, Johor. Several follow-up actions were suggested and they were accordingly implemented by JIM, including keeping surveillances on sensitive locations where leakages were suspected. As a result of the surveillance, several JIM officers were arrested by the police and several others faced disciplinary action for abetting and aiding the illegal entry of foreigners. In August 2016, EAIC Commissioners met with JIM senior officers and MyEG representatives to discuss the procedures and policies in processing permit renewals for foreign workers and house maids as well as in rehiring programmes. I believe JIM's top management have taken necessary steps to strengthen and improve the system and the integrity of JIM officers whose reputation was

pembaharuan permit kerja asing, pembantu rumah dan program "rehiring". Saya percaya langkah-langkah penambahbaikan yang lebih positif sedang dilaksanakan oleh pucuk kepimpinan JIM bagi memperkukuh dan meningkatkan lagi sistem dan integriti warga kerja JIM yang telah tercemar teruk dan terkesan akibat masalah ketirisan dan salah laku.

badly affected by leakages and misconduct issues.

Di dalam memahami permasalahan yang dihadapi oleh pegawai penguat kuasa di lapangan, EAIC telah mengadakan dialog secara langsung dengan Kesatuan Pegawai-Pegawai Kastam Semenanjung, Kesatuan Pegawai-Pegawai Imigresen Semenanjung dan Kesatuan Pegawai-Pegawai Pengangkutan Jalan Semenanjung. Kesatuan-kesatuan tersebut mewakili sebahagian besar pegawai-pegawai agensi penguatkuasaan terlibat. EAIC merancang untuk mengadakan beberapa siri pertemuan dengan kesatuan pegawai-pegawai agensi penguatkuasaan yang lain. Isu-isu seperti penempatan dan penggiliran penempatan, tempat tinggal, latihan, kebajikan anggota bawahan dan sebagainya telah berjaya dibangkitkan. Bertitik tolak daripada itu, pada 17 Oktober 2016, EAIC telah menulis kepada Ketua Setiausaha Negara bagi satu skim insuran berkelompak dipertimbangkan oleh kerajaan bagi memberi perlindungan insuran kepada pegawai-pegawai penguat kuasa.

To understand the problems faced by enforcement officers at the airport, EAIC held a dialogue with the Association of Customs Officers, Peninsular Malaysia; the Association of Immigration Officers, Peninsular Malaysia; and the Assocation of Road Transport Officers, Peninsular Malaysia. The associations represent a large number of officers from those enforcement agencies. EAIC plans to hold more of such dialogues and meetings with the associations of officers from other enforcement agencies. Issues such as placements and placement rotations, accommodation, training and subordinates' welfare have been successfully raised. On that note, on 17 October 2016, EAIC wrote to the Chief Secretary to request that the government consider developing a group insurance scheme to provide protection to enforcement officers.

Dalam mendapatkan pengalaman dan pemerhatian secara langsung ke atas operasi di pintu masuk sempadan negara di utara tanah air, saya dan pegawai-pegawai kanan EAIC telah mengadakan lawatan kerja ke Kompleks ICQS Bukit Kayu Hitam, Kedah; Kompleks ICQS Padang Besar dan ICQS Wang Kelian, Perlis serta Kompleks ICQS Rantau Panjang dan ICQS Pengkalan Kubor, Kelantan. EAIC berpuas hati dengan kaedah operasi kawalan di pintu masuk yang dilawati tersebut. Walau bagaimanapun, hampir kesemua kompleks pintu masuk tersebut mengalami masalah kerosakan sistem CCTV yang tidak berfungsi dan masalah kekurangan pengisian jawatan sedia ada pada waktu tersebut. Kompleks ICQS di Rantau Panjang dan ICQS Pengkalan Kubor bagaimana pun dapat bergantung kepada CCTV yang dipasang di bawah program kerja NKRA kerajaan. EAIC telah menulis kepada pihak berkaitan bagi keadaan CCTV tersebut diberikan perhatian

To get more experience and to be able to observe firsthand the operations at the north border entry points into the country, several EAIC senior officers and I conducted working visits to the ICQS Complex at Bukit Kayu Hitam, Kedah; the ICQS Padang Besar and ICQS Wang Kelian, Perlis Complexes as well as the ICQS Rantau Panjang dan ICQS Pengkalan Kubor, Kelantan Complexes. EAIC was satisfied with the entry point control operations that they observed. However, almost all the entry point complexes had problems with non-functioning CCTV and lack of manpower. The ICQS Complexes at Rantau Panjang and Pengkalan Kubor however, were able to depend on the CCTV systems that were installed under the government's NKRA working programme. EAIC has written to the relevant parties regarding the condition of the CCTV systems with the hope that maintainance and repairworks could be done so that the entry points and the ICQS Complexes

sewajarnya bagi pembaikian agar membolehkan keseluruhan kawasan pintu masuk dan Kompleks ICQS diawasi sepanjang masa melalui CCTV yang berfungsi dan dapat merekodkan segala peristiwa/kejadian di tempat tersebut dan sekali gus meningkatkan lagi tahap kawalan keselamatan sempadan negara.

could be observed continuously via functioning CCTV systems which would enable recording of all activities at the locations and at the same time, increase the level of security at the nation's border.

Pada bulan Januari 2016, ahli-ahli Pesuruhjaya EAIC telah melakukan lawatan kerja ke sempadan negara di Wang Kelian, Perlis yang berhadapan dengan Thailand bagi meninjau sendiri operasi pintu masuk dan kawasan sempadan negara Malaysia/Thailand yang mendapat liputan meluas dalam negeri dan antarabangsa apabila penemuan sejumlah kubur besar (mass grave) dibuat yang dikatakan menguburkan mangsa perdagangan orang (human trafficking). Pihak EAIC telah menulis kepada Kementerian Dalam Negeri bagi penambahbaikan kawasan pintu masuk termasuk pemasangan CCTV yang tidak ada walau seunit pun di pintu masuk sempadan negara di Wang Kelian. EAIC mengambil perhatian serius bahawa kawasan berbukit bukau yang tinggi dan menjunam tidak memungkinkan tembok pagar dibina di sempadan negara di situ. Walau bagaimanapun, langkah lain bagi kawalan sempadan negara secara efektif adalah sangat dituntut dan diperlukan secara kritikal bagi membendung sebarang pencerobohan dan penyeludupan menggunakan laluan tersebut.

In January 2016, members of the EAIC Commission made a working visit to the border at Wang Kelian, Perlis which faces Thailand to see firsthand the entry point operations and the Malaysia/Thailand border which received a wide international and local media coverage when a number of mass graves said to be containing human trafficking victims' remains were found. EAIC then wrote to the Ministry of Home Affairs suggesting improvements to be done at the entry points, including the installing of CCTV systems at all entry points as at the moment there was no single CCTV being placed at the Wang Kelian border. EAIC granted that the hilly and steep terrain made it impossible to erect the wall or fence around the border. However, other measures are very much needed to ensure that the security at the border is more effective and that any form of encroachment or smuggling on that route could be deterred.

Saya juga ingin menyentuh tentang program-program kemasyarakatan bagi mengetengahkan fungsi dan peranan EAIC kepada orang ramai dan hasrat merakyatkan EAIC. Pada setiap bulan EAIC mengadakan program "EAIC dan Anda" di pelbagai lokasi sebagai salah satu platform mendekati orang ramai bagi awam mengetahui dan mempelajari perkhidmatan yang ditawarkan oleh EAIC. EAIC juga secara konsisten mengambil bahagian dalam pameran-pameran anjuran badan awam dan badan bukan kerajaan. Kesan langsung daripada aktiviti tersebut telah memperlihat peningkatan yang mendadak ke atas jumlah kunjungan pelawat di laman sesawang EAIC dan laman media EAIC seperti facebook dan twitter. Laman sesawang EAIC kini dalam dwi bahawa, iaitu Bahasa Melayu dan Inggeris. Jumlah pengunjung ke laman sesawang EAIC

I would also like to mention that the community programmes that were conducted to promote EAIC to the public and making EAIC more people-friendly. EAIC held the "EAIC and You" programme in several places as a platform to get closer to the public and to inform them of the services provided by EAIC. EAIC also has consistently taken part in exhibitions organised by both public and non-governmental bodies. One direct effect of the activities was to increase the number of EAIC visitors to its website and its facebook and twitter. EAIC's website is now bilingual: Malay and English. The total number of visitors to the EAIC website was 120,954 on 4 January 2016, and the number increased to 242,798 on 29 December 2016, which is an increase of 121,844 visitors within 12 months. This meant that there was, on average, an increase of 10,000 new visitors to the

yang berjumlah 120,954 pada 4 Januari 2016 telah meningkat kepada 242,798 pada 29 Disember 2016, peningkatan sejumlah 121,844 pengunjung dalam tempoh 12 bulan. Ini bermakna berlaku peningkatan purata 10,000 pengunjung baru dalam setiap bulan pada tahun 2016 mengunjungi laman sesawang EAIC. Secara tidak langsung, lebih ramai orang awam akan dapat mengetahui kewujudan dan fungsi EAIC dan program-program yang dijalankan. Facebook EAIC menjadi platform terbaik EAIC dalam berkomunikasi secara langsung dengan pembaca dan menyiarkan maklumat semasa tentang aktiviti EAIC dan isu-isu semasa berkaitan integriti. Ia telah memperlihatkan perkembangan yang sangat memberangsangkan kepada EAIC. Facebook EAIC telah diiktiraf oleh "server" sebagai facebook yang memberikan maklum balas dalam masa 24 jam ke atas sesuatu *posting* yang terdapat di facebook tersebut. Pada 4 Januari 2016 terdapat 4,127 "likes" pada facebook EAIC dan jumlah tersebut meningkat kepada 7,129 "likes" pada 29 Disember 2016. Oleh itu terdapat pertambahan 3,002 "likes" bagi tempoh tahun 2016 ke atas facebook EAIC. Saya percaya jumlah pengunjung dan "likes" kepada laman sesawang dan facebook EAIC akan dapat dipertingkatkan lagi dengan gerak kerja promosi yang lebih tersusun dan meluas dalam menjangkaui sasaran untuk mendapatkan sejumlah 500,000 pengunjung bagi laman sesawang dan 12,000 "likes" bagi facebook menjelang akhir tahun 2017 nanti.

EAIC website each month in 2016. Indirectly, more people will learn about EAIC and its functions as well as its programmes. Our facebook was EAIC's best platform for communicating indirectly with readers and broadcasting current information regarding EAIC's activities; current issues on integrity also appeared to be a focus. EAIC's facebook was acknowledged by the server as a facebook that gave feedback within 24 hours after receiving a posting. On 4 January 2016, there were 4,127 likes on EAIC's facebook and the number rose to 7,129 by 29 December 2016. As such, there was an increase of 3,002 likes on EAIC's facebook in the year 2016. I believe the number of visitors and the likes received on the EAIC website and facebook can be improved even more with continuous active promotions to hit the target of 500,000 visitors on the website and 12,000 likes on the facebook by the end of 2017.

EAIC akan mencapai usia enam tahun penubuhannya pada 1 April 2017. Sebagai sebuah badan yang diletakkan harapan tinggi oleh Kerajaan untuk mengukuh dan memartabatkan integriti di kalangan pegawai penguat kuasa dan agensi penguatkuasaan, maka EAIC perlu sedar dan mengenalpasti segala aspek kekuatan dan kelemahan yang ada padanya dan dibuat pengesanan awal supaya perancangan dan langkah-langkah penambahbaikan dan intervensi dapat dilaksanakan. EAIC tidak boleh mendabik dada di atas kejayaannya tanpa suatu analisa dilakukan oleh pakar perunding bebas terhadap keberkesanan EAIC. Justeru, pada bulan Mac 2016, EAIC telah melantik pakar perunding daripada Universiti Tun Hussein Onn (UTHM) bagi membuat "Kajian Impak dan Keberkesanan EAIC". Pada 15 Disember 2016, pihak perunding telah

On 1 April 2017, EAIC will come to six years since its first inception. As a body that has been entrusted by the Government to enhance and strengthen integrity among enforcement officers and their agencies, EAIC has to be aware of its own strengths and weaknesess and as such needs to take the appropriate steps so that all plans and needs for self-improvement and interventions could be identified and acted upon immediately. EAIC cannot be complacent and rest solely on its laurels without any analysis conducted by expert consultants on its effectiveness. As such, in March 2016, EAIC appointed professional consutants from Universiti Tun Hussein Onn (UTHM) to conduct an "EAIC's Impact and Effectiveness Study". On 15 December 2016, the consultants presented their report to EAIC. The study revealed excellent ratings given by enforcement officers from enforcement

menyerahkan laporan kajian tersebut kepada EAIC. Kajian tersebut memperlihatkan tahap peratusan cemerlang diberikan oleh pegawai penguat kuasa agensi penguatkuasaan, badan bukan kerajaan (NGO) dan orang awam ke atas perkhidmatan EAIC. Manakala tahap sederhana diberikan oleh ahli politik dan media. Hasil kajian tersebut telah dibentangkan dalam Mesyuarat Suruhanjaya bagi usaha dan langkah-langkah penambahbaikan perkhidmatan dan promosi EAIC dipergiatkan. Menerusi kajian ini juga, EAIC dengan bantuan pihak MAMPU, Jabatan Perdana Menteri sedang dalam usaha menggubal Plan Strategik EAIC 2017-2022 dalam usaha memperkasakan lagi fungsi dan keberkesanan EAIC.

agencies, non-governmental organisations (NGO) and the public on EAIC's services. However, politicians and the media gave average ratings.The result of the study was presented in the Commissioners' Meeting to discuss ways to further improve our services and to intensify EAIC's promotions.

Sukacitanya juga saya memaklumkan bahawa pada bulan Disember 2016, EAIC dengan kerjasama Institut Integriti Malaysia (INTEGRITI) telah melancarkan buku "Modul Integriti Agensi Penguatkuasaan" bagi menjadi rujukan dalam latihan asas pegawai penguat kuasa. Pelancaran modul tersebut telah dilakukan oleh Ketua Setiausaha Negara. Modul tersebut yang dihasilkan secara bersama oleh tenaga pemikir yang terdiri daripada 56 orang pegawai yang mewakili pelbagai agensi persekutuan dan negeri dijangka akan mewujudkan suatu modul integriti bagi diterapkan dalam latihan asas secara yang seragam (uniform) bagi dilaksanakan oleh semua pusat dan akademi latihan agensi penguatkuasaan. Adalah diharapkan modul integriti tersebut yang dibahagikan kepada lima modul latihan akan dapat meningkatkan lagi penghayatan dan tahap integriti pegawai penguat kuasa sebelum mereka dihantar ke lapangan atau tempat bertugas masing-masing.

I am also pleased to note that in December 2016, EAIC, with the co-operation of the Malaysian Institute of Integrity (INTEGRITI), launched the "Enforcement Agency Integrity Module" to be used as reference in the basic trainings of all enforcement officers. The module was launched by the Chief Secretary. The book, which was the result of the collaboration of 56 officers representing various federal and state agencies, is expected to create an integrity module that can be instilled during training in a systematic manner at all enforcement agency training centres and academies. It is hoped that the integrity module which is made up of five parts, will enhance the application and the level of integrity of the enforcement officers before they are placed at airports or other places of duty.

Tidak ketinggalan, saya ingin menyentuh sedikit tentang harapan yang diletakkan kepada EAIC untuk menjadi "one stop centre" atau agensi peneraju dalam penguatkuasaan Akta Perlindungan Pemberi Maklumat 2010 (Akta 711). EAIC telah menyatakan kesediaanya kepada Kerajaan sekiranya diberikan amanah menggalas tugas tambahan yang baharu tersebut jika diputuskan oleh Kerajaan untuk diberikan kepada EAIC. EAIC melihat terdapat keperluan untuk suatu agensi yang lebih diyakini ditugaskan bagi menjadi peneraju kepada penguatkuasaan Akta 711 tersebut dalam usaha membina keyakinan orang awam khususnya pemberi maklumat bagi

Not to be forgotten, I would also like to touch upon the responsibility given to EAIC to be a "one stop centre" or a leading agency in the enforcement of the Whistleblower Protection Act 2010 (Act 711). EAIC has informed the Government of its readiness to carry out the responsibility of the new extra duties. EAIC sees the need for the agency to be more credible in order to spearhead the enforcement of Act 711 in its efforts to build confidence in the public, specifically by ensuring informants that they will receive protection that is both reassuring and systematic through an independent body such as EAIC. Currently, the administration of Act 711 is managed by the Legal

mendapatkan perlindungan dengan lebih meyakinkan dan sistematik melalui peranan badan bebas seperti EAIC. Ketika ini pentadbiran Akta 711 diselaraskan oleh Bahagian Hal Ehwal Undang-Undang di Jabatan Perdana Menteri yang tidak mempunyai kuasa statutori dan tenaga mahir yang diperlukan.

Affair Division, Prime Minister's Department which does not have the necessary statutory authority nor skilled manpower.

Sebelum saya mengakhiri ucapan alu-aluan, sukacita saya ingin mengucapkan ribuan terima kasih kepada Ketua Setiausaha Negara atas kelulusan yang diberikan kepada Suruhanjaya ini pada pertengahan tahun 2016 bagi penambahan ruang pejabat EAIC yang baharu di Aras 6 dan Aras Bawah, Bangunan Usahawan, Presint 2, Putrajaya iaitu pejabat di mana EAIC beroperasi. Penambahan ruang pejabat di Aras 6 telah membolehkan EAIC menempatkan keseluruhan pegawai Bahagian Operasi EAIC di satu aras yang sama bermula pada minggu kedua bulan Jun 2016. Ini telah membolehkan pengurusan siasatan dilakukan dengan lebih berkesan dan pegawai-pegawai bahagian tersebut dapat berinteraksi dengan lebih efektif. Kelulusan mengggunakan aras bawah pula telah membolehkan EAIC mewujudkan Kaunter Aduan dan Pusat Khidmat Pelanggan yang dilancarkan secara rasminya pada 21 Julai 2016 yang membolehkan orang awam dengan lebih mudah mendapat akses kepada EAIC dan perkhidmatan kepada pelanggan bagi mengetahui status siasatan aduan mereka dengan lebih efisien dapat dilakukan. Secara tidak langsung penambahan ruang baharu tersebut bukan sahaja memberikan suasana kerja yang lebih kondusif kepada warga kerja EAIC dalam meningkatkan produktiviti dan kualiti siasatan tetapi juga meningkatkan sistem penyampaian perkhidmatan EAIC kepada orang ramai.

Before I end, I would like to extend my deepest appreciation to the Chief Secretary to the Government of Malaysia for approving the Commission's request, in the middle of 2016, for the extension of occupancy of office/ work space at Level 6 and the Ground Level of Bangunan Usahawan, Presint 2, Putrajaya, which is EAIC's headquarters. The additional office space at Level 6 has enabled EAIC to place all of its officers in the Operation Division at one level effective the second week of June 2016 which has helped investigation management much more effective and allowed the officers in the division to interact more easily. The approval to occupy and utilise the ground level also made it possible for EAIC to set up the Complaint and Customer Service Centre, officially launched on 21 June 2016. This has enabled the public to have better access to EAIC and its services as well as to get the status of their complaints more efficiently. Indirectly, the additional office space did not just provide a more conducive working atmosphere for the staff, raising productivity and investigation quality, but also improved EAIC's public service delivery system.

Peningkatan sistem penyampaian perkhidmatan EAIC khususnya dalam melaksanakan tugas-tugas statutori EAIC seperti yang dikehendaki oleh Akta 700, tidak akan dapat dilaksanakan dengan sempurna tanpa bantuan kewangan atau dana yang secukupnya oleh pihak Kerajaan. Maka itu saya mengharapkan kefahaman dan kerjasama oleh semua pihak dalam memastikan peruntukan belanjawan EAIC akan terus terpelihara dan diadakan dengan mencukupi seperti mana yang dikehendaki di bawah seksyen 46 Akta 700. Secara khusus saya ingin mengucapkan

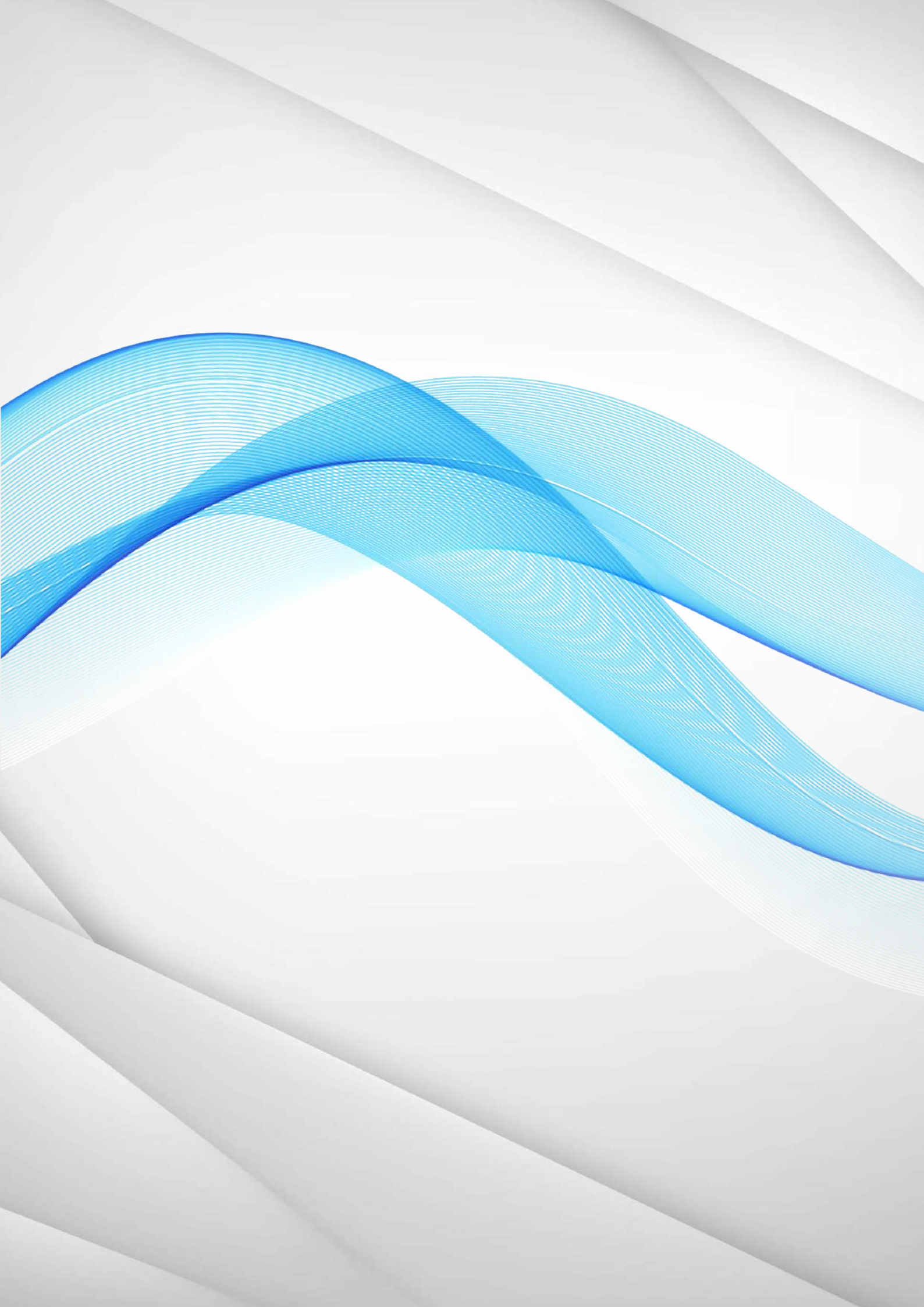
The improvement of EAIC's service delivery system, specifically in performing its statutory duties as required under Act 700, would not have been possible without the financial assistance or adequate funding by the Government. As such, I call upon for the understanding and cooperation of all parties in ensuring that EAIC's budget is maintained and kept sufficient, as required under Section 46 Act 700. Specifically, I would like to thank YAB Prime Minister and YB Deputy Minster from the Prime Minister's Department who have assisted EAIC in getting the

berbanyak terima kasih kepada Yang Berhormat Menteri di Jabatan Perdana Menteri dan YB Timbalan Menteri di Jabatan Perdana Menteri yang telah banyak menyokong EAIC dalam mendapatkan peruntukan kewangan bagi membolehkan operasi EAIC terus dijalankan dengan efektif.

financial allocation which enabled EAIC to continue to operate effectively.

Adalah menjadi harapan saya, tahun 2017 akan membawa lebih banyak kejayaan yang signifikan kepada EAIC dalam melaksanakan fungsi dan tanggungjawabnya selari dengan Akta 700. Saya percaya melalui kerja-kerja berkualiti dan kredibiliti serta telus, EAIC akan terus mendapat sokongan dan keyakinan penuh oleh pelbagai pihak termasuk seluruh masyarakat dalam usaha membina dan menjulang integriti sebagai tunjang penguatkuasaan undang-undang negara.

It is my hope that 2017 will bring more significant success to EAIC in terms of fulfilling its functions and responsibilities in line with Act 700. I believe that with work that is credible, that possess good qualities and being transparent, EAIC will continue to strive in getting the support and confidence of all parties, including the community, in its efforts to build and instill integrity as the backbone of enforcement officers in the country.



PESURUHJAYA
THE COMMISSIONERS



Dari kiri :

1. YBrs. Encik Lee Sow Siong
   Peguambela dan Peguamcara
   (Tetuan K.F. Wong & Lee)

2. YBrs. Encik Vinayak Prabhakar Pradhan
   Perunding/Peguambela dan Peguamcara
   (Tetuan Skrine & Co.)

3. YBhg. Tan Sri Datuk Dr. Zulkefli bin A. Hassan
   Timbalan Pengerusi
   (Mantan Ketua Setiausaha
   Kementerian Pengajian Tinggi)

4. YA Datuk Yaacob bin Hj. Md. Sam
   Pengerusi
   (Hakim Mahkamah Rayuan Malaysia)

5. YBhg. Dato' Sri Robert Jacob Ridu
   Bekas Speaker Dewan Undangan Negeri Sarawak

6. YBrs. Puan Leong May Chan
   Peguambela dan Peguamcara
   (Tetuan May Leong & Co.)

7. YBhg. Datuk Dr. Anis Yusal bin Yusoff
   Presiden Institut Integriti Malaysia (INTEGRITI)

MAKLUMAT KORPORAT

CORPORATE INFORMATION

PENERANGAN LOGO EXPLANATION OF THE LOGO

SURUHANJAYA
INTEGRITI
AGENSI PENGUATKUASAAN



3 bentuk yang diolah dari kuku harimau yang menunjukkan keberanian melindungi kepentingan orang ramai. 3 bentuk yang bertindih tersebut menunjukkan semangat dalam memupuk integriti dan saling membantu antara EAIC, orang ramai, dan agensi- agensi penguatkuasaan;

The tiger claw figuration in the logo symbolises the Commission's intrepidity in protecting public interest. These shapes which intersect with each other reflect the co-operation amongst the Commission, the public at large and the enforcement agencies in inculcating integrity;

3 warna iaitu merah, emas dan hitam adalah simbolik kepada EAIC ini;

The 3 colours which are red, gold and black symbolize the Commission;



Warna merah melambangkan ketegasan EAIC dalam memperkasakan integriti di kalangan agensi penguatkuasaan;

Red reflects the assertiveness and firmness of the Commission in forging integrity amongst the enforcement agencies;

Warna emas melambangkan EAIC memandang berat dan menganggap penting setiap fungsi yang diamanahkan kepada EAIC melibatkan integriti; dan

Gold reflects the Commission's seriousness in executing its functions;



Warna hitam melambangkan keberanian EAIC dalam bertindak tanpa rasa takut dan bimbang; dan

Black reflects the Commission's boldness in acting dutifully without fear or favour; and



3 bucu tepat bertembung menunjukkan EAIC yang mengamalkan ketegasan, ketelusan, dan efisien dalam melaksanakan tugas.

The edge of the tiger claws that meet each other reflects the Commission's assertiveness, transparency and efficiency in carrying out its duties.

VISI Vision

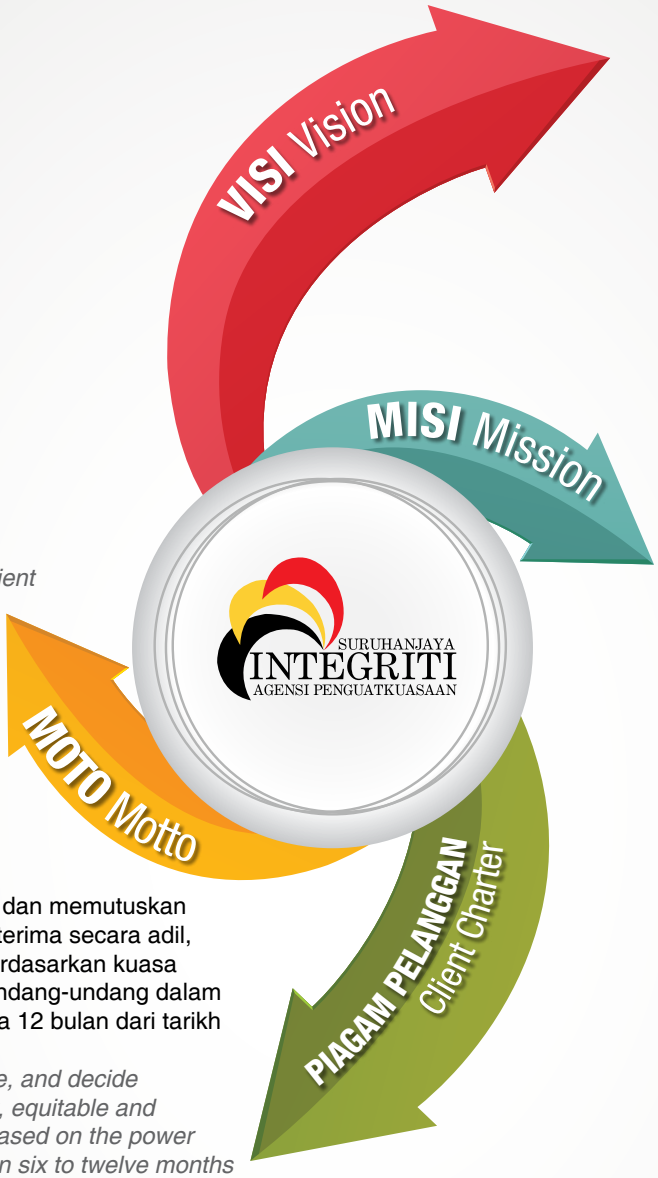
Peneraju dalam penguatkuasaan, transformasi dan pembudayaan integriti di kalangan agensi penguatkuasaan Malaysia berteraskan profesionalisme dan amalan terbaik.

Pioneer in enforcing, transforming and inculcating integrity amongst the Malaysian Enforcement Agencies based on professionalism and best practices.

MISI Mission

Telus, Tegas dan Efisien

Assertive, Transparent, Efficient



MOTO Motto

Memperkasakan sistem penyampaian perkhidmatan yang berintegriti di kalangan agensi penguatkuasaan melalui pengendalian aduan secara telus, berani, bertanggungjawab dan profesional.

Strengthening the service delivery system with integrity amongst the Malaysian Enforcement Agencies through the anagement of complaints and investigations in a transparent, bold, dutiful and professional manner.

PIAGAM PELANGGAN Client Charter

(a) Menerima, menyiasat dan memutuskan semua aduan yang diterima secara adil, saksama dan telus berdasarkan kuasa yang diberikan oleh undang-undang dalam tempoh masa 6 hingga 12 bulan dari tarikh aduan diterima.

(a) To receive, investigate, and decide all complaints in a fair, equitable and transparent manner based on the power conferred by law within six to twelve months from the date of the complaint receipt;

(b) Menyemak, mengaudit dan melengkapkan cadangan penambahbaikan terhadap sistem atau tatacara kerja dalam tempoh 90 hari bekerja dari tarikh dokumen dan maklumat diterima.

(b) To review, audit, and provide recommendations for improvements to the system and work procedure within 90 working days from the date of document and information received; and

(c) Memaklumkan kepada pengadu keputusan muktamad Suruhanjaya ke atas aduan yang diputuskan dalam masa 3 hari dari tarikh keputusan Mesyuarat Suruhanjaya.

(c) To ensure that the findings by the Commission be presented to the complainant within 3 days of the Commission Meeting.

OBJEKTIF
OBJECTIVES

(a) Menerima, mengurus dan menyiasat setiap aduan berhubung salah laku pegawai penguat kuasa dan agensi penguatkuasaan dengan cekap, adil, telus dan berkesan;

(a) To receive, manage, and investigate every complaint of misconduct in enforcement agencies and their officers in an efficient, fair, transparent, and effective manner;

(b) Mencapai kecemerlangan operasi penyampaian perkhidmatan melalui inovasi, teknologi dan saluran yang efisien;

(b) To achieve operational excellence in service delivery through innovation, technology and efficient channels;

(c) Memfokuskan pengurangan kes- kes salah laku pegawai penguat kuasa dan agensi penguatkuasaan dari semasa ke semasa;

(c) To focus on the reduction of misconduct cases among enforcement officers and law enforcement agencies;

(d) Menggalakkan kesedaran dan melaksanakan penambahbaikan melalui program-program pendidikan dan tindakan-tindakan pencegahan;

(d) To promote awareness and the implemention of improvements through educational programmes and prevention methods;

(e) Membantu Kerajaan dalam merumuskan perundangan dan mengesyorkan langkah-langkah pentadbiran kepada kerajaan atau sesuatu agensi penguatkuasaan;

(e) To assist the Government in formulating legislation and to recommend administrative measures to the Government or an enforcement agency;

(f) Menyemai amalan tadbir urus yang baik di dalam agensi penguatkuasaan melalui pendidikan berterusan; dan

(f) To inculcate good governance practices in law enforcement agencies through continuous education; and

(g) Membangun dan memelihara imej yang cemerlang.

(g) To establish and maintain an excellent image.



FUNGSI
FUNCTIONS

Fungsi EAIC yang diperuntukkan di bawah Seksyen 4(1) Akta 700 adalah:

(a) Menerima aduan salah laku daripada orang ramai terhadap seseorang pegawai penguat kuasa atau terhadap sesuatu agensi penguatkuasaan secara amnya dan menyiasat serta mengadakan pendengaran mengenai aduan sedemikian;

(b) Merumuskan dan mengadakan mekanisme bagi mengesan, menyiasat dan mencegah salah laku oleh seseorang pegawai penguat kuasa;

(c) Melindungi kepentingan orang ramai dengan mencegah dan menangani salah laku seseorang pegawai penguat kuasa;

(d) Mengadakan pengauditan dan pemantauan mengenai aspek tertentu operasi dan tatacara sesuatu agensi penguatkuasaan;

(e) Menggalakkan kesedaran tentang, penambahbaikan mengenai, dan pendidikan berhubung dengan, integriti dalam sesuatu agensi penguatkuasaan dan mengurangkan salah laku di kalangan pegawai penguat kuasa;

(f) Membantu Kerajaan dalam merumuskan perundangan, atau mengesyorkan langkah pentadbiran kepada Kerajaan atau sesuatu agensi penguatkuasaan, demi menggalakkan integriti dan menghapuskan salah laku di kalangan pegawai penguat kuasa;

(g) Mengkaji dan menentusahkan apa-apa pelanggaran tatacara penguatkuasaan dan membuat apa-apa syor yang perlu berhubung dengannya; dan

(h) Membuat lawatan ke premis sesuatu agensi penguatkuasaan, termasuk melawat balai polis dan lokap mengikut tatacara di bawah mana-mana undang-undang bertulis, dan membuat apa-apa syor yang perlu yang berhubungan dengannya.

The functions of the Commission as provided under Section 4 (1) Act 700 are:

(a) To receive complaints of misconduct from the public against an enforcement officer or against an enforcement agency in general and to investigate into and conduct hearings on such complaints;

(b) To formulate and put in place mechanisms for the detection, investigation and prevention of misconduct by an enforcement officer;

(c) To protect the interest of the public by preventing and dealing with misconduct of enforcement officers;

(d) To provide for the auditing and monitoring of particular aspects of the operations and procedures of an enforcement agency;

(e) To promote awareness of, enhancement of, and education in relation to, integrity within an enforcement agency and to reduce misconduct amongst enforcement officers;

(f) To assist the Government in formulating legislation, or to recommend administrative measures to the Government or an enforcement agency, in the promotion of integrity and the abolishment of misconduct amongst enforcement officers;

(g) To study and verify any infringement of enforcement procedures and to make any necessary recommendations relating thereto; and

(h) To make site visits to the premises of an enforcement agency, including visiting police stations and lockups in accordance with the procedures under any written law, and make any necessary recommendations relating thereto.

PENGURUSAN EKSEKUTIF
EXECUTIVE MANAGEMENT

SETIAUSAHA/KETUA PEGAWAI EKSEKUTIF

Pentadbiran EAIC diketuai oleh Setiausaha/Ketua Pegawai Eksekutif yang dilantik di bawah seksyen 13(2) Akta 700. Setiausaha bertanggungjawab dalam memastikan kelancaran pentadbiran dan berperanan memastikan fungsi-fungsi EAIC dilaksanakan dengan sewajarnya. Dalam Mesyuarat Suruhanjaya pada 29 Januari 2016, semua pesuruhjaya telah sebulat suara bersetuju untuk melantik Encik Ahmad Razif bin Mohd Sidek sebagai Setiausaha yang baru menggantikan Encik Kamal Baharin yang telah dipindahkan ke Suruhanjaya Pencegahan Rasuah Malaysia (SPRM). Beliau sebelum ini telah memegang jawatan sebagai Pengarah Bahagian Operasi di EAIC selama 3 tahun. Pelantikan beliau telah berkuat kuasa bermula pada 1 Januari 2016 untuk tempoh peminjaman selama 2 tahun.

SECRETARY/CHIEF EXECUTIVE OFFICER

The EAIC administration is led by the Secretary/Chief Executive Officer who is elected under Section 13(2) of the EAIC Act 700. The Secretary is responsible for ensuring that the (Act 700) administration of EAIC runs smoothly and the Secretary is responsible to ensure a smooth running of EAIC and its functions are executed accordingly. During the Commission Meeting held on 29 January 2016, all of the commissioners unanimously agreed that Encik Ahmad Razif bin Mohd Sidek be elected the new Secretary in replacement of Encik Kamal Baharin who had been transferred to the Malaysia Anti-Corruption Commission (SPRM). En Ahmad Razif had previously held the post of Director of Operations Division, EAIC for 3 years. His appointment is based on a secondment period of 2 years, which took effect on 1 January 2016.

PEGAWAI EAIC

Setakat 31 Disember 2016, EAIC mempunyai 78 perjawatan meliputi pegawai dan kakitangan kumpulan sokongan lantikan EAIC serta pegawai pinjaman dari Jabatan Peguam Negara (AGC) dan Suruhanjaya Pencegahan Rasuah Malaysia (SPRM). Jadual di bawah menunjukkan pecahan bilangan pegawai mengikut kategori kumpulan masing-masing:

EAIC OFFICERS

As of 31 December 2016, EAIC has 78 posts which cover officers and staffs appointed by EAIC and on secondment from Attorney General's Chamber (AGC) and Malaysian Anti-Corruption Commission. The schedule below shows the breakdown of the number of officers according to category:

Kumpulan Pegawai *Officers Group*	Perjawatan Diisi *Filled Post*	Perjawatan Kosong *Vacant Post*
Kumpulan Pengurusan Tertinggi *Upper Management Group*	1	1
Kumpulan Pengurusan dan Professional *Management and Professional Group*	38	38
Kumpulan Sokongan dan Pelaksana *Administrative and Support Group*	39	38
JUMLAH/*TOTAL*	**78**	**77**



Dari Hadapan: YA Datuk Yaacob bin Hj. Md Sam (Pengerusi), Encik Ahmad Razif bin Mohd Sidek (Setiausaha/Ketua Pegawai Eksekutif),YBhg. Dato' Muhammad Bukhari bin Ab. Hamid (Pengarah Bahagian Operasi),
Dari Kiri: 1- Puan Eda Mazuin binti Abdul Rahman (Penasihat Undang-undang), Puan Wahayu binti Abdul Wahab (Pengarah Bahagian Komunikasi Korporat), Puan Nursyahadah binti Mohd Taib (Pengarah Bahagian Teknologi Maklumat), Puan Shukriah Hamidah binti Mohamad (Timbalan Pengarah Operasi Seksyen Aduan, 2- Cik Noor Farahani binti Norizan (Pegawai Khas Pengerusi), Puan Noormazlinah binti Abdul Mutalib (Ketua Unit Aduan Lain-lain Agensi), Puan Zulezah binti Baharoldin (Ketua Unit Siasatan Lain-lain Agensi), Puan Nurul Nadia binti Basri (Ketua Unit Aduan PDRM), Puan Nasreena binti Hailani (Ketua Seksyen Pentadbiran),Puan Norhaizan binti Abdul Rashid (Pengarah Bahagian Dasar, Penyelidikan, Inovasi dan Urus Setia), Puan Hafizah binti Hassan (Akauntan), Puan Nazatul Shyma binti Hasaan (Ketua Unit Pengurusan Sumber Manusia), Encik Mohd Hatta bin Ishak (Pengarah Bahagian Khidmat Pengurusan), Encik Abdul Malek bin Mohamed (Ketua Unit Integriti), Encik Mohd Shahrilnizwan bin Sharipuddin (Ketua Seksyen Keselamatan), Encik Mohd Faizuly bin Abd Aziz (Ketua Unit Siasatan PDRM).



BAHAGIAN
DIVISIONS

BAHAGIAN DI EAIC

Bagi menambahbaik kelancaran pengurusan di EAIC, terdapat beberapa bahagian baharu diwujudkan supaya penyusunan kerja lebih sistematik dan efisien. Bahagian baharu yang diwujudkan adalah Bahagian Teknologi Maklumat dan Bahagian Kewangan yang diasingkan daripada Bahagian Khidmat Pengurusan bagi tujuan pemantauan terus oleh Setiausaha. Berikut merupakan tujuh (7) bahagian utama di EAIC:

1. Bahagian Operasi
2. Bahagian Undang-undang
3. Bahagian Dasar, Penyeldikan, Inovasi dan Urus Setia
4. Bahagian Khidmat Pengurusan
5. Bahagian Komunikasi Korporat
6. Bahagian Kewangan
7. Bahagian Teknologi Maklumat

Selain itu, Unit Integriti dan Unit Audit Dalam telah diwujudkan dan dipantau oleh Setiausaha/Ketua Pegawai Eksekutif EAIC.

EAIC DIVISIONS

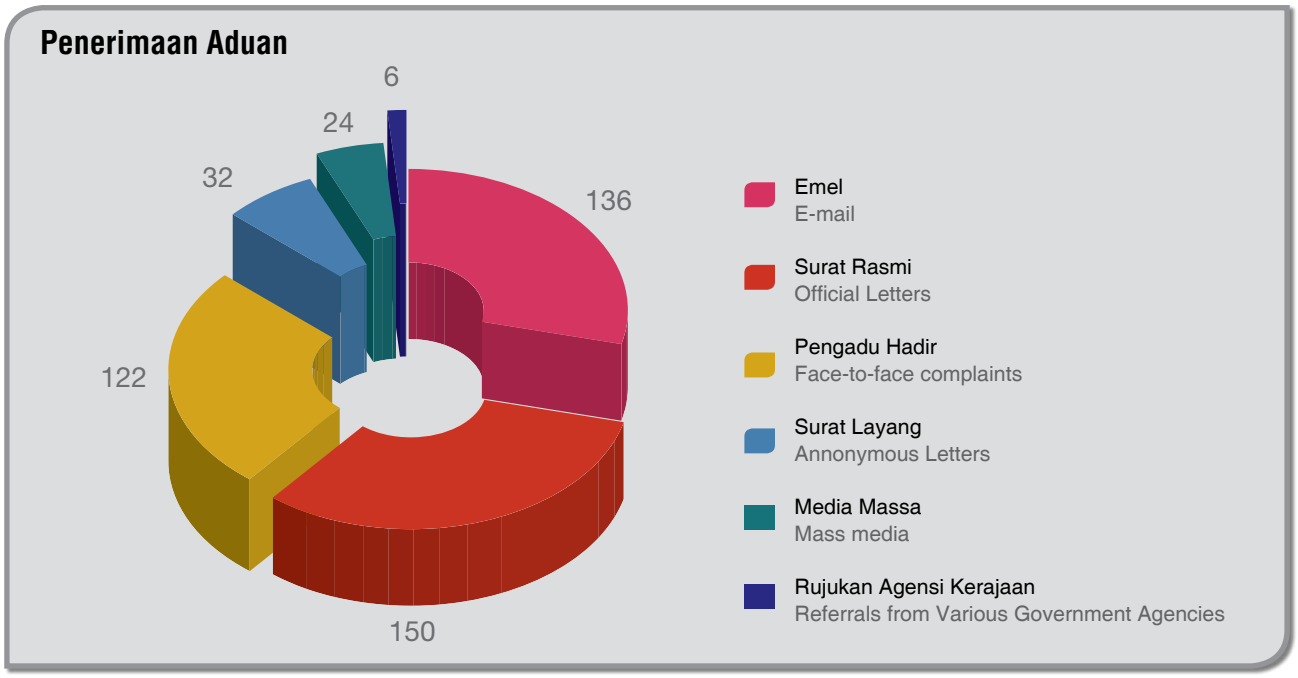
To enhance the smooth running of EAIC management, a few changes were made so as to produce a more systematic and efficient work organisation. The new divisions created are the Information Technology Division and the Finance Division which are separated from the Management Services Division for the purpose of continuous monitoring by the Secretary. The following are the seven (7) main divisions of EAIC:

1. Operations Division
2. Legal Division
3. Policy, Research, Innovation and Secretariat Division
4. Management Services Division
5. Corporate Communication Division
6. Finance Division
7. Information Technology Division

Apart from the above, the Integrity Unit and the Internal Audit Unit were also created and are monitored by the EAIC Secretary/Chief Executive Office.



ADUAN
COMPLAINT



Carta 1: Jumlah aduan yang diterima pada tahun 2016

Carta Pai di atas menunjukkan statistik aduan yang diterima oleh EAIC bagi tahun 2016. Berdasarkan jumlah aduan yang diterima, terdapat peningkatan aduan yang ketara pada tahun 2016 di mana keseluruhan aduan yang diterima adalah sebanyak 470 aduan berbanding 307 aduan pada tahun 2015.

Peningkatan jumlah aduan ini berikutan daripada aktiviti promosi, kempen kesedaran dan pendedahan awam oleh EAIC berkaitan kes-kes siasatan EAIC yang melihatkan bertambahnya keyakinan orang ramai terhadap peranan efektif EAIC. Laporan siasatan EAIC yang mendapat liputan meluas media termasuk Kes Siasatan Kematian Dharmendran a/l Narayanasamy Semasa Dalam Tahanan PDRM dan Siasatan Kes Kematian Syed Mohd Azlan bin Syed Mohamed Nur Semasa Dalam Tahanan PDRM juga berjaya meningkat keyakinan orang awam terhadap EAIC. Pada tahun 2016, EAIC juga telah membuat dedahan awam ke atas hasil siasatan aduan-aduan oleh nelayan pantai berkaitan pencerobohan bot-bot menangkap ikan jenis Kenka di Tanjung Piandang, Perak.

Berkenaan kaedah penerimaan aduan pula, 60.85% aduan diterima melalui surat rasmi dan emel. Surat rasmi dan emel merupakan medium paling popular dalam kalangan pengadu kerana medium tersebut

The Pie Chart above shows the complaint statistics received by EAIC in 2016. Based on the total number of complaints received, there was an increase in 2016 whereby the number of complaints totalled up to 470, as compared to 307 complaints received in 2015.

The said increase was mainly contributed by EAIC's various promotional activities, awareness campaigns and public exposure of EAIC's investigation cases which saw a clear indication of increase in public confidence towards EAIC. Investigation reports including those of the Sudden Death Cases While in PDRM Custody of Dharmendran a/l Narayanasamy and Syed Mohd Azlan bin Syed Mohamed Nur, received wide coverage and helped to further strengthen public trust in EAIC. In 2016, EAIC also made a public statement on the result of its investigation into the complaints made by coastal fishermen regarding the encroachment of *kenka* trawlers at Tanjung Piandang, Perak.

With regard to the methods of receiving complaints, 60.85% of the complaints were made through formal letters and emails. Formal letters and emails were the most popular medium among complainants as it

lebih menjimatkan masa dan kos serta lebih mudah. EAIC juga telah membuat penambahbaikan ke atas Borang Aduan yang lebih mesra pengguna untuk diakses dengan mudah oleh orang ramai melalui laman sesawang EAIC.

saves time and costs and is much more convenient. EAIC had also made improvements to the Complaint Form, which made it more user friendly and easier for the public to access via EAIC website.

Di samping itu, mulai 21 Julai 2016 EAIC juga telah membuka Kaunter Aduan dan Pusat Khidmat Pelanggan bertempat di Aras Bawah, Menara Usahawan, Presint 2, Putrajaya bertujuan memberi kemudahan untuk orang ramai dalam membuat aduan dan mendapatkan maklumat status semasa aduan mereka yang disiasat oleh EAIC.

Apart from that, starting 21 July 2016, EAIC launched the Complaint Counter and Customer Service Centre located at the Ground Floor, Menara Usahawan, Presinct 2, Putrajaya for the public to lodge and file their complaints and to obtain recent updates/ current progress on the compaints which are investigated by EAIC.

STATISTIK ADUAN MENGIKUT AGENSI PENGUATKUASAAN

COMPLAINT STATISTICS ACCCORDING TO ENFORCEMENT AGENCY

Jadual 2: Jumlah Aduan Yang Didaftarkan Mengikut Agensi Bagi Tahun 2016

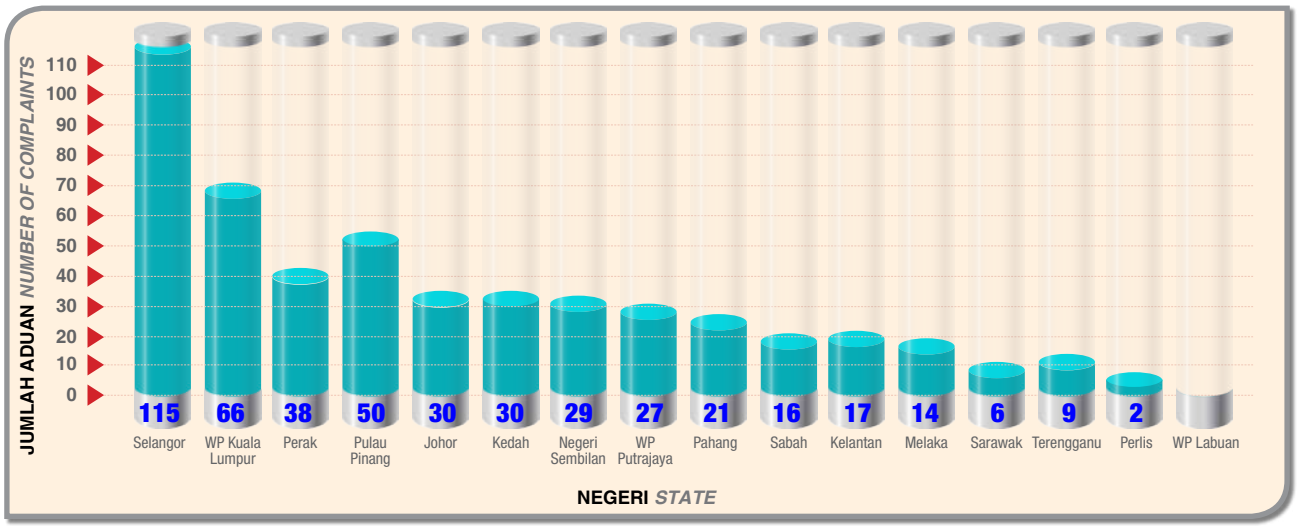
Table 2: Total Number of Complaints Registered According to Agency in Year 2016

AGENSI *AGENCY*	BULAN *MONTH*				JUMLAH KESELURUHAN *TOTAL*
	Q1 (Jan-Mac) *(Jan-Mar)*	Q2 (Apr-Jun) *(Apr-Jun)*	Q3 (Jul-Sept) *(Jul-Sept)*	Q4 (Okt-Dis) *(Oct-Dec)*	
Polis Diraja Malaysia *Royal Malaysia Police*	69	57	97	84	306
Jabatan Imigresen Malaysia *Immigration Department Of Malaysia*	3	7	7	9	27
Jabatan Pengangkutan Jalan *Road Transport Department*	3	5	1	3	12
Kementerian Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan *Ministry of Domestic Trade, Co-Operatives and Consumerism*	2	5	5	3	15
Jabatan Kastam Diraja Malaysia *Royal Customs Department of Malaysia*	1	2	4	2	9
Jabatan Pendaftaran Negara *National Registration Department*	1	1	1	0	3
Kementerian Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan (Penguatkuasaan) *Ministry of Urban Wellbeing, Housing and Local Government (Enforcement)*	0	0	1	1	2
Kementerian Kesihatan Malaysia (Penguatkuasaan) *Ministry of Health (Enforcement)*	2	2	2	0	5
Jabatan Alam Sekitar *Department of Environment*	3	0	3	0	5
Agensi Penguatkuasaan Maritim Malaysia *Malaysian Maritime Enforcement Agency*	1	1	0	2	4
Agensi Antidadah Kebangsaan *National Anti-Drugs Agency*	3	1	0	1	5
Jabatan Sukarelawan Malaysia *Malaysian Volunteer Corps*	0	1	0	0	1
Jabatan Tenaga Kerja *Labour Department*	0	0	2	1	3
Jabatan Perhubungan Perusahaan *Industrial Relations Department*	0	0	0	0	0

AGENSI *AGENCY*	BULAN *MONTH*				JUMLAH KESELURUHAN *TOTAL*
	Q1 (Jan-Mac) *(Jan-Mar)*	Q2 (Apr-Jun) *(Apr-Jun)*	Q3 (Jul-Sept) *(Jul-Sept)*	Q4 (Okt-Dis) *(Oct-Dec)*	
Jabatan Keselamatan dan Kesihatan Pekerjaan *Department Of Occupational Safety and Health*	0	0	1	2	3
Jabatan Perikanan *Fisheries Department*	1	0	0	0	1
Kementerian Pelancongan dan Kebudayaan Malaysia (Penguatkuasaan) *Ministry of Tourism and Culture Malaysia (Enforcement)*	0	0	1	0	1
Jabatan Penerbangan Awam *Civil Aviation Department*	0	0	0	0	0
Jabatan Perlindungan Hidupan Liar dan Taman Negara (PERHILITAN) Semenanjung Malaysia *Department of Wildlife and National Parks (PERHILITAN) Peninsular of Malaysia*	0	0	0	0	0
Agensi Di Luar Bidang Kuasa *Agencies Outside Jurisdiction*	18	15	22	13	68
*** JUMLAH KESELURUHAN *TOTAL***	107	97	147	121	**470**

Jadual 3 : Jumlah Aduan Mengikut Negeri

Table 3: Total Number of Complaints According to State



** Jumlah keseluruhan aduan untuk tahun 2016 mengikut negeri adalah 470*

The total number of complaints in 2016 according to state was 470

JUMLAH ADUAN DIDAFTARKAN MENGIKUT NEGERI

Berdasarkan kepada statistik di atas, negeri Selangor dan Wilayah Persekutuan Kuala Lumpur mencatatkan jumlah aduan tertinggi berbanding negeri-negeri lain. Penyumbang utama kepada keadaan tersebut berkait rapat dengan faktor jumlah taburan penduduk yang tinggi di kawasan Lembah Klang serta aktiviti-aktiviti agensi penguatkuasaan yang lebih bertumpu di kedua-dua negeri tersebut.

TOTAL NUMBER OF REGISTERED COMPLAINTS ACCORDING TO STATE

Based on the statistics above, Selangor and the Federal Territory Kuala Lumpur recorded the highest number of complaints as compared to the other states. The main contributing factor is closely due to the high population density in Klang Valley and the fact that enforcement agencies' activities are more concentrated in these two states.

Jadual 4: Klasifikasi Salah Laku Aduan Yang Diterima Pada Tahun 2011- 2016 (Mengikut Seksyen 24 Akta 700)

Table 4: Classification of Complaints of Misconduct from Years 2011 – 2016 (According to Section 24 Act 700)

JENIS SALAH LAKU YANG DIADUKAN *TYPE OF MISCONDUCT*	TAHUN YEAR					
	2011	2012	2013	2014	2015	2016
Tidak Mengikut Undang-Undang / SOP *Non-Adherence to Existing Laws/SOP*	2	66	72	93	85	190
Tindakan Secara Tidak Adil / Tidak Wajar / Menindas *Discriminatory/Inappropriate/Exploitory Action*	4	92	72	67	72	85
Tiada Tindakan *Non-action*	3	98	64	66	80	75
Salah Guna Kuasa *Misuse of Authority*	6	38	62	35	51	55
Rasuah *Bribery*	2	12	10	12	4	15
Lewat Ambil Tindakan *Delayed Action*	1	13	17	18	10	40
Jenayah *Criminal*	0	10	4	18	5	10
JUMLAH *TOTAL*	18	329	301	309	307	470

Jadual 4 di atas menunjukkan pecahan aduan mengikut kategori salah laku di bawah seksyen 24. Secara amnya, kebanyakan aduan yang diterima berkenaan pegawai penguat kuasa atau agensi penguatkuasaan adalah mengenai ketidakpatuhan udang-undang dan peraturan serta tatacara kerja yang ditetapkan. Selain itu, kegagalan mengambil tindakan juga merupakan salah laku kedua tertinggi yang direkodkan.

Table 4 shows the breakdown of complaints according to various misconduct under Section 24 of Act 700. In general, most of the complaints received were either on non-adherence to the law, regulations and protocols. Failure to take action makes up the second highest number of misconduct complaints.

Jadual 5: Keputusan Mesyuarat Suruhanjaya Terhadap Aduan

Table 5: Decisions of Commission Meetings Towards Complaints

KEPUTUSAN SURUHANJAYA *COMMISSION'S DECISION*	TAHUN / BILANGAN ADUAN *YEAR/NUMBER OF COMPLAINTS*						Jumlah *Total*
	2011	2012	2013	2014	2015	2016	
Daftar Aduan Mengikut Agensi	**18**	**357**	**306**	**315**	**331**	**470**	**1797**
Ditolak *Rejected*	8	120	138	225	299	218	1008
Dirujuk Kepada SPRM *Referred to MACC*	3	6	5	6	5	6	31
Dirujuk Kepada Pihak Berkuasa Tatatertib *Referred to Disciplinary Body*	2	13	12	4	19	9	59
Dirujuk Kepada Pihak Berkuasa Tatatertib PDRM Dan SPRM *Referred to PDRM and MACC Disciplinary Bodies*	1	3	12	17	5	4	42
Siasatan Penuh Mengikut Agensi *Full Investigation According to Agency*	0	65	76	66	93	96	396

Berdasarkan Jadual 5, bagi tahun 2016, EAIC telah menerima 470 aduan yang didaftarkan mengikut agensi. Daripada jumlah tersebut, 218 aduan telah ditolak oleh Suruhanjaya setelah dibuat siasatan dan penilaian awal atas faktor aduan tidak berasas, aduan melibatkan agensi di luar bidang kuasa EAIC atau aduan tersebut tidak dapat disahkan kesahihannya.

Based on Table 5, in year 2016, EAIC had received a total of 470 complaints that had been registered according to various agencies. From the total number, 218 complaints were rejected by the Commission after early investigations and an early evaluation were carried out on the basis that the complaints were baseless, the complaints involved agencies not under the supervision of EAIC or the complaints could not be ascertained.

Jadual 6: Peratusan Penyelesaian Aduan Yang Didaftarkan dari tahun 2011- 2016
Table 6: Percentage of Complaints that were solved from years 2011 – 2016

Tahun *Year*	2011	2012	2013	2014	2015	2016
Jumlah Aduan Yang Didaftarkan *Number of Registered Complaints*	18	329	301	309	307	470
Jumlah Aduan Yang Telah Dibawa Ke Mesyuarat Suruhanjaya *Number of Complaints Taken to The Commission's Meetings*	18	329	301	309	307	239
Peratusan Aduan Selesai *Percentage of Complaints Solved*	100%	100%	100%	100%	100%	51%

Jadual 6 menunjukkan 51% (239 aduan) daripada sejumlah 470 aduan yang diterima pada tahun 2016 telah dibawa ke Mesyuarat Suruhanjaya. Baki sebanyak 231 aduan sedang dalam tindakan siasatan awal Suruhanjaya.

Table 6 shows 51% (239 complaints) from the 470 complaints received in the year 2016 were brought to the Commission's Meetings. The remaining 231 complaints are still at the preliminary stage of investigation by the Commission.

SIASATAN
INVESTIGATION

PROSES SIASATAN

Selaras dengan fungsi EAIC untuk menerima dan menyiasat aduan seperti diperuntukkan di bawah seksyen 4 (1)(a) Akta 700, Seksyen Siasatan di Bahagian Operasi EAIC menggalas tanggungjawab untuk menjalankan siasatan penuh apabila Mesyuarat Suruhanjaya memutuskan bahawa sesuatu aduan tersebut mempunyai asas seperti mana diperuntukkan di bawah subsekyen 27(4) Akta 700. Di samping itu, terdapat juga kes-kes yang mempunyai kepentingan yang signifikan kepada orang ramai atau demi kepentingan awam akan disiasat atas inisiatif EAIC sendiri mengikut seksyen 28 Akta 700.

Dapatan siasatan, laporan serta cadangan/syor akan dibentangkan dalam Mesyuarat Suruhanjaya bagi pertimbangan dan keputusan Suruhanjaya ke atasnya. Sekiranya dapatan siasatan mendapati salah laku telah dilakukan oleh pegawai penguat kuasa terlibat, maka dapatan siasatan, laporan dan syor Suruhanjaya tersebut akan dikemukakan kepada Pihak Berkuasa Tatatertib agensi penguatkuasaan berkaitan bagi tindakan diambil terhadap pegawai tersebut selaras dengan kehendak seksyen 30(1)(b) dan (2) Akta 700.

Sekiranya dapatan siasatan mendapati salah laku yang dilakukan oleh pegawai penguat kuasa adalah merupakan salah laku bersifat kesalahan jenayah, maka dapatan, laporan dan syor Suruhanjaya akan dikemukakan kepada Pendakwa Raya bagi tindakan diambil selaras dengan kehendak seksyen 30(1)(c) dan (3) Akta 700. Keputusan dan dapatan siasatan Suruhanjaya juga akan dimaklumkan kepada pengadu seperti mana kehendak seksyen 30(1)(a) Akta 700.

Dari segi siasatan, keterangan boleh diperolehi sama ada melalui rakaman percakapan pengadu, saksi-saksi dan dokumen sokongan atau melalui pendengaran awam. Kuasa-kuasa siasatan Suruhanjaya diperuntukkan oleh Bahagian V Akta 700. Secara ringkasnya, selepas sesuatu Kertas Siasatan (KS) dibuka, pegawai penyiasat akan mengambil keterangan pengadu dan saksi-saksi

INVESTIGATION PROCESS

In line with EAIC's function in receiving and investigating complaints as provided for under section 4 (1)(*a*) Act 700, the Investigation Section under EAIC's Operation Division shall conduct a full investigation after the deliberation of the Commission's Meeting decided has that a complaint forms a basis for full investigation as provided for under subsection 27(4) Act 700. Apart from that, cases which were of high public interest would be investigated by EAIC's own initiative, according to section 28, Act 700.

The findings of investigation, reports and any suggestions or recommendations will be presented to the Commission's Meeting for the deliberation to proceed with a full investigation or otherwise. If, from the investigation, it is revealed that misconduct has indeed been done by the enforcement officer involved the Commission will then forward the investigation findings, together with the reports and recommendations to the Disciplinary Body of the relevant enforcement agency for disciplinary actions be taken against the said officer, according to sections 30(1)(*b*) and (2), Act 700.

If the investigation finding reveals that the misconduct done by the enforcement officer is criminal in nature, then the Commission's finding, report and recommendation will be presented to the Attorney General for necessary actions to be taken according to sections 30(1)(*c*) and (3) Act 700. The result and findings of the Commission's investigation will be informed to the complainant as stated in section 30(1) (a) Act 700.

As far as investigation is concerned evidence can be obtained either through the complainant's and witness' recorded statements, supporting documents or through public hearings conducted by EAIC. The Commission's investigative authority is provided for under Part V Act 700. In short, after an investigation paper (IP) is opened, the investigation officer shall record a statement of the complainant/witnesses

pengadu serta mendapatkan dokumen atau bahan bukti bagi menyokong dakwaan pengadu. Dalam keadaan tertentu pegawai penyiasat EAIC akan turut melawat tempat kejadian bagi mengumpul bahan bukti termasuk merakam gambar tempat kejadian serta membuat sitaan apa-apa dokumen berkaitan atau bahan bukti selaras dengan peruntukan Akta 700. Sekiranya siasatan itu dilakukan oleh pegawai yang menjadi anggota Pasukan Petugas Suruhanjaya, pegawai terlibat sebagai tambahan daripada kuasa-kuasa yang diberikan oleh Akta 700, mempunyai semua kuasa penyiasatan sebagaimana terkandung dalam Kanun Tatacara Jenayah (Akta 593).

and shall obtain supporting documents or any other evidence to support the complainant witness's claims. In certain circumstances, EAIC's investigation officer will make a visit to the scene to gather evidence, to take pictures of the scene and if necessary, to confiscate any relevant documents or evidences in line with the provisions in Act 700. If the investigation is conducted by an officer who is a member of the Commission Task Force, he shall, apart from the authority provided by Act 700, have full investigating power as provided for by the Criminal Penal Code (Act 593).

STATISTIK SIASATAN

INVESTIGATION STATISTICS

Jadual 7: Jumlah Kertas Siasatan Yang Dibuka Mengikut Agensi Bagi Tahun 2016
Table 7: Total Number of Investigation Paper Opened According to Agency in Year 2016

AGENSI AGENCY	JUMLAH TOTAL
Polis Diraja Malaysia *Royal Malaysia Police*	86
Jabatan Imigresen Malaysia *Immigration Department of Malaysia*	6
Kementerian Perdagangan Dalam Negeri, Koperasi Dan Kepenggunaan *Ministry of Domestic Trade, Co-operatives and Consumerism*	5
Jabatan Pengangkutan Jalan *Road Transport Department*	2
Jabatan Pendaftaran Negara *National Registration Department*	2
Agensi Penguatkuasaan Maritim Malaysia *Malaysian Maritime Enforcement Agency*	2
Jabatan Kastam Diraja Malaysia *Royal Customs Department of Malaysia*	1
Agensi Antidadah Kebangsaan *National Anti-Drugs Agency*	1
Jabatan Perikanan *Fisheries Department*	1
Jabatan Sukarelawan Malaysia *Malaysian Volunteer Corps*	1
Jabatan Tenaga Kerja *Labour Department*	0
Kementerian Kesihatan Malaysia (Penguatkuasaan) *Ministry of Health (Enforcement)*	0
Jabatan Alam Sekitar *Department of Environment*	0
Kementerian Perumahan Dan Kerajaan Tempatan (Penguatkuasaan) *Ministry of Housing and Local Government (Enforcement)*	0
Jabatan Perhubungan Perusahaan *Industrial Relations Department*	0
Jabatan Keselamatan dan Kesihatan Pekerjaan *Department of Occupational Safety and Health*	0
Kementerian Pelancongan dan Kebudayaan Malaysia (Penguatkuasaan) *Ministry of Tourism and Culture Malaysia (Enforcement)*	0
Jabatan Penerbangan Awam *Civil Aviation Department*	0

AGENSI *AGENCY*	JUMLAH *TOTAL*
Jabatan Perlindungan Hidupan Liar dan Taman Negara (Perhilitan) Semenanjung Malaysia *Department of Wildlife and National Parks (PERHILITAN) Peninsular of Malaysia*	0
Lembaga Pelesenan Kenderaan Perdagangan Sabah *Commercial Vehicles Licensing Board Sabah*	0
Lembaga Pelesenan Kenderaan Perdagangan Sarawak *Commercial Vehicles Licensing Board Sarawak*	0
Jumlah Keseluruhan Mengikut Agensi Disiasat ***The Total According to Agency***	**107**

Jadual 8: Jumlah Kertas Siasatan Yang Dibuka Mengikut Suku Tahun 2016
Table 8: Total Number of Investigation Papers Opened According to Year 2016 (Quarterly)

SUKU TAHUN *QUARTERLY*	JUMLAH *TOTAL*
Q1	30
Q2	26
Q3	27
Q4	24
Jumlah Keseluruhan ***Total***	**107**

Jadual 9: Jumlah Kertas Siasatan Yang Dibuka Mengikut Negeri Bagi Tahun 2011 hingga 2016
Table 9: Total Number of Investigation Papers Opened According to State, from 2011 to 2016

NEGERI *STATE*	TAHUN *YEAR*					JUMLAH *TOTAL*
	2012	2013	2014	2015	2016	
Selangor	19	23	23	33	26	124
WP Kuala Lumpur	17	22	14	22	13	88
Pulau Pinang	8	4	5	7	11	35
Perak	3	3	10	9	9	34
Negeri Sembilan	5	5	4	4	6	24
Johor	3	4	3	4	9	23
Kedah	3	5	2	5	6	21
Sabah	0	2	2	4	7	15
WP Putrajaya	4	4	1	1	3	13
Pahang	2	1	0	0	7	10
Terengganu	0	1	0	2	3	6
Kelantan	0	1	0	1	3	5
Perlis	0	0	1	1	2	4
Sarawak	0	1	0	1	2	4
Melaka	0	0	1	2	0	3
WP Labuan	1	0	0	0	0	1
JUMLAH KESELURUHAN ***TOTAL***	**65**	**76**	**66**	**96**	**107**	**410**

Pada tahun 2016, EAIC telah membuka sebanyak 107 Kertas Siasatan (KS) yang menunjukkan peningkatan sebanyak 11 KS berbanding jumlah KS pada tahun 2015. Jadual 9 menunjukkan terdapat pengurangan jumlah KS yang dibuka melibatkan negeri Selangor, Melaka dan WP Kuala Lumpur. Walau bagaimanapun, negeri Selangor masih mencatatkan jumlah KS tertinggi untuk kes salah laku dalam kalangan pegawai penguat kuasa.

In 2016, EAIC opened a total of 107 investigation papers (IP) which showed an increase of 11 IP, compared to the number of IP in 2015. Table 9 shows that there was a decrease in the number of IP for the states of Selangor, Melaka and Federal Territory Kuala Lumpur. However, Selangor still recorded the highest number of IP for cases of misconduct among enforcement officers.

Manakala bagi negeri selain yang dinyatakan di atas, Jadual 9 menunjukkan peningkatan jumlah KS yang dibuka pada tahun 2016 berbanding tahun 2015. Sehubungan itu, EAIC akan mempergiatkan program seperti lawatan kerja dan pengauditan di premis-premis agensi penguatkuasaan di negeri-negeri yang terlibat dalam usaha mengurangkan kes salah laku dalam kalangan pegawai penguat kuasa.

Whereas for the other states, as mentioned above, Table 9 shows there was an increase of IPs in 2016 as compared to 2015. As such, EAIC aims to conduct more similar programmes such as working visits and audits at the premises of enforcement agencies in all the states as part of their effort to reduce the number of misconduct cases among enforcement offcers.

Jadual 10: Status Kertas Siasatan Dari Tahun 2012 Sehingga Tahun 2016
Table 10: Status of Investigation Papers from Year 2012 to 2016

KEPUTUSAN SURUHANJAYA *COMMISSION'S DECISION*	TAHUN / BILANGAN KERTAS SIASATAN *YEAR / NUMBER OF INVESTIGATION PAPERS*					JUMLAH *TOTAL*
	2012	2013	2014	2015	2016	
Jumlah Kertas Siasatan Yang Dibuka *Number of Opened Investigation Papers*	60	75	65	95	107	399
Jumlah Kertas Siasatan Selesai *Number of Solved Investigation Papers*	60	75	63	62	13	273
Jumlah Kertas Siasatan Yang Belum Selesai *Number of Investigation Papers Still Unresolved*	0	0	2	33	94	126

Setakat 31 Disember 2016, statistik menunjukkan bahawa semua KS bagi tahun 2012 dan 2013 telah berjaya diselesaikan sepenuhnya. Walau bagaimanapun, terdapat sejumlah 129 KS yang masih dalam siasatan EAIC melibatkan KS bagi tahun 2014 sehingga 2016.

Up to 31 December 2016, statistics show that all the IPs from the year 2012 until 2013 have been solved. However, there were 129 IP of 2014 to 2016, that were is still being investigated by EAIC.

Jadual 11 menunjukkan bahawa sepanjang tahun 2016, Mesyuarat Suruhanjaya telah membuat pertimbangan dan membuat keputusan terhadap 76 KS melibatkan KS bagi tahun 2014, 2015 dan 2016.

Table 11 shows that throughout 2016, the Commission Meetings had considered and decided the 76 IP involving the IP of years 2014, 2015 and 2016.

Sepanjang tahun 2016, 1 daripada 76 KS yang telah diselesaikan dan diputuskan dalam Mesyuarat Suruhanjaya 2016 merupakan KS yang disiasat

Throughout 2016, 1 out of 76 IP which were solved and decided in the Commission's Meeting 2016 was an IP investigated under section 28 Act 700 the custodial

Jadual 11: Keputusan Mesyuarat Suruhanjaya Selepas Siasatan Penuh (Mesyuarat Suruhanjaya Bil. 1 – 15 /2016)

Table 11: Decisions of the Commission's Meetings after the Completion of an Investigation (Commission Meeting No 1 – 15/2016)

KEPUTUSAN SURUHANJAYA *COMMISSION'S DECISION*	TAHUN FAIL KERTAS SIASATAN DIBUKA *YEAR AN INVESTIGATION PAPER IS OPENED*					JUMLAH *TOTAL*
	2012	2013	2014	2015	2016	
Ditolak / Salahlaku tidak disahkan *Rejected / Misconduct not verified*	0	2	11	14	10	**37**
Syor Hukuman Tatatertib *Recommended Disciplinary Action*	0	2	7	13	1	**23**
Syor Surat Teguran Secara Pentadbiran *Recommended An Administrative Warning Letter*	0	0	2	8	2	**12**
Syor Hukuman Tatatertib & Surat Teguran Secara Pentadbiran *Recommended Disciplinary Action and Administrative Warning Letter*	0	0	0	2	0	**2**
Dirujuk Kepada SPRM *Referred to MACC*	0	0	0	1	0	**1**
Dirujuk Kepada Pendakwa Raya *Referred to the Attorney General*	0	0	0	0	0	**0**
Syor Hukuman Tatatertib & Dirujuk Kepada Pendakwa Raya (kes S.28) *Recommended Disciplinary Action and referred to Attorney General (case S.28)*	0	0	0	1	0	**1**
JUMLAH	**0**	**4**	**20**	**38**	**13**	**76**

Jadual 12: Jenis Salah Laku Menurut Seksyen 24 Akta 700 Yang Dirujuk Kepada PBT (Keputusan Mesyuarat Suruhanjaya Bil. 1 – 15 / 2016)

Table 12: Types of Misconduct according to Sec. 24 Act 700 that have been referred to PBT (Commission Meetings Decision Nos 1 – 5 / 2016

Jenis Salah Laku *Types of Misconduct*	Jumlah *Total*
Apa-apa tindakan yang diambil atau tidak diambil oleh pegawai penguat kuasa yang berlawanan dengan mana-mana undang-undang bertulis menurut subseksyen 24(1)(a) *Any act or inaction of an enforcement officer which is contrary to any written law, according to sunsection 24(1)(a)*	1
Gagal mengambil tindakan yang munasabah menurut Seksyen 24(1)(b) *Failure to act in a reasonable manner, according to subsection 24(1)(b)*	36
Apa-apa tindakan yang diambil atau tidak diambil oleh penguatkuasa yang dilakukan atas motif yang tidak wajar, alasan atau pertimbangan yang tidak berkaitan menurut subseksyen 24(1)(c) *Any act or inaction of an enforcement officer which is commited on improper motives, irrrelevant grounds or consideration according to subsection 24(1)(c)*	0
Gagal mengikut Undang-Undang yang telah ditetapkan menurut subseksyen 24(1)(d) *Failure to act according to the Law according to subsection 24(1)(d)*	0
Apa-apa tindakan yang diambil atau tidak diambil oleh pegawai penguatkuasa yang alasan patut diberikan tetapi tidak diberikan menurut subseksyen 24(1)(e) *Any act or inaction of an enforceement officer of which grounds should have been given but were not given according to subsection 24(1)(e)*	0
Kegagalan Pegawai Penguatkuasa untuk mengikut kaedah dan tatacara yang ditetapkan oleh undang-undang atau oleh pihak berkuasa yang berkenaan menurut subseksyen 24(1)(f) *The failure of an enforcement officer to follow the rules and procedures laid down by Law or by an appropriate authority according to subsection 24(1)(f)*	1
Pelakuan apa-apa kesalahan jenayah oleh pegawai penguat kuasa *Any act of a criminal nature by an enforcement officer*	0
Jumlah Keseluruhan *Total*	**38**

di bawah seksyen 28 Akta 700 iaitu KS berhubung dengan Kes Kematian N. Dharmendran. Pendengaran Awam turut dijalankan bagi tujuan siasatan ke atas kes tersebut. Laporan lengkap, Eksibit, dan Nota Prosiding Pendengaran Awam telah diedarkan kepada Ketua Setiausaha Negara (KSN), Jabatan Peguam Negara, Ketua Polis Negara, Menteri di Jabatan Perdana Menteri (Tadbir Urus, Integirti dan Hak Asasi Manusia) YB Senator Datuk Paul Low Seng Kuan, Ketua Setiausaha Kementerian Dalam Negeri (KDN), Ketua Setiausaha Kementerian Kesihatan Malaysia, dan Ketua Pendaftar Mahkamah Persekutuan Malaysia.

death of N. Dhaemendran. A Public Hearing was also held for the purpose of the investigation. The completed report, exibits and notes of proceeding of the public hearing forwarded to the Chief Secretary to the Government of Malaysia (KSN), the Attorney General's Chambers, the Inspector General of Police, the Minister at Prime Minister's Department (administrative, Integrity and Human Rights) YB Senator Datuk Paul Low Seng Kuan, the Chief Secretary of Ministry of Home Affairs (KDN), Chief Secretary, the Ministery of Health Malaysia and the Chief Registrar of the Federal Court.

Pada tahun 2016 juga, EAIC telah mengedarkan laporan dapatan siasatan dan syor-syor berkaitan siasatan Pencerobohan Bot Kenka Di Pantai Tanjung Piandang kepada agensi-agensi berkaitan iaitu APMM, Jabatan Perikanan dan Pasukan Gerakan Marin. Dokumen yang sama turut diedarkan kepada KSN, KDN dan Kementerian Pertanian dan Industri Asas Tani Malaysia (MOA) untuk perhatian dan tindakan selanjutnya. Bagi kes ini juga, EAIC turut memanjangkan dokumen yang sama kepada SPRM kerana berpendapat bahawa terdapat kemungkinan berlakunya aktiviti sogokan (rasuah) oleh pengusaha bot-bot kenka kepada anggota penguat kuasa. Pengesyoran yang diperakukan oleh Mesyuarat Suruhanjaya bagi kedua-dua kes tersebut adalah sebagaimana dalam Jadual 13 di bawah.

In 2016, EAIC also forwarded the findings report on the investigations and recommendations regarding the case of the Encroachment of the Kenka Trawlers at Tanjung Piandang waters to relevant agencies ie APMM, the Fisheries Department and the Marine Police. The same documents were also forwarded to KSN, KDN, the Ministry of Agriculture and Agro-Based Industry for their attention and further actions. In addition, EAIC also sent a copy of the same to MACC as EAIC felt that there could have been elements of bribery by the kenka boat owners to the enforcement officers. The recommendations by the Commision Meeting for both cases are in Table 13 below.

Jadual 13: Jenis Salah Laku Yang Dirujuk Kepada PBT/Agensi Selepas Siasatan di bawah Seksyen 28
Table 13: Types of Misconduct referred to PBT/Agency After Investigation Under Section 28

Pengesyoran *Recommendation*	Alasan Pengesyoran *Justification of Recommendation*	Tindakan (Agensi) *Action (Agency)*
Kes Kematian N. Dharmendran ***The Case of the Death of N. Dharmendran***		
Tindakan Tatatertib *Disciplinary Action*	Mereka-reka maklumat palsu/salahnyata berkaitan keadaan kematian simati *Falsifying information regarding the cause of death*	Pihak Berkuasa Tatatertib (PBT), Polis DiRaja Malaysia (PDRM) *Disciplinary Board (PBT), Royal Malaysia Police (PDRM)*
	Mengarahkan anggota untuk mengubah (*tampering*) catitan masa dalam Buku Perharian Balai, Lokap D9 *Tampering with evidence by asking officers to change time logs in the Station Daily Book, Lockup 9*	PBT PDRM
	Mengarahkan anggota untuk membuat laporan kematian simati yang tidak benar kandungannya mengenai keadaan kematian simati *Instructing officers to make a false death report on the death of the deceased*	PBT PDRM

Pengesyoran *Recommendation*	Alasan Pengesyoran *Justification of Recommendation*	Tindakan (Agensi) *Action (Agency)*
Kes Kematian N. Dharmendran ***The Case of the Death of N. Dharmendran***		
Tindakan Tatatertib *Disciplinary Action*	Salah guna kuasa dalam mengarahkan tangkapan semula simati pada 21 Mei 2013 di atas alasan tangkapan semula yang tidak lagi sah atau wujud *Misuse of authority by ordering the re-arrest of the deceased on the 21 May 2013 on causes which are no longer valid or are non-exhistant*	PBT PDRM
	Gagal membenarkan simati dilawati oleh ahli keluarga simati tanpa apa-apa justifikasi dan ianya telah melanggar peruntukan seksyen 28A Kanun Tatacara Jenayah *Failing to allow family members to visit the deceased with any justification and that broke the provisions under section 28A Criminal Penal Code*	PBT PDRM
	Gagal menyelia perlakuan anggota-anggota Pasukan Projek dalam menjalankan soal siasat ke atas simati *Failing to monitor the actions of the Project Team members when they interrogated the deceased*	PBT PDRM
	SP24 telah meninggalkan atau gagal berada di lokap D9 dari jam 2.30 petang hingga 3.00 petang pada 21 Mei 2013 *SP24 had left or failed to be in Lockup D9 from 2.30pm – 3.00pm on 21 May 2013.*	PBT PDRM
	SP25 telah gagal berada di lokap D9 dari jam 3.00 petang hingga jam 4.30 petang pada 21 Mei 2013 *SP25 failed to be in Lockup D9 from 3.oopm to 4.30pm on 21 May 2013*	PBT PDRM
Penambahbaikan tatacara kerja / SOP *Improvementon Work Procedure / SOP*	Penyeliaan atau pemantauan ke atas bagi memastikan anggota dan pegawai memahami dan mematuhi Hukuman Tetap atau Perintah Tetap Ketua Polis Negara serta SOP yang berkaitan *Monitoring or supervising to ensure officers understand and obey the Fixed Penalty or Standing Orders of the Inspector General of Police as well as the related SOP*	PDRM
	PDRM lainnya yang berurusan dengan orang tahanan di lokap-lokap mematuhi SOP Pengurusan Lokap PDRM yang dikemaskinikan bertarikh 21 April 2014 *So that each lockup warden and sentry guard as well as as officers and members of PDRM who handled with detainees in lockups adhere to the PDRM Lockup Management SOP which was updated on 21 April 2014*	PDRM
	Seliaan yang efektif bagi memastikan setiap anggota dan pegawai yang dibekalkan dengan buku diari saku (*pocket diary*) membuat kemaskini catatan perbuatan atau merekod dalam buku diari saku tersebut *Monitoring effectively to ensure each officer is provided with a pocket diary to update or to record activities*	PDRM
	Mengadakan "*refresher course*" atau "*refresher training*" termasuk latihan semasa dalam jawatan ("*on the job training")* serta peringatan berkala kepada semua lapisan pegawai dan anggota *Organising refresher courses or refresher training including on-the-job training as well as regular reminders to all officers*	PDRM
	Tatacara yang membolehkan pegawai atau anggota bawahan membuat aduan atau melapor terus sesuatu arahan/perintah oleh pegawai atasan yang bertentangan dengan SOP atau undang-undang *Prosedures that enable subordinates to make complaints about their superiors' orders which are against the SOP or the Law*	PDRM
	Kes-kes kematian orang tahanan semasa di dalam tahanan hendaklah disiasat oleh pegawai penyiasat berpengalaman yang bukannya daripada Kontinjen Polis Negeri atau Ibu Pejabat Polis Daerah di negeri yang sama di mana kejadian kematian berlaku *Cases of sudden death of detainees must be investigated by experienced investigators, that are not from the same State Contingent or District HQ in the state where the incident happened*	PDRM

Pengesyoran *Recommendation*	Alasan Pengesyoran *Justification of Recommendation*	Tindakan (Agensi) *Action (Agency)*
Kes Kematian N. Dharmendran ***The Case of the Death of N. Dharmendran***		
Penambahbaikan tatacara kerja / SOP *Improvementon Work Procedure / SOP*	Pematuhan kepada Kaedah 10, Kaedah-Kaedah Lokap 1953 *Adherence to Procedure 10, 1953 Lockup Procedures*	PDRM dan Kementerian Kesihatan Malaysia (KKM) *PDRM and Ministry of Health (KKM)*
	Tatacara atau kaedah-kaedah siasatan awal yang komprehensif bagi menjadi panduan kepada Pembantu Perubatan atau Pegawai Perubatan yang hadir melakukan siasatan awal kematian tahanan di lokap *Comprehensive initial examination procedure as a guide to the Medical Assistant or Medical Officer who will conduct the initial examination on the deceased at the lockup*	KKM
	Penyediaan laporan post-morterm oleh Pakar Patologi mestilah memberikan butiran yang tepat, jelas dan mencukupi *Post mortem report by Pathologist must be accurate, clear and sufficient*	KKM
	Tatacara pemeriksaan awal yang lebih komprehensif untuk menjadi panduan kepada Majistret/Koroner bertugas yang hadir bagi memeriksa keadaan kematian si mati di lokap tempat kejadian *Detailed initial examination procedures as a guide to the Magistrate/Coroner on duty to conduct examination on the deceased at the lockup where the incident took place*	Ketua Pendaftar Mahkamah Persekutuan *Chief Registrar, Federal Court*
Pertimbangan Pertuduhan Jenayah *Considering the Criminal Offence*	Mereka-reka pernyataan salahnyata/palsu - seksyen 192, 201 dan/atau seksyen 203 Kanun Keseksaan. *Creating false statements – sections 192, 201 and/or section 203 Criminal Penal Code*	Jabatan Peguam Negara (AGC) *Attorney General's Chambers (AGC)*
	Meminda/mengubah (*Tampering)* dokumen rasmi (station diary) - seksyen 177 atau seksyen 182 Kanun Keseksaan *Tampering with official documents (station diary) – section 177 or section 182 Penal Code*	AGC
	Laporan polis palsu/salahnyata berhubung dengan kematian si mati - seksyen 177 atau seksyen 182 Kanun Keseksaan. *False police report in relation to the deceased – section 177 or section 182 Penal Code*	AGC
PENCEROBOHAN BOT KENKA DI PANTAI TANJUNG PIANDANG ***ENCROACHMENT OF KENKA TRAWLERS AT TANJUNG PIANDANG BEACH***		
Mewujudkan pusat pemantauan di kawasan Kuala Sungai Burung *To create a monitoring centre at Kuala Sungai Burung*	Kawasan Kuala Sungai Burung lebih sesuai untuk membuat pemantauan 5 batu nautika ke kanan, ke kiri dan ke hadapan *The Kuala Sungai Burung was more suitable in monitoring 5 nautical miles to the right, to the left and to the front*	Agensi Penguatkuasaan Maritim Malaysia (APMM) *Malaysian Maritime Enforcement Agency (APMM)*
Penambahan: i. anggota penguatkuasa, ii. pos kawalan, iii. peruntukan iv. aset dan peralatan *Additions:* *i. enforcement officers* *ii. control posts* *iii. budget* *iv. assets amd equipment*	Bagi membolehkan rondaan dibuat dengan lebih kerap di kawasan yang lebih luas *To have a more frequent patroling system at wider areas*	Jabatan Perikanan (JP) & APMM *Fisheries Department (JP) & APMM*
Pemantauan mengejut *Spot checks*	Mengelak pergerakan pemantauan berjadual disedari atau dihidu oleh tonto *To avoid the 'tonto' from knowing that there are scheduled monitoring system*	JP & APMM

Pengesyoran *Recommendation*	Alasan Pengesyoran *Justification of Recommendation*	Tindakan (Agensi) *Action (Agency)*
PENCEROBOHAN BOT KENKA DI PANTAI TANJUNG PIANDANG ***ENCROACHMENT OF KENKA TRAWLERS AT TANJUNG PIANDANG BEACH***		
Mesyuarat APMM dan Jabatan Perikanan yang dihadiri oleh Pasukan Gerakan Marin *APMM Meetings with the Fisheries Departmet should also involve the Marine Police*	Membincangkan isu masyarakat nelayan seperti pencerobohan pukat kenka yang dibawa oleh Penghulu atau JKKK *To discuss the fishermen's community issues brought up by the Penghulu or JKKK, such as the encroachment of the Kenka trawlers*	JP, APMM & Pasukan Gerakan Marin *JP, APMM & Marine Police*
Penambahbaikan infrastruktur (lokasi) *Improvements of the infrastructure (location)*	Pengkalan JP & APMM Kuala Kurau di tempatkan di kawasan yang lebih sesuai iaitu di kawasan tepi pantai atau Muara Sungai Kurau atau Sungai Burung kerana lokasinya yang lebih strategik *The JP and APMM Base at Kuala Kurau should be placed at a more strategic location which is at the beach or at Sungai Kurau or Sungai Burung Cove*	JP & APMM
Operasi Bersepadu *Joint Operations*	Pasukan Bersepadu yang diketuai oleh JP dan dibantu oleh Pasukan Gerakan Marin dan Wakil Nelayan Pantai untuk memantau aktiviti penguatkuasaan *Joint teams led by JP and assisted by the Marine Police and the Coastal Fishermen's representative to monitor enforcement activities*	JP, APMM & Pasukan Gerakan Marin *JP, APMM & Marine Police*
Penguatkuasaan dengan lebih rapi/ketat dan tegas *Tighter and a more strict enforcement*	Rondaan pemantauan berkala yang lebih kerap sebagai pencegahan *More frequent monitoring patrols to act as a deterrance*	JP, APMM & Pasukan Gerakan Marin *JP, APMM & Marine Police*
Mengemaskini semula SOP Operasi dan tatacara pengendalian aduan *Updating SOP and procedures on handling complaints*	Supaya maklumat atau identiti pemberi maklumat tidak dibocorkan oleh pihak yang tidak bertanggungjawab *so that information or the identity of the informant will not be disclosed by irresponsible parties*	APMM
Lesen pukat kenka *Kenka trawlers' licenses*	JP menghapuskan lesen pukat kenka dan lesen yang ada sekarang tidak disambung apabila tamat tempoh. *JP shall revoke all existing kenka license and shall never renew expired licences.*	JP
	Penggantungan / pembatalan lesen bagi kesalahan ketigas *To suspend licenses / to cancel licenses at third offence*	JP
	Mengkaji semula polisi pemindahan milik lesen bot-bot kenka *To review and analyse the policy involving kenka boat ownership transfers*	JP
	Lesen ditamatkan jika pemilik tidak aktif *License to be cancelled if the owner's status is inactive*	JP
Pindaan Akta Perikanan 1985 *Amendments to the 1985 Fisheries Act*	Untuk mengenakan hukuman, kompaun atau denda yang lebih berat *To impose stricter penalties, compounds or fines*	JP & AGC

SIASATAN KHAS

SIASATAN KES KEMATIAN SYED MOHD AZLAN BIN SYED MOHAMED NUR SEMASA DALAM TAHANAN POLIS KOTA TINGGI JOHOR

Latar Belakang Kes

Syed Mohd Azlan bin Syed Mohamed Nur (si mati) berumur 27 tahun telah ditangkap oleh satu pasukan serbuan polis pada 3 November 2014, pada jam 3.30 pagi di sebuah bilik sewa di rumah bernombor 62, Kampong Simon, Teluk Ramunia, Sungai Rengit, Pengerang, Johor bersabit kejadian pergaduhan dan disiasat di bawah seksyen 148 Kanun Keseksaan bersabit Sg. Rengit Rpt:816/2014. Selepas ditangkap, si mati dibawa ke Balai Polis Sungai Rengit untuk disoal siasat di bilik mesyuarat balai tersebut.

Pada jam 7.10 pagi pada hari yang sama, si mati telah dibawa oleh pihak polis menaiki kenderaan polis dari Balai Polis Sungai Rengit untuk pergi ke Ibu Pejabat Polis Daerah (IPD) Kota Tinggi bagi tujuan proses permohonan reman. Semasa dalam perjalanan ke IPD Kota Tinggi, anggota polis yang mengiringi si mati mendapati si mati berada dalam keadaan yang lemah dan tidak bermaya serta tidak memberikan sebarang respon kepada panggilan/pertanyaan yang dibuat oleh anggota pengiring tersebut. Oleh yang demikian, kenderaan polis terus membawa si mati menuju ke klinik berdekatan iaitu Klinik Kesihatan Bandar Penawar dan tiba di sana pada jam 8.30 pagi. Pegawai perubatan bertugas ketika itu iaitu Dr. Mohd Mahdzan bin Mazelan telah terus melakukan pemeriksaan ke atas si mati dan mengesahkan bahawa si mati telah meninggal dunia.

Satu laporan polis tentang kematian si mati telah dibuat oleh ketua pasukan serbuan/tangkapan pada 3 November 2014, jam 10.15 pagi (hari yang sama) melalui Bandar Penawar Report No 002169/14.

Pada 4 November 2014, bedah siasat (*post mortem*) telah dijalankan ke atas mayat si mati oleh Dr. Rohayu binti Shahar Adnan pakar patologi di Hospital Sultan Ismail, Johor Bahru yang mengesahkan sebab

SPECIAL INVESTIGATION

INVESTIGATION ON THE SUDDEN DEATH OF SYED MOHD AZLAN BIN SYED MOHAMED NUR WHILE BEING UNDER POLICE CUSTODY AT KOTA TINGGI, JOHOR

Case Background

Syed Mohd Azlan bin Syed Mohamed Nur (deceased), aged 27 was arrested on 3 November 2014, at about 3.30am at a rented room at a house of No 62, Kampong Simon, Teluk Rumania, Sungai Rengit, Pengerang, Johor, following a fight. He was investigated under Section 148 of the Penal Code pertaining to Police Report: Sg. RengitRpt: 816/2014. After being arrest, the deceased was brought to Balai Polis Sungai Rengit for interrogation at the station meeting room.

On the same day, at about 7.10am, the deceased was taken by the police in a police vehicle from Balai Polis Sungai Rengit to the Kota Tinggi District Polis HQ (IPD) to apply for remand. When reaching IPD Kota Tinggi, the police officers found that the deceased was weak, listless and unresponsive. The police then immediately took the deceased to the nearest clinic at Bandar Penawar Klinik Kesihatan. They arrived there at 8.30am. The medical officer on duty, Dr. Mohd Mahdzan bin Mazelan, upon examination, conducted a medical examination on the deceased and confirmed that the deceased was dead.

The police report with report no: 002169/14 was made by the raiding officers pertaining to the death of the deceased on 2/11/2014 at 10.15am.

On 4 November 2014, a post-mortem conducted on the deceased by Dr. Rohayu binti Shahar Adnan, Pathologist at Hospital Sultan Ismail, Johor Bahru declared that the cause of death was blunt force

kematian adalah akibat daripada trauma hentakan tumpul pada dada (*blunt force trauma to chest*). Pemeriksaan juga mendapati si mati mengalami 61 jenis kesan luka/lebam/calaran (*bruises*) pada tubuh badan termasuk pada bahagian muka, badan dan kedua-dua belah kaki si mati. Satu laporan *post mortem* telah disediakan oleh doktor pakar tersebut.

trauma to the chest. The post-mortem also revealed there were 61 scratches/bruises/contusions on the deceased's body as well as his face, torso and both of his legs. A post mortem report was prepared by Dr. Rohayu.

Penubuhan Pasukan Petugas

Berita kematian si mati telah mendapat liputan meluas oleh media dan portal. Dalam hal ini, EAIC melalui satu Pasukan Petugas yang dibentuk telah menjalankan siasatan ke atas kematian tersebut menurut kuasa yang diberikan di bawah seksyen 28 Akta 700. Siasatan oleh Pasukan Petugas tersebut merangkumi terma-terma rujukan yang berikut:

(i) Untuk mengenal pasti sama ada terdapat sebarang salah laku seperti yang diperuntukkan di bawah seksyen 24 Akta 700 oleh pegawai/ anggota PDRM semasa mengendalikan tahanan tersebut;

(ii) Sekiranya terdapat salah laku dizahirkan, untuk menentukan dan mengenal pasti:
   (a) bagaimana dan mengapa salah laku itu terjadi;
   (b) apakah peraturan-peraturan, kaedah-kaedah, *Standard Operating Procedures* (SOP) atau mekanisme yang menyebabkan atau mendorong kepada berlakunya salah laku tersebut; dan
   (c) siapakah individu yang bertanggungjawab ke atas salah laku tersebut.

(iii) Untuk melakukan semua perkara yang suai manfaat atau yang semunasabahnya perlu bagi, atau yang bersampingan dengan pelaksanaan fungsinya dalam menyiasat kes kematian tahanan tersebut selaras dengan peruntukan Akta 700;

(iv) Untuk mengesyorkan apa-apa penambahbaikan atau penggubalan semula peraturan-peraturan, kaedah-kaedah, SOP atau mekanisme bagi memastikan salah laku tersebut tidak berulang; dan

The Setting Up Of A Task Force

The news of the sudden death of the deceased had received extensive media coverage. Following that, EAIC formed a Task Force to conduct an investigation into his death in accordance with the provisions provided for it under Section 28 Act 700. The investigations of the Task Force will focus on the following terms of reference:

i. To identify if there had been misconduct as provided for under Section 24 Act 700 by PDRM officers while handling the said detainee;

ii. If there had been misconduct, to identify and clarify:
   (a) how and why the misconduct happened;
   (b) what were the rules, procedures, SOP or mechanisms that led to the misconduct; and
   (c) who were the individuals responsible/ accountable for the misconduct.

iii. To complete all the tasks and at the same time, perform its functions in investigating the sudden death of the detainee case as provided for under Act 700;

iv. To recommend improvements or reformulation of the rules, procedures, SOP or mechanisms to ensure the misconduct is not repeated; and

(v) Untuk menyedia dan mengedarkan laporan mengenai hasil dan dapatan siasatan dan syor -syor terhadapnya.

v. To prepare a report on the findings of the investigation and the recommendations.

Siasatan kes kematian si mati tersebut telah selesai dijalankan oleh Pasukan Petugas EAIC dan diterima oleh Mesyuarat Suruhanjaya. Dapatan *(findings)* siasatan telah diumumkan kepada orang ramai melalui kenyataan media bertarikh 30 Oktober 2015 dan dipaparkan di laman sesawang EAIC selari dengan peruntukan seksyen 30(5) Akta 700. Siasatan mendapati kematian si mati mempunyai kaitan dengan penggunaan kekerasan secara fizikal oleh pihak polis yang menjalankan tangkapan dan soal siasat ke atas si mati.

The investigation into the sudden death of the deceased was completed by the Task Force and was presented during the Commission's Meeting. The findings of the investigation was announced to the public in a press statement dated 30 October 2015 and published on EAIC's website in line with Section 30(5) Act 700. The investigation found that the death of the deceased was related to the use of excessive force by the police who made the arrest and the interrogation on the deceased.

Siasatan merumuskan terdapat perlakuan serangan bersifat jenayah yang melibatkan unsur niat bersama atau persubahatan (*abetment*) oleh anggota polis yang terdiri daripada anggota pasukan tangkapan bagi melakukan kekerasan fizikal secara sengaja ke atas si mati yang telah mengakibatkan kecederaan dan kematian ke atas si mati. Perlakuan tersebut adalah merupakan jenis kesalahan bersifat jenayah di bawah undang-undang, khususnya kesalahan di bawah seksyen 302 dan seksyen 325 Kanun Keseksaan dibaca bersama seksyen 34 Kanun Keseksaan (niat bersama) atau secara alternatif seksyen 107 Kanun yang sama (bersubahat). Siasatan juga mendapati terdapat perlakuan oleh pihak polis terlibat bagi menghapuskan barang bukti dan menyembunyikan fakta material berkaitan kejadian tangkapan serta menyembunyikan saksi awam (saksi mata) yang melihat kejadian tangkapan dan penggunaan kekerasan fizikal ke atas si mati ketika tangkapan.

The investigation revealed that there was common intention/abetment among the raiding officers to exercise excessive force onto the deceased and thereby causing fatal injuries to him. This was an offence under Section 302/Section 325 of the Penal Code read together with Section 34 of the same. Alternatively Section 107 of the Penal Code (instigation). The investigation also revealed the police involved had destroyed the evidence hid the material facts in relation to the arrest and a material witness who saw the arrest and witnessed the use of excessive force upon the deceased during the arrest.

Oleh demikian, selaras dengan peruntukan seksyen 30(1)(c) Akta 700, EAIC telah mengesyorkan kepada Pendakwa Raya (Peguam Negara) bagi pendakwaan jenayah dibawa terhadap pegawai dan anggota PDRM yang didapati telah melakukan salah laku bersifat kesalahan jenayah seperti yang dikenalpasti di dalam laporan penuh siasatan tersebut.

Based on the above, in line with the provisions provided for by Section 30(1) (c) Act 700, EAIC recommended to the Attorney General for criminal charges be brought against the PDRM officers who were found to have committed criminal misconduct as identified in the full report above.

Berikutan dengan dapatan dan syor oleh EAIC tersebut, Pendakwa Raya (AGC) telah membawa tindakan pendakwaan jenayah terhadap tiga anggota

Following the recommendations by EAIC, the Attorney General's Chamber (AGC's) started a criminal prosecution against the three police officers

polis yang terlibat dalam kes kematian si mati semasa dalam tahanan PDRM Kota Tinggi, Johor pada 3 November 2014. Ketiga-tiga anggota tersebut seorang berpangkat Inspektor dan dua anggota bawahan telah dituduh di bawah seksyen 304(b) Kanun Keseksaan dan kes tersebut telah dipanggil di Mahkamah Sesyen Kota Tinggi pada 16 Ogos 2016 dan disambung bicara pada 17 Ogos 2016. Bagi pertuduhan ini, jika disabitkan kesalahan, ketiga-tiga anggota tersebut boleh dijatuhkan hukuman penjara hingga 10 tahun, denda atau kedua-duanya sekali.

involved in the sudden death of detainees being under police's custody at PDRM Kota Tinggi, Johor, on 3 November 2014. These three were an Inspector and two lower ranking officers who were charged under Section 304(b) Penal Code and the case was called at the Kota Tinggi Sessions Court on 16 August 2016 and continued on 17 August 2016. If found guilty, the three officers of PDRM could face a jail sentence for up to 10 years, a fine or both.

Pada masa sama, EAIC juga turut mengesyorkan supaya tindakan tatatertib dibawa oleh PBT PDRM terhadap pegawai dan anggota-anggota yang dikenalpasti dalam laporan penuh EAIC yang didapati melakukan salah laku yang bukan bersifat jenayah sepertimana dalam skop salah laku di bawah seksyen 24 Akta 700.

Simultaneously, EAIC also recommended that disciplinary actions be taken by the Disciplinary Authorities (PBT) againts the officers identified in EAIC's full report for having committed the misconduct, which were non-criminal in nature under Section 24 Act 700.

Laporan penuh mengenai kes ini boleh diakses dan dimuat turun menerusi laman web EAIC di www.eaic.gov.my

The full report of this case can be accessed and downloaded from the EAIC website at www.eaic.gov.my

SIASATAN EAIC KE ATAS ADUAN TERHADAP AGENSI PENGUATKUASAAN MARITIM MALAYSIA (APMM) DAN JABATAN PERIKANAN MALAYSIA BERKAITAN KEJADIAN PENCEROBOHAN BOT-BOT KENKA (PUKAT KENKA/APOLLO) DI TANJUNG PIANDANG, KUALA KURAU, PERAK

EAIC'S INVESTIGATION INTO THE CLAIMS AGAINST THE MALAYSIAN MARITIME ENFORCEMENT AGENCY AND THE MALAYSIAN FISHERIES DEPARTMENT REGARDING THE ENCROACHMENT BY THE KENKA TRAWLERS ONTO TANJUNG PIANDANG, KUALA KRAU, PERAK

Latar Belakang Kes

Sepanjang tempoh Januari 2012 sehingga Oktober 2013, sejumlah 86 aduan telah dibuat oleh nelayan dan Persatuan Nelayan persisir pantai Tanjung Piandang, Perak kepada pihak APMM Pengkalan Kuala Kurau, Perak. Aduan dibuat berhubung isu penguatkuasaan dan keperluan untuk tindakan diambil terhadap masalah pencerobohan oleh bot-bot 'kenka' yang menangkap ikan di dalam kawasan lima batu nautika dari persisiran pantai secara yang bertentangan dengan syarat lesen yang hanya membenarkan tangkapan ikan oleh bot "kenka" di luar daripada kawasan lima nautika batu dari persisir pantai. Aduan juga dibuat oleh pegawai perikanan

Case Background

From January 2012 to October 2013, there were 86 complaints made by fishermen and the Tanjung Krau Coastal Fishermen Association, Perak to Pengkalan Kuala Krau, APMM for enforcement and action to be taken against the *kenka* trawlers that fishes within the five-nautical mile radius from the coast which was in violation of the licensing conditions whereby trawlers are only allowed to catch fish outside the five-nautical mile radius from the coastal line. However, no action was taken and no effective law enforcement was carried out by the relevant enforcement agency. The *kenka* trawlers continued to encroach onto the prohibited area. As a result, the coastal fishermen's

Jabatan Perikanan Perak kepada APMM selaku agensi penguatkuasa utama perairan negara. Walau bagaimanapun, tidak terdapat sebarang langkah atau penguatkuasaan undang-undang diambil secara berkesan atau efektif oleh agensi penguatkuasaan terlibat. Bot-bot "kenka" berterusan menceroboh kawasan tangkapan yang dilarang tersebut sejak tahun 2007. Akibatnya nelayan persisir pantai mengalami masalah kekurangan hasil tangkapan dan pendapatan serta kerosakan ke atas ekosistem laut kawasan terlibat disebabkan bot-bot "kenka" yang beroperasi secara dua bot kenka yang berjalan serentak secara melabuhkan pukat "kenka/apollo" ke dasar laut yang akan mengaut naik segala hidupan yang terdapat di dasar lautan. Pencerobohan tersebut juga menimbulkan ketegangan hubungan di antara nelayan pantai dan penguasaha bot-bot kenka.

catch become lesser and their income was greatly affected. The said encroahment had also impacted the distruction of the marine eco-system due to the trawler nets which hauled all life-forms found nearby the affected areas.

EAIC mendapati perkara pengaduan tersebut mempunyai kepentingan yang signifikan terhadap orang ramai dan kepentingan awam untuk penyiasatan penuh dilakukan oleh EAIC menurut seksyen 28 Akta 700.

EAIC was of the view that the complaint was of high public interest as it had affected the public at large and therefore, EAIC conducted the case as it did before, according to Section 28, Act 700.

Siasatan EAIC Ke Atas Aduan Berkaitan Kejadian Pencerobohan Bot-Bot Pukat Kenka Di Tanjung Piandang, Kuala Kurau, Perak

EAIC'S Investigation Into The Encroachment Of The Kenka Trawlers At Tanjung Piandang, Kuala Krau, Perak

Siasatan EAIC telah dijalankan meliputi perkara-perkara berikut:

EAIC's investigation covered the following aspects:

- Mengambil keterangan daripada 15 orang saksi yang terdiri daripada 7 orang nelayan pesisir pantai Tanjung Piandang, Kuala Kurau, Perak, 4 orang pegawai Jabatan Perikanan Malaysia, 2 orang pegawai APMM, seorang pegawai Majlis Keselamatan Negara Daerah Kerian dan seorang Penghulu Mukim Kuala Kurau, Perak;

- Recording of statements from 15 witnesses comprising of 7 coastal fishermen from Tanjung Piandang, Kuala Krau, Perak, 4 officers from the Malaysian Fisheries Department, 2 APMM officers, 1 officer from the National Security Council, Kerian District, and 1 *Penghulu* (Head of Village) from Kuala Krau, Perak;

- Mengambil dan memeriksa serta menganalisa dokumen-dokumen berkaitan termasuk senarai aduan-aduan yang diterima oleh APMM Kuala Kurau, Perak berkaitan kejadian pencerobohan bot pukat kenka dua bot dari tahun 2012-2014, minit mesyuarat agensi-agensi berkaitan kejadian pencerobohan, ketetapan dasar Jabatan Perikanan dan

- Collecting and analysing relevant documents including a list of complaints received by APMM, Kuala Krau, Perak, related to the enroachment by the two kenka trawlers from 2012 to 2014, the relevant agencies' minutes of meetings on the encroachment issue, the basic policies of the Fisheries Department and information regarding the

maklumat-maklumat berkaitan pendaftaran bot pukat kenka dua bot, statistik bot pukat kenka berdaftar – Daerah Kerian, aduan/ tangkapan oleh Jabatan Perikanan Pulau Pinang, carta aliran tugas APMM, keratan-keratan akhbar yang melaporkan tentang isu-isu pencerobohan, statistik tangkapan APMM dan Jabatan Perikanan Daerah Kerian serta Pasukan Gerakan Marin bagi tahun 2012-2015 dan senarai pindah milik lesen pukat kenka dua bot dari tahun 2013-2015;

registration of the 2 kenka trawler boats and the statistics of the registered trawlers at Kerian District, any complaint/arrest made by Pulau Pinang Fisheries Department, APMM duty roster, newspaper clippings on the encroachment issue, APMM's, Kerian District Fisheries Department's and the Marine Police's 2012 - 2015 arrest statistics, and the 2 kenka trawler boats licence transfer list from 2013 to 2015; and

- Mengadakan lawatan dan pemerhatian secara menyamar sebagai nelayan pantai dengan menaiki bot nelayan pantai di laut tempat lokasi kejadian yang diadukan, iaitu di kawasan lima nautika batu persisir pantai Kuala Kurau, Perak sehingga ke arah laut sempadan negeri Pulau Pinang.

- Conducting visits and inspections by being undercover as coastal fishermen on fishing boats at specific locations, areas within five-nautical miles from the coastal line of Kuala Krau, Perak towards the sea at the border of Pulau Pinang.

Berdasarkan pemeriksaan dan keterangan-keterangan yang diperolehi, EAIC membuat dapatan (*findings*) dan mengenal pasti bahawa aduan-aduan oleh nelayan-nelayan pantai dan Persatuan Nelayan Pantai di Kuala Kurau, Perak tersebut mempunyai asas. Terdapat kelemahan dan kelonggaran penguatkuasaan Akta Perikanan 1985 oleh APMM, Jabatan Perikanan Malaysia dan Pasukan Gerakan Marin dalam menangani masalah pencerobohan oleh bot-bot kenka dua bot yang telah secara berterusan melakukan pencerobohan secara beroperasi dan menangkap ikan dalam kawasan lima (5) nautika batu dari persisiran pantai yang melanggar syarat lesen yang dikeluarkan oleh Jabatan Perikanan Malaysia hanya membenarkan bot-bot kenka dua bot melakukan operasi tangkapan ikan di kawasan di luar daripada lima (5) nautika batu daripada persisiran pantai tersebut.

Based on the investigations and evidence obtained, EAIC concluded that the complaints made by the coastal fishermen and the Kuala Krau Coastal Fishermen Association did from a basis. There were weaknesses and enforcement loopholes within the Fisheries Act 1985 by APMM, Malaysian Fisheries Department and the Marine Police in handling the problems of encroachment by the two kenka Trawler boats which continued encroaching and catching fish within the five (5) nautical mile radius from the coastal line, which was in violation of the licensing conditions, issued by the Malaysian Fisheries Department.

Faktor-faktor berikut telah dikenalpasti oleh EAIC yang menjadi punca kelemahan dan ketiadaan penguatkuasaan yang berkesan oleh agensi-agensi penguatkuasaan tersebut:

The following factors were identified by EAIC as being the causes of the weakness and the lack of effective enforcement by the enforcement agencies mentioned earlier:

- Ketidaksesuaian lokasi Pengkalan APMM dan Jabatan Perikanan yang terletak jauh di dalam muara yang menyebabkan kelewatan dalam mobilasasi segera bot perunda;

- The location of the APMM base and the Fisheries Department which are not strategic and are too far into the inlet;

- Faktor topografi perairan laut dan muara sungai yang sempit dan sibuk;
- Kebocoran maklumat operasi secara dalaman dan peranan tonto dalam memberi maklumat ke atas pergerakan keluar bot peronda daripada pengkalan APMM dan Jabatan Perikanan;
- Peruntukan dan bot peronda yang tidak mencukupi atau bot peronda lama yang kurang berkapasiti dan uzur;
- Operasi dan pemantauan APMM Pengkalan Kuala Kurau hanya dilakukan secara berkala;
- Ketiadaan pendakwaan dan pembatalan lesen kenka bagi pelanggaran syarat lesen.

- Topography factor of the sea and river;
- Internal Operations Information Leakages and the role of the *tonto;*
- Lack of funding resulting in lack of patrol boats and old patrol boats that are unsafe or not up to standard;
- Operations and monitoring done by the Kuala Krau APMM Base are conducted only periodically;
- No prosecution and revocation of license despite rule violations.

Syor Dan Perakuan Oleh EAIC

Sehubungan dengan dapatan-dapatan siasatan tersebut, EAIC membuat syor dan perakuan berikut bagi diambil tindakan oleh APMM, Jabatan Perikanan Malaysia dan Pasukan Gerakan Marin PDRM:

Agensi Penguatkuasaan Maritim Malaysia (APMM)

(a) APMM perlu mewujudkan pusat pemantauan di kawasan Kuala Sungai Burung iaitu kawasan yang lebih sesuai untuk membuat pemantauan yang meliputi 5 batu nautika ke kanan, ke kiri dan ke hadapan supaya penguatkuasaan dan pencegahan percerobohan bot-bot kenka dapat dibuat dengan lebih berkesan;

(b) Penambahan anggota penguat kuasa serta pos kawalan, termasuk penambahan peruntukan dan aset serta peralatan yang mencukupi bagi membuat rondaan dengan lebih kerap;

(c) APMM perlu melakukan pemantauan secara mengejut selain dari pemantauan berjadual bagi mengelak pergerakan disedari atau dihidu oleh tonto.

(d) Mesyuarat APMM dan Jabatan Perikanan yang dihadiri oleh Pasukan Gerakan Marin di peringkat tertinggi dan peringkat negeri/daerah perlu membincangkan isu masyarakat nelayan seperti pencerobohan pukat kenka yang dibawa oleh Penghulu atau Jawatan Kuasa

EAIC'S Recommendations

In view of the findings of the investigations, EAIC recommended the following measures to be taken up by APMM, Malaysian Fisheries and the Marine PDRM Police:

Malaysian Maritime Enforcement Agency (APMM)

(a) APMM should set up a monitoring centre at Kuala Sungai Burung which is a more suitable location for monitoring the 5-mile radius –from the right, left and front – so that enforcement and prevention measures on the kenka trawlers can be carried out more effectively;

(b) There should be additional enforcement officers and control posts plus additional allocation for assets and equipment to conduct patrols more frequently;

(c) APMM should also monitor the affected areas randomly besides the scheduled ones to avoid being detected by the *tonto.*

(d) APMM's meetings with the Fisheries Department and the Marine Police are attended by the highest level officials at both state and district levels. The meetings should focus on the issues of the fishermen community and the encroachment of the kenka

Kemajuan Kampung (JKKK) atau aduan oleh para nelayan pantai. Mesyuarat dicadangkan agar diketuai oleh Jabatan Perikanan sebagai agensi yang mengeluarkan lesen bot-bot kenka;

trawlers brought up by the *Penghulu* (Village Head) or the Vilage Development Committee (JKKK) or even as a complaint from the coastal fishermen themselves. It is also recommended that the meeting be chaired by the Fisheries Department, being the agency that issues the kenka boat licences;

(e) Mengkaji semula kesesuaian lokasi Pengkalan APMM Kuala Kurau bagi ditempatkan di kawasan yang lebih sesuai iaitu di kawasan tepi pantai atau tepi Muara Sungai Kurau atau Sungai Burung kerana lokasi tersebut lebih strategik iaitu kedudukan di tengah-tengah antara Kuala Kurau dan Tanjung Piandang berbanding dengan lokasi sedia ada yang terletak jauh di dalam muara;

(e) It is also suggested that the APMM Base location should be looked into again to study its suitability, possibly a more beachfront area or by the Sungai Krau or Sungai Burung estuaries as those locations are more strategic – right in the middle between Kuala Krau and Tanjung Piandang compared to the current location which is located too far into the inlet;

(f) Jabatan Perikanan dijadikan sebagai agensi peneraju (*lead agency*) penguatkuasaan Akta Perikanan 1985 bagi kawasan pesisiran pantai yang dibantu oleh APMM dan Pasukan Gerakan Marin serta wakil nelayan pantai; dan

(f) It is also recommended that the Fisheries Department shall act as the lead enforcement agency as provided under the Fisheries Act 1985 for coastal areas, assisted by APMM and the Marine Police as well as the coastal fishermen representatives; and

(g) APMM menambahbaik SOP operasi dan tatacara terlibat dalam pengendalian aduan supaya maklumat atau identiti pemberi maklumat tidak dibocorkan oleh pihak yang tidak bertanggungjawab yang berniat membantu secara salah aktiviti bot-bot kenka daripada menghadapi tindakan penguatkuasaan.

(g) APMM should improve on their operation SOP and procedures, specifically in handling complaints so that the information or the identity of the informer is not revealed by irresponsible parties that intended to aid the illegal activities of the *kenka* trawlers from being caught by enforcement activities.

Jabatan Perikanan Malaysia

Malaysian Fisheries Department

(a) Jabatan Perikanan menghapuskan lesen pukat kenka, dan lesen yang ada sekarang tidak disambung apabila tamat tempoh. Berhubung perkara ini, cadangan Jabatan Perikanan untuk mula memberhentikan proses memperbaharui lesen-lesen bot kenka mulai tahun 2017 dan seteruskan menamatkan operasi bot-bot kenka mulai tahun 2020 adalah satu langkah yang baik yang wajar diteruskan;

(a) The Malaysian Fisheries Department should revoke the kenka fishing licences and the current licences should not be renewed when the date expires. On that note, the Fisheries Department's suggestion that the commencement of revoking the licence renewal process shall be effective in 2017 and consequently, termination of all kenka trawler operations effective in 2020 was well received;

(b) Meminda peruntukan di bawah Akta Perikanan untuk mengenakan hukuman, kompaun atau

(b) There should be a change in provisions under the Fisheries Act to impose heavier sentences,

denda yang lebih berat ke atas pelanggaran syarat lesen bot penangkapan atau peralatan penangkapan ikan;

compounds or fines for any breach of fishing boat licences or fishing tool regulations;

(c) Tindakan tegas diambil seperti penggantungan atau pembatalan lesen bagi kesalahan ketiga yang dilakukan oleh pemegang lesen bot kenka yang melakukan kesalahan yang berulang;

(c) There should be stricter actions such as suspension or cancelation of licences for the third offence committed by the kenka licence holders who are repeating offenders;

(d) Mengkaji semula dasar yang membenarkan pemindahan lesen bot-bot kenka kepada ahli keluarga dan lesen tidak lagi diperbaharui atau diberi pindah milik apabila pemegang lesen meninggal dunia;

(d) They should also review their policies that allow the transfer of licences of kenka boats to family members and the licences shall not be renewed or transferred when the owner is deceased;

(e) Lesen bot-bot kenka ditamatkan sekiranya pemilik tidak lagi aktif dalam aktiviti penangkapan ikan;

(e) Boat licences should be terminated if the owner is no longer active;

(f) Menubuhkan pasukan operasi bersepadu yang diketuai oleh Jabatan Perikanan dan dibantu oleh APMM, Pasukan Gerakan Marin dan wakil nelayan pantai untuk menjalankan aktiviti penguatkuasaan dengan lebih berkesan dan menyeluruh;

(f) They should form joint operation(s) team led by the Fisheries Department and supported by APMM, Marine Police and representatives of the coastal fisherman to conduct enforcement activities more effectively and comprehensively;

(g) Menjalankan penguatkuasaan dengan lebih rapi/ketat serta tegas melalui rondaan pemantauan berkala yang lebih kerap khususnya melalui kerjasama oleh 3 agensi secara bersama iaitu Pasukan Gerakan Marin, APMM dan Jabatan Perikanan dalam mana Jabatan Perikanan menjadi *lead agency*;

(g) They should exercise enforcement more intensively through regular patrol especially with the cooperation of the 3 agencies namely the Marine Police, APMM and the Fisheries Department during which the Fisheries Department shall act as the leading agency;

(h) Penambahbaikan infrastruktur di mana Pengkalan/Pejabat Perikanan Daerah Kerian ditempatkan di kawasan yang lebih sesuai iaitu di kawasan tepi pantai atau Muara Sungai Kurau atau Sungai Burung kerana lokasi yang lebih strategik iaitu kedudukan di tengah-tengah antara Kuala Kurau dan Tanjung Piandang;

(h) There should be improvements in the infrastructure whereby the Kerian District Fisheries Department, Base/Office should be placed at a more strategic location, i.e. at the beach or at the inlet of Sungai Kurau or Sungai Burung because the location is right at the centre between Kuala Kurau and Tanjung Piandang;

(i) Memperkasakan kuasa dan keupayaan dari segi logistik dan keanggotaan kepada Jabatan Perikanan untuk menguatkuasakan Akta Perikanan 1985 khususnya di bawah

(i) The Fisheries Department should be empowered with logistic ability and more manpower to enforce the Fisheries Act 1985 for areas less than 8 nautical miles for the west

kawasan kurang daripada 8 batu nautika bagi pantai sebelah barat Semenanjung dan 12 batu nautika diukur dari pantai bagi kawasan sebelah pantai timur Semenanjung;

coast of the Peninsular and 12 nautical miles measured from the coast for areas covering the east coast of the Peninsular;

(j) Jabatan Perikanan melakukan operasi-operasi mengejut selain daripada rondaan berjadual bagi mengelak pergerakan disedari atau dihidu oleh tonto; dan

(j) The Fisheries Department should conduct operations randomly besides the regular patrols to ensure their plans and movements are not detectedby the *tonto;* and

(k) Mesyuarat APMM dan Jabatan Perikanan yang dihadiri oleh Pasukan Gerakan Marin di peringkat tertinggi dan peringkat negeri/daerah perlu membincangkan isu masyarakat nelayan seperti pencerobohan pukat kenka yang dibawa oleh Penghulu atau JKKK atau aduan oleh para nelayan pantai. Adalah dicadangkan supaya mesyuarat sedemikian diterajui oleh Jabatan Perikanan sebagai agensi yang melesenkan bot-bot kenka.

(k) APMM's meetings with the Fisheries Department and the Marine Police are attended by the highest level officials at state and district levels. The meetings should discuss the issue of the fishermen community and the encroachment of the kenka trawlers as brought up by the *Penghulu* (Village Head) or the Village Development Committee (JKKK) or even as a complaint from coastal fishermen themselves. It is also recommended that the Meeting be chaired by the Fisheries Department, being the issuer of kenka boat licences;

Pasukan Gerakan Marin PDRM

Marine Police

(a) Menganggotai Pasukan Bersepadu yang diketuai oleh Jabatan Perikanan dan dibantu oleh APMM, Pasukan Gerakan Marin PDRM dan wakil nelayan pantai dalam aktiviti penguatkuasaan;

(a) They should be part of the joint team led by the Fisheries Department and supported by the APMM and representatives of the coastal fishermen in enforcement activities;

(b) Menghadiri mesyuarat bersama APMM dan Jabatan Perikanan di peringkat tertinggi dan peringkat negeri/daerah yang membincangkan isu masyarakat nelayan seperti pencerobohan bot-bot kenka; dan

(b) Meetings with APMM and the Fisheries Department should be attended together with by the highest level officers at state/district level, which discuss community issues such as the encroachment of the kenka trawlers;

(c) Menjalankan penguatkuasaan dengan lebih rapi/ketat dan tegas dengan mengadakan rondaan pemantauan berkala yang lebih kerap khususnya melalui kerjasama oleh tiga (3) agensi secara bersama atau bersepadu iaitu Pasukan Gerakan Marin PDRM, APMM dan Jabatan Perikanan.

(c) Enforcement exercises and regular monitoring should be conducted intensively especially with the cooperation of the 3 agencies, either jointly or integrated - the Marine Police, APMM and the Fisheries Department;

Siasatan juga mendapati bahawa masalah dan isu pencerobohan bot-bot kenka dua bot di kawasan perairan pantai Tanjung Piandang, Kuala Kurau, Perak telah berlaku sejak tahun 2007 dan berterusan sehingga kini. Ketiadaan tindakan yang pro-aktif dan berkesan oleh agensi penguatkuasaan, terutamanya pihak APMM sebagai agensi peneraju penguatkuasaan telah diambil kesempatan oleh pengusaha bot-bot kenka bagi mencerobohi kawasan tangkapan yang mereka tidak dibenarkan beroperasi. Adalah diharapkan dengan usaha-usaha penambahbaikan yang disyor dan diperakukan oleh EAIC seperti yang dibutirkan di atas, permasalahan dan kesulitan yang terdapat di kawasan persisiran pantai Kuala Kurau, Perak tersebut akan dapat diatasi dengan usaha-usaha yang penuh berintegriti oleh semua pihak terlibat. Ahli-ahli Pesuruhjaya EAIC juga telah mengadakan dialog dengan APMM dan Jabatan Perikanan Malaysia bagi membincangkan usaha-usaha mengatasi pencerobohan yang berlaku dan pelaksnaan syor-syor EAIC. Jawapan bertulis dan penjelasan daripada kedua-dua agensi tersebut kepada EAIC juga telah diterima dalam menerangkan langkah-langkah susulan yang akan diambil oleh APMM dan Jabatan Perikanan Malaysia, di antaranya bagi memansuhkan lesen kenka sama sekali menjelang tahun 2020.

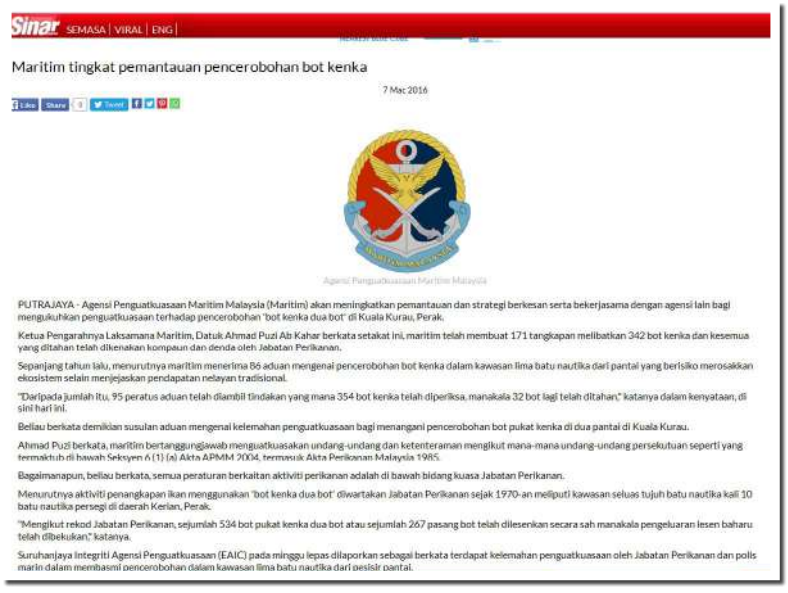
The investigation also found that the issues of the kenka trawler encroachment onto the Tanjung Piandang, Kuala Kurau waters had existed since 2007 until today. The lack of pro-active and effective actions by the enforcement agencies, especially the APMM as the lead enforcement agency has resulted in the kenka trawler owners to encroach further where they have been prohibited to operate. It is hoped that with EAIC's recommendations, as noted above, the problem that had been plaguing the coastal areas of Kuala Kurau, Perak would be resolved once all parties acted with integrity.


342 bot kenka dikompaun

myMetro

Mutakhir

Trending


Sinar SEMASA | VIRAL | ENG

Maritim tingkat pemantauan pencerobohan bot kenka

7 Mac 2016

PUTRAJAYA - Agensi Penguatkuasaan Maritim Malaysia (Maritim) akan meningkatkan pemantauan dan strategi berkesan serta bekerjasama dengan agensi lain bagi mengukuhkan penguatkuasaan terhadap pencerobohan "bot kenka dua bot" di Kuala Kurau, Perak.

Ketua Pengarahnya Laksamana Maritim, Datuk Ahmad Puzi Ab Kahar berkata setakat ini, maritim telah membuat 171 tangkapan melibatkan 342 bot kenka dan kesemua yang ditahan telah dikenakan kompaun dan denda oleh Jabatan Perikanan.

Sepanjang tahun lalu, menurutnya maritim menerima 86 aduan mengenai pencerobohan bot kenka dalam kawasan lima batu nautika dari pantai yang berisiko merosakkan ekosistem selain menjejaskan pendapatan nelayan tradisional.

"Daripada jumlah itu, 95 peratus aduan telah diambil tindakan yang mana 354 bot kenka telah diperiksa, manakala 32 bot lagi telah ditahan," katanya dalam kenyataan, di sini hari ini.

Beliau berkata demikian susulan aduan mengenai kelemahan penguatkuasaan bagi menangani pencerobohan bot pukat kenka di dua pantai di Kuala Kurau.

Ahmad Puzi berkata, maritim bertanggungjawab menguatkuasakan undang-undang dan ketenteraman mengikut mana-mana undang-undang persekutuan seperti yang termaktub di bawah Seksyen 6 (1) (a) Akta APMM 2004, termasuk Akta Perikanan Malaysia 1985.

Bagaimanapun, beliau berkata, semua peraturan berkaitan aktiviti perikanan adalah di bawah bidang kuasa Jabatan Perikanan.

Menurutnya aktiviti penangkapan ikan menggunakan "bot kenka dua bot" diwartakan Jabatan Perikanan sejak 1970-an meliputi kawasan seluas tujuh batu nautika kali 10 batu nautika persegi di daerah Kerian, Perak.

"Mengikut rekod Jabatan Perikanan, sejumlah 534 bot pukat kenka dua bot atau sejumlah 267 pasang bot telah dilesenkan secara sah manakala pengeluaran lesen baharu telah dibekukan," katanya.

Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) pada minggu lepas dilaporkan sebagai berkata terdapat kelemahan penguatkuasaan oleh Jabatan Perikanan dan polis marin dalam membasmi pencerobohan dalam kawasan lima batu nautika dari pesisir pantai.

SIASATAN TERHADAP KEBENARAN KENYATAAN OLEH WEE MENG CHEE (NAMEWEE) MENGENAI KEADAAN TERUK DI LOKAP BERPUSAT BAYAN BARU, PULAU PINANG

Latar Belakang Kes

Wee Meng Chee atau lebih dikenali sebagai Namewee telah ditahan oleh Polis Diraja Malaysia di Lapangan Terbang Antarabangsa Kuala Lumpur (KLIA) pada pukul 7.10 malam pada 21 Ogos 2016. Penahanan dibuat di bawah kesalahan seksyen 295 Kanun Keseksaan berkaitan dengan penyiaran satu muzik video bertajuk *'Oh My God!'*. Kandungan muzik video berdurasi selama 4 minit tersebut antara lainnya menunjukkan sekumpulan empat (4) orang lelaki berbangsa Cina menyanyikan lagu berentak rap mengikut pakaian agama tertentu termasuk sebagai paderi, sami Buddha dan orang Islam yang lengkap berpakaian jubah dan serban. Kandungan muzik video tersebut telah mengundang kemarahan orang ramai khususnya masyarakat Islam kerana dikatakan sebagai mencemarkan agama Islam dan cubaan untuk menggugat perpaduan dan keamanan negara. Terdapat 10 laporan polis telah dibuat oleh pelbagai pihak terhadap Namewee berhubung dengan penyiaran muzik videonya itu.

Selepas ditangkap, Namewee telah dibawa dan ditahan di Lokap Ibu Pejabat Polis Daerah (IPD) Timur Laut, Pulau Pinang sebelum dibawa ke mahkamah untuk permohonan reman. Permohanan reman terhadap Namewee telah dibuat di hadapan Penolong Pendaftar Tertinggi Mahkamah Rendah (Jenayah) Georgetown, Pulau Pinang, Tuan Ahmad Tajudin Bin Zain dan Namewee telah ditahan reman di Lokap Berpusat Bayan Baru, Pulau Pinang bermula 22 Ogos 2016 sehingga 25 Ogos 2016. Pada 25 Ogos 2016, Namewee telah dibawa ke mahkamah yang sama bagi permohonan sambung reman. Walau bagaimanapun, permohonan sambung reman tersebut telah ditolak oleh mahkamah dan Namewee telah dilepaskan oleh pihak polis secara diikat jamin pada hari yang sama.

INVESTIGATION ON THE CLAIMS MADE BY WEE MENG CHEE (NAMEWEE) REGARDING THE DIPLORABLE STATE OF THE BAYAN BARU, PULANG PINANG, LOCKUP

Case Background

Wee Meng Chee, also known as Namewee was arrested by the Royal Malaysian Police (PDRM) at the Kuala Lumpur International Airport (KLIA) at about 7.10pm on 21 August 2016. The arrest was made under section 295 of the Criminal Penal Code in relation to the broadcast of a music video entitled *"Oh My God!"* The content of the music video which ran for about 4 minutes, featuring a group of four (4) Chinese men singing a rap song. They were dressed according to religious outfits including one dressed as a priest, one as a Buddhist monk and one as a Muslim, complete in "jubah" and head-covering. The content of the music video drew public anger, especially from the Muslim community as they felt the video insulted the religion and at the same time, threatened the unity and national harmony. 10 police reports were made by various parties against Namewee in relation to the broadcast of the music video.

Upon being arrested, Namewee was taken to the North-East District Police Headquarters Lockup, Pulau Pinang before being taken to the court for remand. The application for remand against Namewee was made in front of the Senior Assisstant Registrat, Subordinate Courts (Criminal), Georgetown, Pulau Pinang, Tuan Ahmad Tajudin bin Zain and Namewee was held in remand at the Bayan baru Cetral Lockup, Pulau Pinang from 22 August 2016 to 25 August 2016. On 25 August 2016, Namewee was taken to the same court for the second of application remand. However, the said application was rejected by the court and Namewee was released by the police on bail on the same day.

Pada 27 Ogos 2016, Namewee telah memuat naik status di akaun *Facebook* miliknya yang mengandungi dakwaan-dakwaan seperti yang berikut:

i. Beliau telah ditempatkan bersama 15 orang tahanan lain termasuk warganegara Myanmar dalam bilik lokap yang kecil dan buruk;
ii. Terdapat tahanan warganegara Myanmar yang telah ditahan melebihi 30 hari;
iii. Beliau juga mendakwa terdapat tahanan yang ditempatkan bersamanya dalam keadaan kesihatan yang teruk dan disyaki menghidap penyakit *tuberculosis*;
iv. Terdapat tahanan warganegara asing yang mungkin boleh meninggal dunia jika tidak diberikan rawatan perubatan.

On 27 August 2016, Namewee updated his status on the Facebook page with the following allegations:

i. He was placed in a small and old lockup, together with 15 other detainees including a Myanmar citizen;
ii. There were Myanmar detainees who had been detained for more than 30 days;
iii. He also claimed that the other detainees placed in the same cell with him were in poor health condition and were suspected of having tuberculosis;
iv. There were foreign detainees who might die if they were not given medical attention.



BH ONLINE

JUMAAT, 9 SEPTEMBER 2016 @ 6:22 PM

Dakwaan Namewee lokap daif, layanan buruk tidak benar - EAIC

Oleh Zanariah Abd Mutalib
zanariah_mutalib@bh.com.my

DATUK Yaacob Md Sam.

PUTRAJAYA: Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) mendapati dakwaan penyanyi rap kontroversi, Namewee, bahawa lokap berpusat di Balai Polis Bayan Baru, Pulau Pinang dalam keadaan daif serta pendatang tanpa izin (PATI) menerima layanan teruk, adalah tidak berasas sama sekali.

Pengerusinya, Datuk Yaacob Md Sam, berkata berkata pihak EAIC membuat lawatan mengejut ke lokap berkenaan pada 5 September lalu selepas menerima laporan dakwaan itu dan mendapati dakwaan Namewee atau nama sebenarnya Wee Meng Chee tidak benar dan berdasarkan andaian semata-mata.

Yaacob berkata, dakwaan Namewee bahawa dia ditempatkan bersama 15 tahanan lain dalam bilik lokap yang kecil dan buruk tidak benar kerana hasil penelitian rakaman kamera litar tertutup (CCTV) mendapati beliau hanya ditempatkan bersama 12 tahanan dalam tempoh kurang dua jam.

"Beliau dibawa masuk ke sel tahanan (M1-2) pada jam 4.53 petang dan ditempatkan bersama tujuh tahanan warga Myanmar dan lima warga Nepal. Pada jam 6.45 petang, semua 12 tahanan itu dibawa keluar dan ditempatkan di lokap M1-17 (lokap lain) bagi memberi keselesaan kepada beliau.

"Seterusnya, sepanjang tempoh penahanan remannya iaitu dari jam 6.45 petang pada 22 Ogos 2016 sehingga jam 7.14 pagi, 25 Ogos 2016, Namewee ditempatkan berseorangan di sel yang sama," katanya dalam satu kenyataan, hari ini.

Dalam kenyataannya menerusi laman sosial Facebooknya pada 27 Ogos lalu, Namewee mendakwa beliau ditempatkan bersama 15 tahanan lain dari Myanmar di bilik kecil berkeadaan buruk dan terdapat tahanan warga asing yang sudah ditahan lebih 30 hari dan mungkin meninggal dunia tanpa diberikan rawatan perubatan.

Namewee ditahan reman selama empat hari di lokap itu susulan penghasilan klip video lagu 'Oh My God' yang didakwa menghina Islam.

Selain itu, Yaacob berkata, secara keseluruhan, tahap kebersihan lokap dan sel di lokap berkenaan berada dalam keadaan baik dan memuaskan.

Mengenai dakwaan bahawa tahanan warga Myanmar ditahan lebih 30 hari, Yaacob berkata ia adalah berdasarkan andaian semata-mata kerana semua tahanan itu baru sembilan hari ditahan ketika Namewee dimasukkan ke lokap.

"Analisis rakaman CCTV terutama sepanjang tempoh Namewee berada bersama tahanan di sel M1-2 mendapati tahanan warganegara asing berada dalam keadaan normal dan tiada apa-apa kejadian luar biasa yang berlaku," katanya.



TELUS & TULUS
Sinar ONLINE

Isu lokap: Dakwaan Namawee tidak benar

9 SEPTEMBER 2016

Tweet

Namawee

PUTRAJAYA - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) mengesahkan bahawa dakwaan dan gambaran buruk yang diberikan oleh penyanyi rap kontroversi Namewee terhadap Lokap Berpusat Balai Polis Bayan Baru, Pulau Pinang adalah tidak benar dan tidak berasas.

Pengerusi EAIC, Datuk Yaacob Md Sam dalam kenyataan hari ini berkata EAIC telah membuat lawatan mengejut ke Lokap Berpusat Balai Polis Bayan Lepas pada 5 September (Isnin) susulan dakwaan Namewee atau nama sebenarnya Wee Meng Chee berhubung keadaan lokap berkenaan.

Namewee yang ditahan reman selama empat hari di lokap berkenaan berikutan penghasilan klip video lagu yang dianggap menghina Islam, mendakwa ditempatkan bersama 15 tahanan lain dari Myanmar di bilik kecil berkeadaan buruk dan terdapat tahanan warga asing yang ditahan melebihi 30 hari dan mungkin meninggalm dunia tanpa diberikan rawatan perubatan.

Yaacob berkata, dakwaan Namewee ditempatkan bersama 15 tahanan lain dalam bilik lokap yang kecil dan buruk adalah tidak benar.

Hasil penelitian rakaman kamera litar tertutup (CCTV) oleh pasukan penyiasat EAIC mendapati Namewee ditempatkan di dalam sel tahanan bersama 12 orang tahanan lain hanya untuk tempoh lebih kurang dua jam sahaja, katanya.

Katanya, Namewee yang dibawa masuk ke sel tahanan M1-2 pada jam 4.53 petang ditempatkan bersama tujuh orang tahanan warga Myanmar dan lima tahanan warga Nepal.

Pada jam 6.45 petang, katanya, kesemua 12 tahanan itu dibawa keluar dan ditempatkan di lokap M-17.

"Tindakan ini diambil oleh pihak lokap berpusat khusus untuk memberikan keselesaan kepada Namewee," katanya.

Menurut Yaacob, seterusnya sepanjang tempoh penahanan reman Namewee, iaitu dari jam 6.45 petang 22 Ogos hingga jam 7.14 pagi 25 Ogos, Namewee telah ditempatkan berseorangan di dalam sel yang sama.

Yaacob juga berkata, dakwaan tahanan warga Myanmar ditahan melebihi 30 hari adalah andaian semata-mata.

"Hasil pemeriksaan rekod tahanan mendapati, 12 tahanan lain yang ditempatkan di sel M1-2 sebelum Namewee dimasukkan adalah mereka yang ditahan pada 13 Ogos di sekitar Georgetown, Pulau Pinang dan tamat tempoh tahanan pada 26 Ogos.

"Pada tarikh Namewee dimasukkan ke sel M1-2 pada 22 Ogos, tahanan warga Myanmar yang ditempatkan di dalam sel itu baru ditahan selama sembilan hari.

"Analisis terhadap rakaman CCTV terutama sepanjang tempoh Namewee berada bersama tahanan itu di sel M1-2 juga mendapati tahanan warga asing berada dalam keadaan normal dan tiada apa-apa kejadian luar biasa yang berlaku.

"Semasa tahanan itu diarahkan berpindah ke sel M1-17, rakaman CCTV mendapati kesemua tahanan dapat berjalan secara biasa dan tidak menunjukkan sebarang tanda mereka tidak sihat.

"Dakwaan Namewee bahawa tahanan yang ditempatkan bersamanya berada dalam kesihatan yang teruk dan kemungkinan terdapat tahanan warganegara asing yang meninggal dunia tanpa diberikan rawatan perubatan yang diperlukan adalah tidak berasas dan merupakan andaiannya semata-mata," katanya.

Yaacob juga berkata, pemerhatian pasukan lawatan mendapati secara keseluruhannya tahap kebersihan lokap dan sel di Lokap Berpusat Bayan Baru berada dalam keadaan yang baik dan memuaskan.

"EAIC juga berpuas hati dengan pengurusan Lokap Berpusat Bayan Baru yang telah diuruskan dengan memuaskan dan terdapat kepatuhan ke atas SOP Pengurusan Lokap PDRM 2014," katanya. - Bernama

Dakwaan oleh Namewee tersebut juga disiarkan secara meluas oleh portal-portal media alternatif.

Namewee's claims were made viral and spread wide on other alternative media portals.

Siasatan dan Dapatan (*Findings*) EAIC ke Atas Dakwaan

EAIC Investigation and Finding on Claims

Susulan dakwaan yang dibuat oleh Namewee, pada 5 September 2016, EAIC telah mengadakan lawatan mengejut ke Lokap Berpusat Bayan Baru, Pulau Pinang yang disertai oleh enam (6) orang pegawai EAIC yang diketuai oleh Pengarah Bahagian Operasi EAIC. Lawatan mengejut ini dibuat berdasarkan kepada tugas statutori EAIC di bawah seksyen 4 (1) *(h)* Akta 700.

Following the claims made by Namewee, on 5 September 2016, EAIC made a surprise visit to the Bayan Baru Central Lockup, Pulau Pinang. The group comprised of six (6) EAIC officers led by the EAIC Operations Division's Director. The spontaneous visit is part of EAIC's statutory function, as provided under Section 4 (1)(*h*) Act 700.

Semasa lawatan tersebut, EAIC telah mengadakan pemeriksaan ke atas beberapa sel yang menempatkan tahanan termasuk sel yang menempatkan Namewee. Selain itu, pemeriksaan dan analisis juga dibuat ke atas bilik kawalan CCTV lokap serta rakaman CCTV lokap bagi tempoh Namewee ditahan dan beberapa dokumen lokap yang relevan kepada siasatan.

During the said visit, EAIC inspected the cells where detainees were placed, including the cell that held Namewee. Besides that, the lockup CCTV control room and the CCTV recording of the lockup during the time Namewee was detained were also inspected and analysed, together with several lockup documents relevant to the investigation.

Menerusi pemeriksaan dan analisis yang dibuat, EAIC mendapati Lokap Berpusat Bayan Baru telah diwartakan melalui Warta Lokap P.U(B) 544 pada 23 Disember 2010. Sel-sel di Lokap Berpusat ini diletakkan di bawah pentadbiran IPD Barat Daya dan merupakan Lokap Kontinjen PDRM Pulau Pinang yang baharu.

Upon inspection and analysis, EAIC found that the Bayan Baru Central Lockup was gazetted on *Warta Lockup P.U.(B) 544* on 23 December 2010. The cells at that particular lockup were under the administration of the South West Police Headquarters and were parts of the Pulau Pinang's PDRM new Contingent Lockups.

Lokap Berpusat ini menempatkan 63 sel pelbagai saiz dan mampu memuatkan seramai 287 orang tahanan pada satu-satu masa. Terdapat arahan bertulis jumlah maksima tahanan yang boleh ditempatkan di sesuatu sel lokap. Semasa lawatan diadakan terdapat seramai 157 orang tahanan dan didapati setiap satu sel lokap bilangan orang tahanan berada di bawah daripada paras had maksima yang ditetapkan.

This Central Lockup consists of 63 cells of various sizes and can fit 287 detainess at a time. There were written orders as to the maximum number of detainees to be placed in a single lockup cell. During the visit, there were 157 detainess and it was observed that in each cell, the number of detainees were within maximum level.

Lokap tersebut dilengkapi dengan 156 unit CCTV yang dipasang di beberapa tempat seperti di dalam sel (bilangan unit CCTV di dalam sel bergantung kepada saiz sel tersebut), koridor di luar sel dan pejabat enkuiri lokap. Selain itu, terdapat butang *intercom* di setiap pintu sel bagi tujuan komunikasi antara tahanan dengan pusat kawalan jika berlaku apa-apa kecemasan. Setiap sel ada dilengkapi dengan

The lockup was equipped with 156 units of CCTV which were set up at a few selected spots in a cell (the number of CCTV in a cell depends on the size of the particular cell), the corridor outside the cell, and the lockup enquiry office. An intercom button was placed at each door for the purpose of communication between the detainee and the control centre in case of any emergency. Each cell is also equipped with basic

kemudahan asas seperti air, tandas, pangkin simen (ruangan untuk berbaring dan tidur). Orang tahanan juga turut dibekalkan dengan keperluan kebersihan seperti sabun, berus dan ubat gigi yang akan diambil kembali setiap kali selepas penggunaannya untuk mengelakkan dari disalahguna.

amenities such as water, toilet, space of sleeping. Detainees are also supplied with basic toiletries such as soap, toothbrush and toothpaste which would be collected after use to prevent misuse of those items.

Siasatan mendapati Namewee telah ditahan di Lokap Berpusat Bayan Baru mulai 22 Ogos 2016 hingga 25 Ogos 2016 di dalam sel bernombor M1-2 yang berkeluasan 3x12 meter yang mampu memuatkan maksimum seramai 15 orang tahanan pada satu-satu masa. Rujukan pada rakaman CCTV menunjukkan Namewee telah dibawa masuk ke sel tersebut pada pukul 4.53 petang dan terdapat 12 orang tahanan pada waktu tersebut. Tahanan yang ditempatkan bersamanya terdiri daripada tujuh (7) orang tahanan warganegara Myanmar dan lima (5) orang tahanan warganegara Nepal. Walau bagaimanapun, pada 22 Ogos 2016 pukul 6.45 petang, kesemua tahanan warga Nepal dan Myanmar yang berada di sel M1-2 tersebut telah dipindahkan ke sel lain. Oleh yang demikian, pada 22 Ogos 2016 bermula pada pukul 6.45 petang sehingga dibebaskan cuma Namewee seorang sahaja berada di sel lokap bernombor M1-2. Berdasarkan analisa terhadap rakaman CCTV terutamanya pada tempoh Namewee berada bersama-sama tahanan tersebut di Sel M1-2 (lebih kurang 2 jam), didapati tahanan warganegara asing berada dalam keadaan normal dan tiada apa-apa kejadian luar biasa yang berlaku. Mereka kelihatan duduk, berbaring dan memakan makanan malam yang diberikan oleh pengawal lokap.

Further investigation revealed that Namewee was detaineed at the Bayan Baru Lockup from 22 August 2016 to 25 August 2016 in cell M1-2 which is 3 feet by 12 feet and can fit a maximum of 15 detainees at one time. The CCTV recording showed that Namewee was brought into that cell at 4.53pm and there were 12 detainees in there at that time. Out of the 12 detainees, 7 were from Myanmar and 5 were from Nepal. However, on 22 August 2016, at 6.45pm, all the Myanmar and Nepalese detainees in cell M1-2 were transferred to another cell. Therefore, from 6.45 pm on 22 August 2016, untill he was released, Namewee was alone in cell M1-2. Upon further analysis of the CCTV on the time Namewee was in Cell M1-2 with the other detainees (for about 2 hours), it was observed that the foreign detainees were all in control and nothing extraordinary happened. They were seen sitting, lying and eating dinner provided by the lockup personnel/sentries.

Rakaman CCTV juga melihatkan bahawa kesemua tahanan yang dipindahkan dari sel M1-12 kelihatan berjalan secara biasa dan tidak menunjukkan sebarang tanda mereka tidak sihat. Rekod daftar lokap menunjukkan pada 23 Ogos 2016 hanya terdapat seorang tahanan sahaja yang menerima rawatan doktor dan disahkan tidak mengalami masalah kesihatan yang serius yang memerlukan rawatan lanjut. Rekod daftar lokap juga tidak melihatkan terdapatnya mana-mana tahanan yang telah ditahan melebihi daripada 30 hari.

The CCTV recording also showed that all the detainees that were removed from Cell M1-2 were walking normally and they did not appear unwell. Lockup registration record showed that on 23 August 2016, there was only one detainee that received medical treatment from a doctor and he was confirmed by the doctor that he did not any serious health issues, nor did he require any follow-up treatments. The lockup registration records also did not show any detainee being detained for more than 30 days.

Sehubungan itu, EAIC mendapati dakwaan oleh Namewee bahawa beliau ditahan di lokap yang sesak dengan tahanan lain serta keadaan lokap yang buruk dan terdapat tahanan yang ditahan lokap melebihi daripada 30 hari adalah tidak benar.

Hence, EAIC concluded that the claims made by Namewee that he had been held in a crowded cell with many other detainees, except for the claim that the cell was deplorable and there were detainees being held for more than 30 days, were untrue.

Sepanjang tahun 2016, terdapat satu (1) kes kematian sahaja melibatkan tahanan yang ditempatkan di Lokap Berpusat Bayan Baru. Tahanan tersebut telah meninggal dunia pada 5 Mac 2016 semasa mendapatkan rawatan di Hospital Besar Pulau Pinang. Hasil bedah siasat yang dijalankan mengesahkan kematian tahanan tersebut disebabkan oleh *Mycoardial Fibrosis* (masalah jantung gagal berfungsi). Siasatan inkues kematian tersebut telah dikendalikan koroner kanan iaitu Puan Zaharah Binti Hussain yang juga merupakan Hakim Mahkamah Sesyen Georgetown, Pulau Pinang.

Throughout 2016, there was only one (1) case of detainee's death at the Bayan Baru Central Lockup. The detainee died on 5 March 2016 while receiving treatment at the Pulau Pinang General Hospital. From the autopsy, it was concluded that the cause of death was *Mycoardial Fibroses* (heart failure). The inquest was conducted by senior coroner Pn Zaharah binti Hussain who is also a Sessions Court Judge at Georgetown, Pulau Pinang.

Pada 9 September 2016, EAIC telah mengeluarkan hasil laporan siasatan melalui pernyataan media. EAIC mendapati dakwaan dan gambaran negatif yang diberikan oleh Namewee terhadap Lokap Berpusat Balai Polis Bayan Baru, Pulau Pinang adalah tidak benar dan tidak berasas. EAIC juga mendapati pengurusan Lokap Berpusat Bayan Baru tersebut telah diuruskan dengan memuaskan dan mematuhi arahan berkaitan pengurusan lokap PDRM seperti yang terdapat dalam SOP Pengurusan Lokap PDRM 2014 yang dikeluarkan oleh Urusetia Jabatan Pengurusan PDRM Bukit Aman.

On 9 September 2016, EAIC released a report on the findings of its investigation via a press statement. EAIC found that the claims and the negative image of the Bayan Baru Central Lockup, Bayan Baru Police Station, Pulau Pinang,as portayed by Namewee were false and baseless. EAIC also found that the bayan Baru Central Lockup was managed satisfactorily and in accordance with the order related to PDRM lockup management as in the Standard Operating Procedure (SOP) 2014 PDRM Lockup Management that issued by the Secretariat, Management Department, PDRM Bukit Aman.

SIASATAN BERHUBUNG DAKWAAN TAHANAN DIDERA SEHINGGA MATI DI DEPOT TAHANAN IMIGRESEN JURU, PULAU PINANG

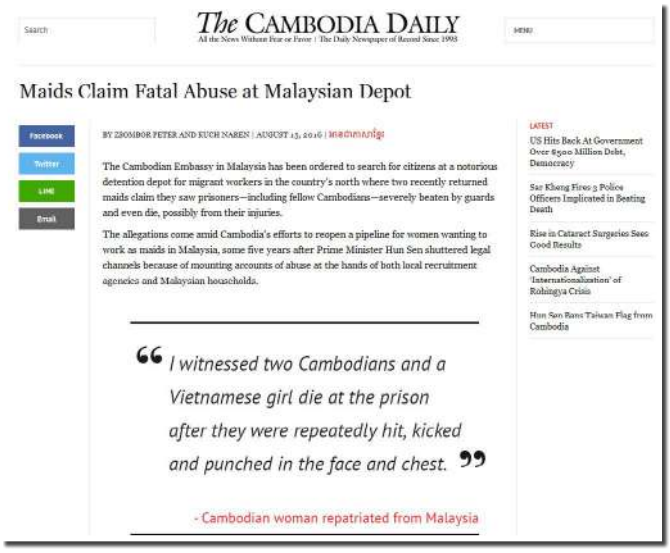
INVESTIGATION ON CLAIMS OF DETAINEES BEING BEATEN TO DEATH AT THE JURU IMMIGRATION DETAINEE DEPOT, PULAU PINANG

Latar Belakang Kes

Case Background

Pada 17 Ogos 2016, *The Cambodia Daily* dan beberapa media tempatan serta laman portal telah melaporkan dakwaan oleh dua (2) orang wanita Kemboja mengenai berlakunya kejadian penderaan beberapa tahanan imigresen warga asing (5 warga Kemboja dan 2 warga Vietnam) oleh Pegawai Imigresen wanita semasa ditahan di Depot Tahanan Imigresen Juru, Pulau Pinang sehingga mengakibatkan kematian.

On 17 August 2016, The Cambodia Daily, a few local media and websites reported the claims of two (2) Cambodian women of foreign detainees being abused (5 Cambodians and 2 Vietnamese) by female Immigration Officers during detention at the Juru Immigration Detainee Depot, Pulau Pinang which led to their deaths.


The CAMBODIA DAILY
All the News Without Fear or Favor | The Daily Newspaper of Record Since 1993

Maids Claim Fatal Abuse at Malaysian Depot

BY ZSOMBOR PETER AND KUCH NAREN | AUGUST 15, 2016 | ᯅᯕᯕᯅᯕᯕᯅᯕᯕᯅᯕᯕ

The Cambodian Embassy in Malaysia has been ordered to search for citizens at a notorious detention depot for migrant workers in the country's north where two recently returned maids claim they saw prisoners—including fellow Cambodians—severely beaten by guards and even die, possibly from their injuries.

The allegations come amid Cambodia's efforts to reopen a pipeline for women wanting to work as maids in Malaysia, some five years after Prime Minister Hun Sen shuttered legal channels because of mounting accounts of abuse at the hands of both local recruitment agencies and Malaysian households.

> *"I witnessed two Cambodians and a Vietnamese girl die at the prison after they were repeatedly hit, kicked and punched in the face and chest."*
>
> - Cambodian woman repatriated from Malaysia

Lanjutan daripada penyiaran dakwaan tersebut, EAIC telah menjemput wakil daripada Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM) bagi mengadakan satu lawatan mengejut ke Depot Tahanan Imigresen Juru, Pulau Pinang pada 22 Ogos 2016. Lawatan telah disertai oleh empat (4) orang pegawai EAIC diketuai oleh Pengarah Bahagian Operasi EAIC dan dua (2) orang pegawai SUHAKAM bertujuan untuk membuat pemeriksaan, semakan dan analisis mengenai kebenaran dakwaan yang telah dibuat oleh dua (2) orang wanita warganegara Kemboja tersebut.

Following the allegation published in the media, EAIC invited representatives from the Malaysian Human Rights Commission (SUHAKAM) to conduct a spontaneous visit at the Juru Immigration Detainee Depot, Pulau Pinang on 22 August 2016. The visit, made by a group of four (4) EAIC officers led by the EAIC Operations Division's Director and two (2) SUHAKAM officers, aimed to conduct an inspection of the premises, to review and analyse the claims made by the two Cambodian women.

Siasatan Dan Dapatan (*Findings*) EAIC Ke Atas Dakwaan

Hasil daripada pemeriksaan, keterangan lisan serta bukti-bukti dokumen, EAIC membuat dapatan berikut:

(a) Dakwaan kematian warga asing dan penderaan yang dilaporkan seperti di atas adalah tidak benar dan tidak berasas.

- 10 orang tahanan wanita telah ditemubual oleh penyiasat EAIC termasuk satu-satunya wanita Kemboja yang masih berada di depot tersebut bernama Kheng, berumur 18 tahun. Kheng telah ditahan mulai 1 Julai 2016 atas kesalahan tidak memiliki dokumen perjalanan yang sah. Kheng mengatakan layanan yang baik oleh pegawai imigresen dan tiada tahanan

EAIC'S Investigation And Findings

As a result of the inspections, the recorded statements and the documentary evidence, EAIC made the following findings:

(a) The claims of foreign detainees being beaten to death as reported above was proved to be false and baseless.

- 10 female detainees, including one Cambodian female by the name of Kheng, aged 18, who were still being detained at the depot, were interviewed by EAIC investigation officers. Kheng talked about the good treatment she received from the immigration officers and that no detainees had been seen being abused during her detention at the deport.

yang didera sepanjang beliau berada di depot tersebut.

- Sebelum Kheng ditempatkan di depot tersebut, terdapat 17 orang warga Kemboja wanita telah ditahan di situ dari bulan Disember 2015 sehingga bulan Jun 2016. Kesemua 17 orang tahanan warganegara Kemboja tersebut telah dihantar pulang ke negara Kemboja pada 13 Julai 2016.

- Before Kheng was placed at the depot, 17 Cambodian women had been there from December 2015 to June 2016. All of the 17 of the Cambodian women had been sent home to Cambodia on 13 July 2016.

(b) Kapasiti sel tahanan lelaki yang berlebihan

(b) Over-capacity of men detention cells

- Depot Tahanan Imigresen Juru diwartakan bagi menampung kapasiti tahanan seramai 500 orang, iaitu 350 tahanan lelaki dan 150 tahanan wanita. Ketika lawatan, terdapat 595 orang tahanan ditempatkan di dalam depot tersebut, iaitu 472 tahanan lelaki dan 123 tahanan wanita. Dapatan EAIC mendapati jumlah bilangan tahanan lelaki seramai 472 orang adalah berlebihan seramai 122 orang. Bagi tahanan wanita pula jumlah tahanan kurang 27 orang dari jumlah maksima yang ditetapkan.

- The Juru Immigration Detention Depot was gazetted and it shall have capacity to hold 500 detainees; 350 men and 150 women. During the visit by EAIC there were 595 detainees being held at the depot; 472 men and 123 women. EAIC found that the number of the men detainees were 122 which was over the maximum capacity (472). For the women, however, the number was 27, which was within the prescribed capacity.

(c) Rekod Kematian dan Sebab Kematian

(c) Death Records and Cause of Death

- Terdapat lima (5) kes kematian tahanan yang direkodkan di Depot Tahanan Imigresen Juru pada tahun 2015. Butiran lanjut sebab kematian adalah seperti berikut:

- There were five (5) cases of detainee deaths recorded at the Juru Immigration Detention Depot in 2015. Further details of the causes of deaths are as follows:

BIL *No*	WARGANEGARA *NATIONALITY*	UMUR *AGE*	TARIKH KEMATIAN *DATE OF DEATH*	PUNCA KEMATIAN *CAUSE OF DEATH*
1.	Indonesia (wanita) *Indonesian (woman)*	49	8 Mei 2015 *8 May 2015*	*sepsis with pneumonia*
2.	Indonesia (wanita) *Indonesian (woman)*	43	30 Julai 2015 *30 July 2015*	*sepsis as complication of diabetes mellitus*
3.	Kemboja (wanita) *Cambodian (woman)*	36	18 Oktober 2015 *18 October 2015*	*pneumonia*
HOSPITAL BUKIT MERTAJAM				
4.	Bangladesh (lelaki) *Bangladesh (man)*	26	17 Julai 2015 *17 July 2015*	*septicaemia with bronchopneumonia*
KEMATIAN DI HOSPITAL SEBERANG JAYA				
5.	Myanmar (wanita) *Myanmar (woman)*	22	23 November 2015 *23 November 2015*	*severe septic shock to 2* infective endocarditis*

- Terdapat hanya satu kematian yang telah direkodkan pada tahun 2016 sehingga bulan Jun 2016 melibatkan seorang tahanan perempuan warga Kemboja berumur 26 tahun, iaitu pada 5 Jun 2016 semasa menerima rawatan di Hospital Bukit Mertajam akibat kekurangan garam dalam badan (*cardial arrhythmia secondary to severe hypokalaemia*). Makluman kematian tersebut telah dihantar oleh Komandan Depot kepada Kedutaan Kemboja pada 6 Julai 2016 dan mendapat kebenaran pengkebumian pada 15 Ogos 2016 setelah pihak Kedutaan Kemboja mengesahkan tiada waris yang membuat tuntutan mayat.

- There was only one death recorded in early 2016 up to June 2016. It involved a Cambodian detainee aged 26, on 5 June 2016, when she was receiving treatment at the Bukit Mertajam Hospital due to low sodium level (*cardial arrhythmia secondary to severe hypokalaemia*). The deceased was sent by the Depot Commandant to the Cambodian Embassy on 6 July 2016. It was given the permission by the Cambodian Embassy for the burial to be held on 15 August 2016 upon confirmation by the Embassy that there was no heirs to claim the body.

- EAIC mendapati kes-kes orang tahanan meninggal dunia di dalam depot tahanan atau meninggal dunia ketika menerima rawatan di hospital telah diuruskan mengikut panduan yang diberikan di bawah Arahan Tetap Ketua Pengarah Imigresen Malaysia Mengenai Tatacara Pengendalian Jenayah PATI Yang Meninggal Dunia Dalam Tahanan (Arahan Tetap).

- EAIC found that the cases of sudden death in custody at detention depots as well as deaths while receiving treatment at hospitals were managed according the protocols under the "Standing Order of the Director General of Immigration on the Procedures on Handling Illegal Immigrants (PATI) Who Dies While in Custody". (Standing Order)

- Secara ringkas, di bawah Arahan Tetap tersebut, Komandan Depot bertanggungjawab bagi membuat laporan polis serta merta tentang kejadian kematian kepada balai polis yang berdekatan, memastikan mayat si mati tidak diubah kedudukan sehingga ketibaan pegawai perubatan, pegawai polis dan Koroner sebelum mayat boleh dihantar ke hospital. Komandan Depot juga bertanggung jawab bagi mendapatkan sijil kematian dan membuat laporan tentang kematian tahanan kepada Ketua Pengarah Imigresen, Pengarah Imigresen Negeri, Pengarah Bahagian Penguatkuasa serta makluman kepada Wisma Putra dan kedutaan warga negara tahanan terlibat. Butiran penuh dokumen Arahan

- In short, under the said Standing Orders, the Depot Commandant is to make a police report at the nearest police station on any cases of sudden death, and to ensure that the deceased's body is not moved from its original position until the medical officer, police officer and coroner arrives before the deceased is taken to the hospital. The Depot Commandant is also responsible for the application of the death certificates and for writing a report on the death of the detainee for the Director General of Immigration, State Immigration Director, Enforcement Division Director as well as information to Wisma Putra and the respective foreign embassies. The detailed Standing Order document is contained in the "Depot SOP" which was

Tetap tersebut terkandung di dalam SOP Depot yang dikeluarkan oleh Jabatan Depot Kementerian Dalam Negeri (KDN).

- Berdasarkan rekod yang terdapat, setiap kematian dan identiti si mati ada disebutkan dalam laporan polis oleh pegawai bertugas depoh dan sijil kematian dikeluarkan oleh Jabatan Pendaftaran Negara serta perakuan oleh pegawai perubatan yang menjalankan post-mortem.

(d) Kegagalan CCTV Berfungsi

- Pemeriksaan EAIC mendapati 19 kamera litar tertutup (CCTV) telah dipasang di sekitar depot tetapi kesemua kamera tersebut tidak berfungsi. EAIC diberitahu oleh pegawai bertugas depot bahawa kesemua CCTV tersebut telah tidak berfungsi semenjak tahun 2014. EAIC diberitahu bahawa faktor kekurangan peruntukan kewangan menjadi sebab mengapa kamera litar tertutup tersebut masih tidak dibaik pulih sehingga kini.

isued by the Depot Department, Ministry of Home Affairs (KDN).

- Based on the records, each death and the identity of the deceased are mentioned in the police report made by the depot officer on duty and the death certificate is issued by the Department of National Registration with declaration by the medical officer who conducted the post-mortem.

(d) CCTV Failure

- EAIC's inspections found that only 19 closed-circuit cameras had been setup around the depot but all of the cameras were found to be malfunctioned. EAIC was informed by the officer on duty that all CCTV had not been functioning since 2014. EAIC was also informed that the reason the why CCTV had not been repaired till today was because of limited budget.

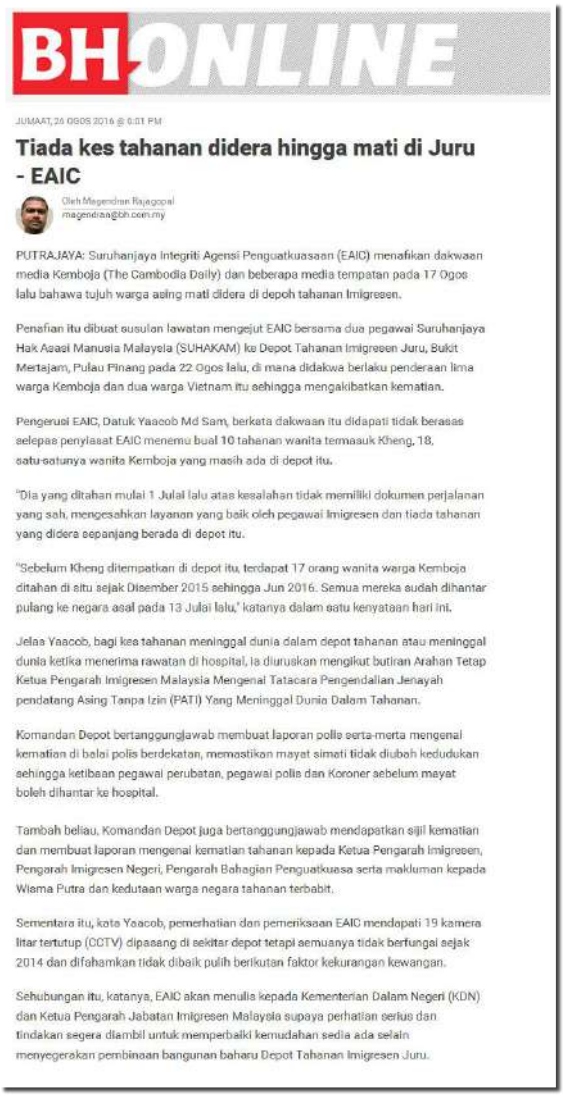


Berdasarkan kepada pemeriksaan mengejut yang telah dilakukan, EAIC mendapati bahawa dakwaan berlaku kematian lima (5) orang wanita Kemboja dan dua (2) orang wanita Vietnam di Depot Tahanan Imigresen Juru akibat daripada penderaan dan penggunaan kekerasan oleh pegawai imigresen di Depot Tahanan Imigresen Juru, Pulau Pinang adalah tidak benar dan tidak berasas.

Based on the spot check conducted, EAIC found that the claims of the sudden deaths of five (5) Cambodian women and two (2) Vietnamese women at the Juru Immigration Detention Depot, caused by abuse and excessive force by immigration officers at the Juru Immigration Detention Depot, Pulau Pinang were false and baseless.

Hasil siasatan EAIC tersebut telah dibuat makluman awam melalui kenyataan media serta dimuat naik ke laman sesawang EAIC. EAIC juga menulis kepada Kementerian Dalam Negeri (KDN) dan Jabatan Imigresen Malaysia supaya mengambil tindakan segera untuk memperbaiki kerosakan serta membaikpulih bangunan usang yang terdapat di Depot Tahanan Imigresen Juru, disamping menyegerakan penyiapan pembinaan bangunan Depot Tahanan Imigresen Juru yang baharu yang sedang dalam pembangunan.

The result of EAIC's investigation has been made public through press statement and been uploaded on EAIC's website. EAIC also wrote to the Ministry of Home Affairs (KDN) and the Malaysian Immigration Department to take immediate actions to repair all damaged and dilapidated buildings at the Juru Immigration Detention Depot, aside from expediting the construction of the new Juru Immigration Detention Depot, which is currently under construction.



BH ONLINE

JUMAAT, 26 OGOS 2016 @ 6:01 PM

Tiada kes tahanan didera hingga mati di Juru - EAIC

Oleh Magendran Rajagopal
magendra@bh.com.my

PUTRAJAYA: Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) menafikan dakwaan media Kemboja (The Cambodia Daily) dan beberapa media tempatan pada 17 Ogos lalu bahawa tujuh warga asing mati didera di depoh tahanan Imigresen.

Penafian itu dibuat susulan lawatan mengejut EAIC bersama dua pegawai Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM) ke Depot Tahanan Imigresen Juru, Bukit Mertajam, Pulau Pinang pada 22 Ogos lalu, di mana didakwa berlaku penderaan lima warga Kemboja dan dua warga Vietnam itu sehingga mengakibatkan kematian.

Pengerusi EAIC, Datuk Yaacob Md Sam, berkata dakwaan itu didapati tidak berasas selepas penyiasat EAIC menemu bual 10 tahanan wanita termasuk Kheng, 18, satu-satunya wanita Kemboja yang masih ada di depot itu.

"Dia yang ditahan mulai 1 Julai lalu atas kesalahan tidak memiliki dokumen perjalanan yang sah, mengesahkan layanan yang baik oleh pegawai Imigresen dan tiada tahanan yang didera sepanjang berada di depot itu.

"Sebelum Kheng ditempatkan di depot itu, terdapat 17 orang wanita warga Kemboja ditahan di situ sejak Disember 2015 sehingga Jun 2016. Semua mereka sudah dihantar pulang ke negara asal pada 13 Julai lalu," katanya dalam satu kenyataan hari ini.

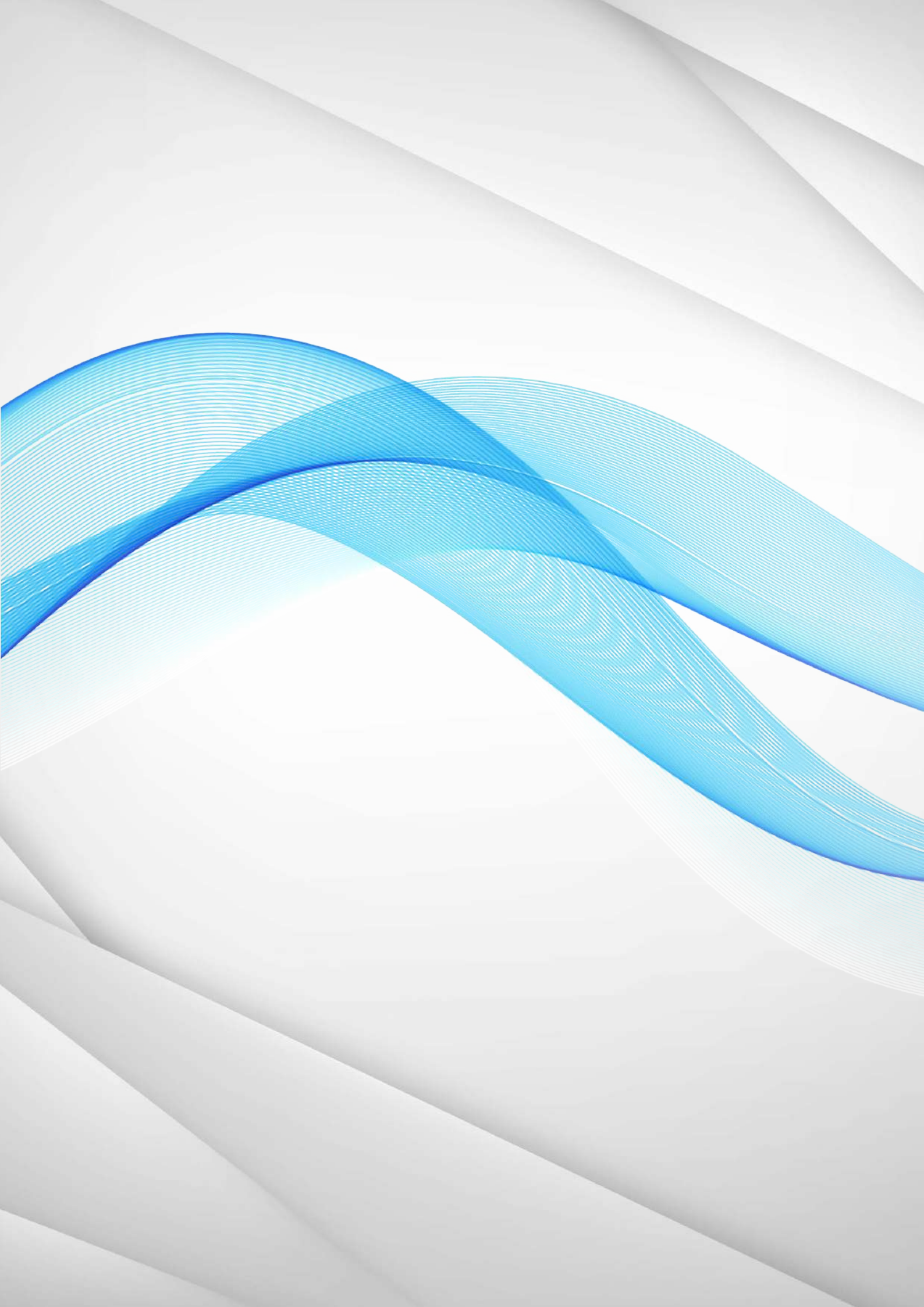
Jelas Yaacob, bagi kes tahanan meninggal dunia dalam depot tahanan atau meninggal dunia ketika menerima rawatan di hospital, ia diuruskan mengikut butiran Arahan Tetap Ketua Pengarah Imigresen Malaysia Mengenai Tatacara Pengendalian Jenayah pendatang Asing Tanpa Izin (PATI) Yang Meninggal Dunia Dalam Tahanan.

Komandan Depot bertanggungjawab membuat laporan polis serta-merta mengenai kematian di balai polis berdekatan, memastikan mayat simati tidak diubah kedudukan sehingga ketibaan pegawai perubatan, pegawai polis dan Koroner sebelum mayat boleh dihantar ke hospital.

Tambah beliau, Komandan Depot juga bertanggungjawab mendapatkan sijil kematian dan membuat laporan mengenai kematian tahanan kepada Ketua Pengarah Imigresen, Pengarah Imigresen Negeri, Pengarah Bahagian Penguatkuasa serta makluman kepada Wisma Putra dan kedutaan warga negara tahanan terbabit.

Sementara itu, kata Yaacob, pemerhatian dan pemeriksaan EAIC mendapati 19 kamera litar tertutup (CCTV) dipasang di sekitar depot tetapi semuanya tidak berfungsi sejak 2014 dan difahamkan tidak dibaik pulih berikutan faktor kekurangan kewangan.

Sehubungan itu, katanya, EAIC akan menulis kepada Kementerian Dalam Negeri (KDN) dan Ketua Pengarah Jabatan Imigresen Malaysia supaya perhatian serius dan tindakan segera diambil untuk memperbaiki kemudahan sedia ada selain menyegerakan pembinaan bangunan baharu Depot Tahanan Imigresen Juru.



LAPORAN PENDENGARAN AWAM SIASATAN KES KEMATIAN DHARMENDRAN A/L NARAYANASAMY SEMASA DALAM TAHANAN POLIS

PUBLIC HEARING REPORT ON INVESTIGATION INTO DHARMENDRAN A/L NARAYANASAMY'S CUSTODIAL DEATH

LATAR BELAKANG KES

Pada 12 Mei 2013, Dharmendran a/l Narayanasamy (simati - ND) bersama tiga (3) lelaki telah ditangkap oleh pihak polis berkaitan dengan kes pergaduhan berkumpulan yang berlaku pada 11 Mei 2013 di Jalan Budiman 19, Bandar Tun Razak, Kuala Lumpur. ND pada ketika itu berumur 31 tahun.

Lanjutan daripada tangkapan tersebut, pada keesokan harinya, pihak polis telah mendapatkan perintah tahanan reman ke atas ND yang dikeluarkan oleh Tuan Majistret Kuala Lumpur bagi tempoh 5 hari mulai 12.05.2013 hingga 16.05.2013 bagi membolehkan pihak polis menjalankan siasatan.

Berdasarkan perintah reman tersebut, pada jam 12.45 tengahari 13.05.2013 tersebut, ND telah dimasukkan ke dalam lokap D9 Ibu Pejabat Polis Kuala Lumpur (IPK KL) bagi membolehkan pihak polis menjalankan siasatan.

Walau bagaimanapun, pihak polis tidak dapat menyelesaikan siasatan dalam tempoh reman tersebut. Oleh itu, pada 16.05.2015 pihak polis telah memohon perintah reman lanjut daripada Puan Majistret Kuala Lumpur bagi membolehkan ND ditahan lanjut selama 5 hari lagi mulai 16.05.2013 hingga 21.05.2013. Pihak polis kemudiannya meneruskan sesi soal siasatan ke atas ND yang ditempatkan di lokap D9, IPK Kuala Lumpur.

Pada 21.05.2015 pada jam 4.15 petang, seorang anggota polis yang bertugas menjaga lokap telah mendapati ND terbaring di atas lantai lokap. Anggota tersebut telah meminta bantuan perubatan dihantar. Pada jam lebih kurang 5.00 petang hari yang sama, pembantu perubatan dari Hospital Kuala Lumpur (HKL) telah tiba bersama ambulan. Pembantu perubatan tersebut telah memeriksa denyutan nadi di pergelangan tangan, di leher dan jantung ND dan mendapati tiada apa-apa denyutan. Pemeriksaan ke atas anak mata juga tidak melihatkan sebarang tindak balas. ND disahkan telah meninggal dunia.

Pada 22.05.2013 jam lebih kurang 2.00 petang, Pakar Patologi HKL menjalankan bedah siasat ke

BACKGROUND OF CASE

On 12 May 2013 Dhamendran a/l Narayanasamy (the deceased - ND) along with three other men were arrested by the police in relation to a gang fight which occurred on 11 May 2013 at Jalan Budiman 19, Bandar Tun Razak, Kuala Lumpur. ND was 31 at that time.

The next day following his arrest the police obtained a 5-day remand order for ND from a Kuala Lumpur Court Magistrate - from 12 May 2013 to 16 May 2013 - to allow the police to conduct their investigation.

Based on the remand order, on 13 May 2013 at 12.45 pm, ND was placed in lockup D9 at the Kuala Lumpur Police Head Quarters (IPK, KL) for interrogation relating to his involvement in the fight.

However, the police were unable to complete their investigation within the remand duration. On 16 May 2013, the police applied for and obtained a second remand of 5 days from another Kuala Lumpur Court Magistrate, which was from 16 May 2013 to 21 May 2013. The police then continued their interrogation on ND who was placed again in lockup D9, IPK KL.

On 21 May 2013 at 4.15pm, the police officer on duty at the lockup found ND lying on the floor of his cell. The officer immediately requested for medical assistance.At approximately 5.00pm on the same day, a medical assistant from Hospital Kuala Lumpur (HKL) arrived in an ambulance. The medical assistant examined ND's pulse on his wrist, neck, heart and eyes. However, ND showed no sign of life and the medical assistant confirmed that he was dead.

On 22 May 2013 at approximately 2.00pm, the HKL Pathologist conducted an autopsy on ND.

atas mayat ND. Pakar Patologi tersebut mendapati terdapat 52 jenis kecederaan pada tubuh badan ND termasuk calaran dan kesan-kesan lebam. Hasil daripada bedah siasat tersebut, Pakar Patologi membuat kesimpulan bahawa ND mati akibat *"Diffuse tissue injuries due to multiple blunt force trauma".*

The pathologist discovered 52 injuries on the body, including scratches and bruises. From the autopsy, the Pathologist concluded that ND's death was caused by "diffused tissue injuries due to multiple blunt force trauma".

PENUBUHAN PASUKAN PETUGAS

EAIC selaras dengan peruntukan seksyen 28 Akta 700, Mesyuarat Suruhanjaya telah memutuskan bagi menubuhkan satu Pasukan Petugas menurut seksyen 17 Akta 700 bagi menyiasat keadaan dan sebab kematian ND tersebut. Tiga orang pakar perunding juga dilantik oleh Suruhanjaya bagi membantu siasatan.

Terma rujukan pasukan petugas yang telah ditetapkan adalah seperti berikut:

(i) Mengenalpasti sama ada terdapat sebarang salah laku seperti yang diperuntukkan di bawah seksyen 24 Akta 700 oleh pegawai/ anggota polis semasa mengendalikan tahanan tersebut;

(ii) Sekiranya terdapat salah laku dizahirkan, untuk menentukan dan mengenalpasti

  (a) Bagaimana dan mengapa salah laku itu terjadi;

  (b) Apakah peraturan-peraturan, kaedah-kaedah, Standard Operating Procedures atau mekanisme yang menyebabkan atau mendorong kepada berlakunya salah laku tersebut; dan

  (c) Individu yang bertanggungjawab terhadap salah laku tersebut.

(iii) Mengesyorkan apa-apa penambahbaikan atau penggubalan semula peraturan-peraturan, kaedah-kaedah, SOP atau mekanisme bagi memastikan salah laku tersebut tidak berulang;

(iv) Melakukan perkara yang suai manfaat atau yang semunasabahnya perlu bagi, atau yang

FORMATION OF TASK FORCE

On 28 May 2013, The Commission, in line with the provision under Section 28 Act 700, made the decision to conduct an investigation into the death of ND. For that purpose, the Commission established a Task Force on the same day as per Section 17 Act 700.

The Task Force's terms of reference were as follows:

(i) To identify if there had been misconduct as provided under Section 24 Act 700, by PDRM officers while handling the prisoner;

(ii) If misconduct is discovered, to ascertain and identify:

  (a) Why and how the misconduct took place;

  (b) The rules, regulations, Standard Operating Procedures (SOP) or mechanisms that could have caused or instigated the misconduct; and

  (c) The individuals responsible for the misconduct;

(iii) To suggest improvements or adjustments of rules, regulations, SOP or mechanisms to ensure that the misconduct is not repeated;

(iv) To take suitable actions which are deemed necessary in or in addition to, executing its

bersampingan dengan, pelaksanaan fungsinya dalam menyiasat kes kematian tahanan tersebut selaras dengan peruntukan Akta 700; dan

(v) Menyedia dan mengedarkan laporan tentang hasil dan dapatan siasatan yang dilakukan.

PENDENGARAN AWAM

Berdasarkan kepada pembebasan orang-orang tertuduh oleh Mahkamah Tinggi Malaya di Kuala Lumpur (Perbicaraan Jenayah No WPPJ 46B-02-09/2013 dan Perbicaraan Jenayah No WPPJ 46B-03-09/2013), EAIC membuat keputusan supaya siasatan secara pendengaran awam kes kematian ND diadakan untuk mengenalpasti jika terdapat salah

functions in the investigation into the custodial death as provided under Act 700; and

(v) To prepare and distribute report on the outcome of the investigation.

PUBLIC HEARING

Following the release of the accused by the High Court of Malaya (Criminal Trial No. WPPJ 46B-02-09/2013 and Criminal Trial No. WPPJ 46B-03-09/2013), EAIC decided to continue with the investigation into the death of N. Dharmendran through public hearings to ascertain if there was actual misconduct by the officers towards the victim.



HARIAN METRO

Dawai kokot tertanam di telinga

■ EAIC sahkan kematian tahanan reman pada 2013 akibat kekerasan fizikal polis

Siti A'isyah Sukaimi

Putrajaya

Hasil kedapatan seni pendengaran awam oleh Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) berhubung kematian N Dharmendran pada 21 Mei 2013 mendapati ia akibat daripada penggunaan kekerasan fizikal oleh pihak polis.

Pengerusi EAIC Datuk Yaacob Md Sam berkata, keterangan pakar forensik Jabatan Perubatan Forensik Hospital Kuala Lumpur (HKL) yang menjalankan bedah siasat ke atas mayat Dharmendran pada 22 Mei 2013 mendapati kematiannya disebabkan 'diffuse soft tissue injuries due to multiple blunt force trauma.'

Menurutnya, keterangan oleh pakar forensik dan hasil laporan bedah siasat mengesahkan Dharmendran mengalami 52 kecederaan dalam bentuk kesan lebam pada tubuh badannya akibat oleh hentakan objek atau benda tumpul.

"Kecederaan dianggarkan berusia antara dua hingga tiga hari sebelum tarikh bedah siasat, tetapi tidak melebihi empat hari.

"Selain itu, dua dawai kokot tertanam di telinga Dharmendran iaitu satu di telinga kanan dan satu di telinga kiri yang meninggalkan kesan berlubang," katanya pada sidang media di sini, semalam.

Pada 21 Mei 2013, Dharmendran dilaporkan mati semasa dalam tahanan reman berhubung kes cubaan membunuh membabitkan senjata api di Lokap Jabatan Siasatan Jenayah, Bahagian Siasatan Khas (D9) Ibu Pejabat Polis Kontinjen (IPK) Kuala Lumpur.

Februari lalu, empat anggota polis Inspektor S Hare Krishnan, 42, Sarjan Jaffri Jaafar, 46, Koperal Mohd Nahar Abd Rahman, 47, dan Koperal Mohd Haswadi Zamri Shaari 34, diperintahkan oleh panel tiga hakim Mahkamah Rayuan untuk membela diri tuduhan menyebabkan kematian Dharmendran yang berada dalam tahanan pada tahun 2013.

Dalam pada itu, Yaacob berkata, pakar forensik mengesahkan dawai kokot itu diketip di telinga Dharmendran semasa masih hidup yang dianggarkan tidak lebih daripada dua hingga tiga hari sebelum tarikh bedah siasat.

"Suruhanjaya mendapati kekerasan fizikal yang mengakibatkan kecederaan dan kematian Dharmendran semasa dalam tahanan polis melanggar Perenggan 33 Perintah Tetap Ketua Polis Negara (PTKPN) Bahagian A '118' melarang sebarang penggunaan kekerasan ke atas orang tahanan semasa soal siasat," katanya.

Dalam pada itu, beliau berkata, EAIC menyerahkan laporan hasil siasatan dan dapatan kematian Dharmendran semalam kepada Peguam Negara Tan Sri Mohamed Apandi Ali dan Ketua Polis Negara Tan Sri Khalid Abu Bakar.

FAKTA: Pada 21 Mei 2013, Dharmendran dilaporkan mati semasa dalam tahanan reman

YAACOB menunjukkan buku laporan siasatan EAIC berhubung kes kematian Dharmendran pada sidang media di Putrajaya.



Comprehensive guidelines needed

READ the report!

Datuk Yaacob Md Sam, chairman of the Enforcement Agencies Integrity Commission, has been saying this repeatedly since the commission released their inquiry report into the custodial death of N. Dharmendran on April 28.

Understandably, almost all the focus has been on the members of the police force who are said to have caused Dharmendran's death while he was in their custody but the EAIC's recommendations involve several agencies.

Yaacob says EAIC sent out seven copies of the 299-page report to the Inspector-General of Police, AGC, Chief Registrar of the Federal Court, Health Ministry, Home Minister, Chief Secretary to the Government and Minister of Integrity.

"The Chief Registrar got a copy because we'd like the CR to come up with comprehensive guidelines for the coroner's first visit to the site, once a death in custody is reported to a magistrate. The magistrate has to determine whether it was a natural/ordinary death or if there needs to be an inquest.

"Many coroner magistrates are junior officers. If there are comprehensive guidelines they can follow, there will be some uniformity in the preliminary investigation (PI). The PI is very important to us because that is when you see the exhibits intact and at the site, and not months later when things have changed."

As for MOH, he says EAIC found

KUALA LUMPUR 232/2013

Custody death: Although the investigators into Dharmendran's death focused on the police, the EAIC's recommendations involved several other agencies.

to describe the cause of death."

"We only know for sure after the hearing. We'd like MOH to come up with guidelines for more precise terminology and for site visits. Usually the hospital assigns an assistant medical officer to go to the site in a custodial death. Assistant MOs should be guided on what to do because they are the ones who will be confirming the detainee has died, examining the body for injuries and inspecting

"They should have comprehensive guidelines/a checklist on the things they must look into – like taking photographs, preservation of exhibits and scene of death, and what equipment they should take with them.

"Some use a mobile phone torchlight instead of a specific torchlight; that is not sufficient for such an inspection. That could be why they didn't notice the staple

during the post-mortem by the pathologist.

"Most of the time, it's dark in the lockup. Medical officers need to be better equipped for the preliminary inspection of the body and scene of death."

As for the Home Ministry, EAIC would like to amend the Penal Code and Evidence Act.

"When it comes to death in police custody, where else do you get the evidence? The detainee has died. He was alone. Who else can come forward to give evidence regarding the death, except for the officer and personnel on duty in the vicinity?" asks Yaacob.

"If all of them don't give their cooperation, you won't get a positive result in your investigation. When it comes to death in custody, there's a monopoly of the evidence by the police.

"There is no involvement of the public or any other independent person. So how will the investigation identify the culprit? But if there is a presumption provision – when a death occurs in the custody of police, Immigration or MACC, and post-mortem shows it was from use of excessive force – the one in charge of the custody or having access to the detainee should be held responsible for any injuries or death.

"The presumption shifts onus to the officer-in-charge of the detainee. We need to study how

Government, Bar Council and NGOs to give their input so we can draft something.

"This is one way to curb death in custody or prison. In our law, remand is for a maximum of seven days, serious offences may be 14 days and certain laws call for 28 days. If death can occur in less than seven days, what more those held for more than 14 days?"

Yaacob says he has written to the CR and the police for statistics on pending inquests into custodial deaths.

"I have the figures for Penang because the state government has a special committee to oversee custodial deaths," he adds.

Unlike Suhakam, which needs to get permission before it can visit any detention centre, EAIC has no such restriction.

Asked which agency has the "best" lock-up based on EAIC's visits to those managed by police, Immigration and MACC, Yaacob says MACC is the best "in terms of food".

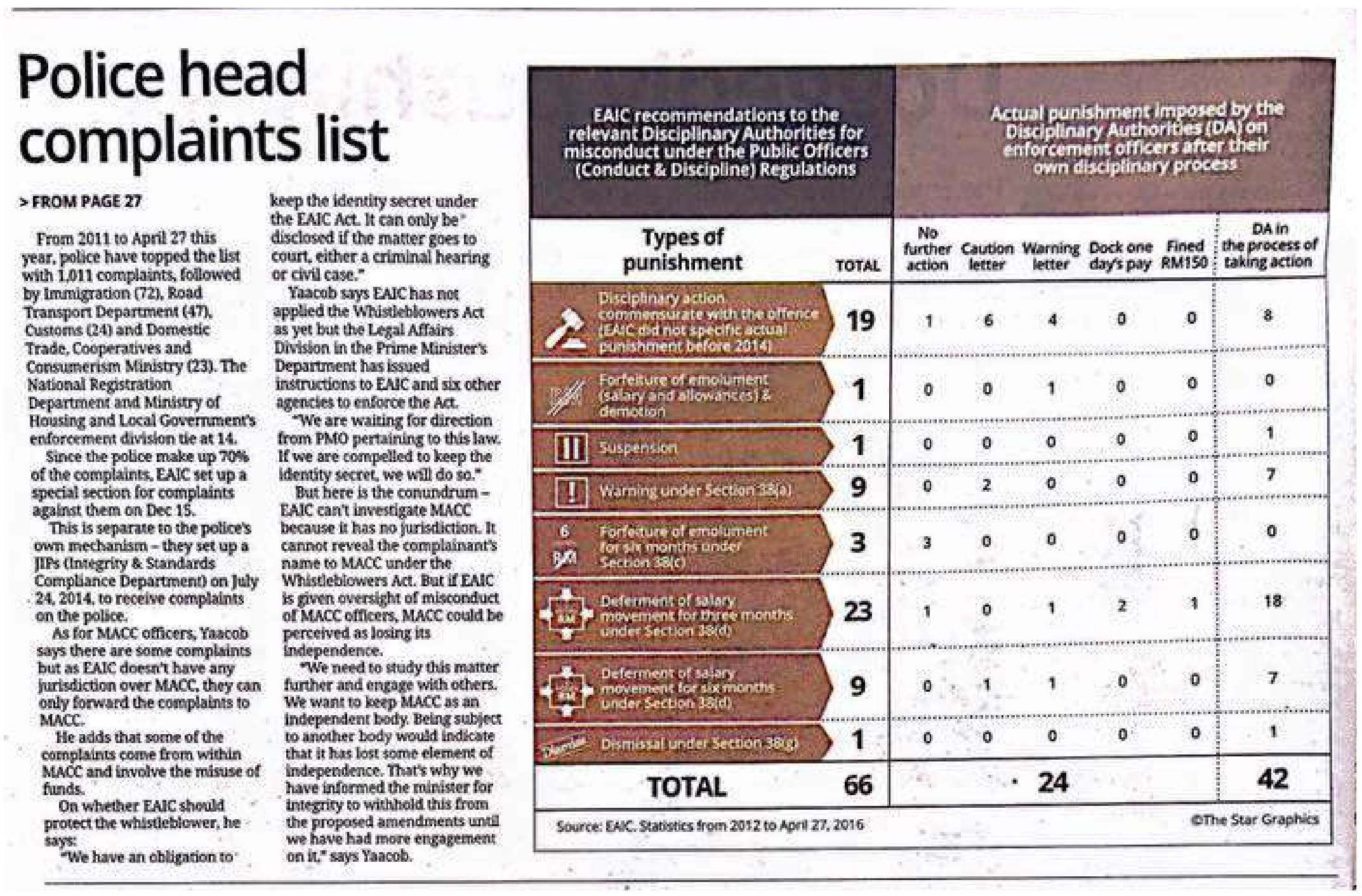
"Police lock-up meals are around RM7-RM8 a day but MACC has RM13 to spend. Immigration depot meals are valued at around RM7 a day. These are all human beings. They should not be treated differently."

Who has the best facilities?

"Again, we believe the MACC lock-ups are better."

Because they have a smaller number of detainees?

"Yes, compared to the police and



Police head complaints list

> FROM PAGE 27

From 2011 to April 27 this year, police have topped the list with 1,011 complaints, followed by Immigration (72), Road Transport Department (47), Customs (24) and Domestic Trade, Cooperatives and Consumerism Ministry (23). The National Registration Department and Ministry of Housing and Local Government's enforcement division tie at 14.

Since the police make up 70% of the complaints, EAIC set up a special section for complaints against them on Dec 15.

This is separate to the police's own mechanism – they set up a JIPs (Integrity & Standards Compliance Department) on July 24, 2014, to receive complaints on the police.

As for MACC officers, Yaacob says there are some complaints but as EAIC doesn't have any jurisdiction over MACC, they can only forward the complaints to MACC.

He adds that some of the complaints come from within MACC and involve the misuse of funds.

On whether EAIC should protect the whistleblower, he says:

"We have an obligation to keep the identity secret under the EAIC Act. It can only be disclosed if the matter goes to court, either a criminal hearing or civil case."

Yaacob says EAIC has not applied the Whistleblowers Act as yet but the Legal Affairs Division in the Prime Minister's Department has issued instructions to EAIC and six other agencies to enforce the Act.

"We are waiting for direction from PMO pertaining to this law. If we are compelled to keep the identity secret, we will do so."

But here is the conundrum – EAIC can't investigate MACC because it has no jurisdiction. It cannot reveal the complainant's name to MACC under the Whistleblowers Act. But if EAIC is given oversight of misconduct of MACC officers, MACC could be perceived as losing its independence.

"We need to study this matter further and engage with others. We want to keep MACC as an independent body. Being subject to another body would indicate that it has lost some element of independence. That's why we have informed the minister for integrity to withhold this from the proposed amendments until we have had more engagement on it," says Yaacob.

EAIC recommendations to the relevant Disciplinary Authorities for misconduct under the Public Officers (Conduct & Discipline) Regulations		Actual punishment imposed by the Disciplinary Authorities (DA) on enforcement officers after their own disciplinary process					
Types of punishment	TOTAL	No further action	Caution letter	Warning letter	Dock one day's pay	Fined RM150	DA in the process of taking action
Disciplinary action commensurate with the offence (EAIC did not specific actual punishment before 2014)	19	1	6	4	0	0	8
Forfeiture of emolument (salary and allowances) & demotion	1	0	0	1	0	0	0
Suspension	1	0	0	0	0	0	1
Warning under Section 38(a)	9	0	2	0	0	0	7
Forfeiture of emolument for six months under Section 38(c)	3	3	0	0	0	0	0
Deferment of salary movement for three months under Section 38(d)	23	1	0	1	2	1	18
Deferment of salary movement for six months under Section 38(d)	9	0	1	1	0	0	7
Dismissal under Section 38(g)	1	0	0	0	0	0	1
TOTAL	66	24					42

Source: EAIC. Statistics from 2012 to April 27, 2016

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laku oleh pegawai dan anggota polis terhadap si mati tersebut, lain daripada kesalahan di mana anggota dan pegawai telah dipertuduhkan di kes-kes yang disebutkan itu.

EAIC telah mengadakan lima (5) sesi pendengaran awam bermula pada 27 Julai 2015 dan berakhir pada 16 November 2015. Sesi pendengaran awam tersebut telah dijalankan di Bilik Pendengaran Aras 13, Menara TH Perdana, Jalan Sultan Ismail, Kuala Lumpur (premis SUHAKAM) bagi sesi pertama hingga ketiga dan di bilik Pendengaran EAIC bertempat di Menara Usahawan, Presint 2, Putrajaya bagi sesi keempat dan kelima.

EAIC held five (5) hearing sessions, from 27 July 2015 till 16 November 2015. The first three sessions were held at Bilik Pendengaran Aras 13, Menara TH Perdana, Jalan Sultan Ismail, Kuala Lumpur (SUHAKAM premises) while the fourth and fifth sessions were held at Bilik Pendengaran EAIC at Menara Usahawan, Presint 2, Putrajaya.

Prosiding-prosiding pendengaran awam tersebut telah dipengerusikan oleh panel Pesuruhjaya iaitu YA Datuk Yaacob bin Hj Md Sam (Pengerusi EAIC), YBrs. Encik Vinayak Prabhakar Pradhan (Pesuruhjaya), YBrs. Puan Leong May Chan (Pesuruhjaya) dan YBhg. Dato' Sri Robert Jacob Ridu (Pesuruhjaya).

The proceedings were chaired by a panel of Commissioners: YA Datuk Yaacob bin Haji Md. Sam (EAIC Chairman), YBrs. Encik Vinayak Prabhakar Pradhan (Commissioner), YBrs. Puan Leong May Chan (Commissioner) and YBhg. Dato' Sri Robert Jacob Ridu (Commissioner).

Sepanjang sesi pendengaran berlangsung, ia turut dibantu oleh tiga (3) perunding khas yang dilantik oleh EAIC iaitu YBhg. Tan Sri Dato' Seri Mohd Jamil Johari yang merupakan mantan Timbalan Ketua Polis Negara, YBhg. Professor Tan Sri Dato' Seri Dr. Sharifah Hapsah binti Syed Hassan Shahabudin yang mempunyai kepakaran dalam bidang perubatan, dan Encik Lim Chee Wee yang merupakan pengamal undang-undang serta mantan Presiden Majlis Peguam Malaysia.

Throughout the hearing session, they were assisted by three (3) Consultants appointed by EAIC: YBhg. Tan Sri Dato' Seri Mohd Jamil Johari, former Deputy Inspector-General of Police; YBhg. Professor Tan Sri Dato' Seri Dr. Sharifah Hapsah Binti Syed Hasan Shahabudin, leading medical expert; and En. Lim Chee Wee, legal practitioner and former President of the Malaysian Bar Council.

EAIC sepanjang sesi pendengaran tersebut, EAIC turut menjemput pihak-pihak yang berkepentingan antaranya termasuk keluarga si mati (ND)/peguam yang dilantik, wakil PDRM, wakil Kementerian Dalam Negeri, wakil Majlis Peguam Malaysia dan wakil SUHAKAM bagi menjadi pemerhati atau mengambil bahagian dalam prosiding siasatan. Peguam yang mewakili pihak-pihak berkepentingan telah dibenarkan untuk melakukan pemeriksaan ke atas saksi-saksi yang dipanggil dan memeriksa dokumen-dokumen ekshibit yang dikemukakan dalam pendengaran awam tersebut.

EAIC also invited parties with vested interest to participate in the public hearings. The invited parties were the family of the deceased (ND)/an appointed counsel, and representatives from PDRM, Ministry of Home Affairs (KDN), Malaysian Bar Council and Human Rights Commission of Malaysia (SUHAKAM). The solicitor representing the relevant parties were allowed to examine the witnesses and document exhibits which were presented during the hearing.

Pendengaran tersebut telah selesai pada 16 November 2015 dengan jumlah saksi yang dipanggil seramai 62 orang.

The hearing was concluded on 16 November 2015 following the statements of 62 witnesses.

DAPATAN SIASATAN EAIC KE ATAS KEMATIAN DHARMENDRAN A/L NARAYANASAMY SEMASA DALAM TAHANAN POLIS

FINDINGS OF INVESTIGATION INTO THE DEATH OF DHARMENDRAN A/L NARAYANASAMY WHILE IN POLICE CUSTODY

Rentetan daripada sesi pendengaran awam yang telah diadakan, EAIC pada 28 April 2016 telah mengumumkan dapatan/keputusan siasatan pendengaran awamnya ke atas kematian ND pada 21 Mei 2013 semasa dalam tahanan polis di Lokap Jabatan Siasatan Jenayah, Bahagian Siasatan Khas (D9) Ibu Pejabat Polis Kontinjen (IPK) Kuala Lumpur. Pendedahan awam tersebut dibuat selaras dengan kehendak seksyen 30 (5) Akta 700.

Following the public hearing, on 28 April 2016, EAIC announced the findings of the investigation into the death of ND on 21 May 2013 while in police custody at the Criminal Investigation Department Lockup, Special Investigation Division (D9), Police Contingent Headquarters Kuala Lumpur. The public disclosure was made in line with the requirements of Section 30 (5), Act 700.

Hasil dapatan Suruhanjaya adalah berdasarkan keterangan oleh saksi-saksi dan bukti-bukti yang telah diperolehi semasa sesi pendengaran awam tersebut. Sehubungan ini Suruhanjaya telah menyediakan laporan penuh hasil siasatan dan dapatannya.

The Commission's findings were based on witnesses' testimonies and evidence which were obtained during the public hearing session. After the hearing, the Commission prepared a full investigation report and its findings.





Dapatan oleh Suruhanjaya adalah seperti berikut:

The Commission's findings are as follows:

1. Kematian Si Mati Adalah Akibat Daripada Penggunaan Kekerasan Fizikal Oleh Pihak Polis

(i) Suruhanjaya mendapati kematian Dharmendran a/l Narayanasamy (No. K/P: 811028-14-5551) pada 21 Mei 2013 adalah akibat daripada penggunaan kekerasan fizikal oleh pihak polis.

1. Cause Of Death Was Use Of Physical Force By The Police

(i) The Commission found that the death of Dharmendran a/l Narayanasamy (I.C. No: 811028-14-5551) on 21 May 2013 was the result of the use of physical force by the police.

(ii) Keterangan oleh Pakar Forensik Jabatan Perubatan Forensik, Hospital Kuala Lumpur (HKL) yang menjalankan bedah siasat ke atas mayat simati pada 22 Mei 2013 mendapati kematian si mati adalah disebabkan *"diffuse soft tissue injuries due to multiple blunt force trauma"*. Keterangan oleh Pakar Forensik dan hasil laporan bedah siasat (post mortem) telah mengesahkan si mati mengalami kecederaan seperti berikut:

(a) Terdapat 52 kecederaan dalam bentuk kesan-kesan lebam pada tubuh badan si mati diakibatkan oleh hentakan objek atau benda tumpul (*blunt force trauma* yang mengakibatkan *acute massive loss of blood into the tissues causing hypovolemic shock*).

(b) Kecederaan dianggarkan berusia antara 2 hari hingga 3 hari sebelum tarikh bedah siasat, tetapi tidak melebihi daripada 4 hari.

(c) Terdapat dua dawai kokot (bullet stapler) tertanam di telinga si mati, iaitu satu di telinga kanan dan satu di telinga kiri yang meninggalkan kesan berlubang (puncture wound). Pakar forensik mengesahkan dawai kokot ini diketip di telinga si mati semasa si mati masih hidup yang dianggarkan tidak lebih daripada dua hingga tiga hari sebelum tarikh bedah siasat.

(iii) Suruhanjaya mendapati kekerasan fizikal yang telah mengakibatkan kecederaan dan kematian si mati semasa dalam tahanan polis serta semasa proses soal siasat telah melanggar Perenggan 33 Perintah Tetap Ketua Polis Negara (PTKPN)

(ii) The Forensic Officer from the Department of Forensic Medicine, Kuala Lumpur Hospitale (HKL) who conducted the autopsy on the deceased on 22 May 2013, stated that the cause of death was diffused soft tissue injuries due to multiple blunt force trauma. The statement by the Forensic Officer and the autopsy report (post-mortem) confimed that the deceased had been suffered injuries, which are as follows:

(a) There were 52 injuries in the form of bruises on the deceased's body caused by blunt force trauma which resulted in acute massive loss of blood in the tissues causing hypovolemic shock.

(b) There injuries were estimated to have occurred two to three days prior to the autopsy date; not more than four days.

(c) There were two stapler bullets found embedded in the deceased's ear, one in the right ear and the other in the left, both leaving puncture wounds. The forensic expert confirmed that the stapler bullets were stapled into the deceased's ear when he was still alive which was estimated to be two or three days before the autopsy.

(iii) The Commission found that the act of physical force which resulted in the deceased's death while in police custody, violated Paragraph 33 Permanent Order by Inspector-General of Police (PTKPN) Division A '118' which forbids violence on detainees during interrogation.

Bahagian A '118' yang melarang apa-apa penggunaan kekerasan ke atas orang tahanan semasa soal siasat.

2. Catatan Entri Di Buku Perharian Balai Lokap D9 Adalah Palsu / Salahnyataan

(i) Suruhanjaya mendapati enam (6) catatan terakhir di Buku Perharian Balai, Lokap D9 IPK Kuala Lumpur iaitu entri 3150, 3151, 3152, 3153, 3154 dan 3155 yang di tulis oleh dua anggota sentri lokap iaitu saksi SP24 dan SP25 adalah kandungan pernyataan yang palsu/ salah nyata.

(ii) Suruhanjaya juga mendapati entri yang dimasukkan berikutnya 3156, 3157, 3158, 3159, 3160 dan 3161 oleh SP25 adalah juga entri yang dimasukkan bukan secara lazim iaitu secara segera semasa bertugas oleh anggota sentri lokap (SP25) tetapi dimasukkan dalam Buku Perharian Balai Lokap D9 (Eksibit P32) dua atau tiga hari selepas tarikh kematian.

(iii) Suruhanjaya mendapati catatan – catatan entri 3150 hingga 3153 secara bersama telah direka palsu (fabricating) oleh pegawai - pegawai kanan PDRM iaitu Timbalan Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60), Pegawai Turus D9 IPK Kuala Lumpur (SP27),Timbalan Pegawai Turus D9 IPK Kuala Lumpur (SP39) dan Pegawai D9 IPK Kuala Lumpur (SP44) (ketika itu) secara memberi arahan kepada kedua -dua anggota sentry lokap iaitu SP24 dan SP25 untuk menulis catatan - catatan ini ke Buku Perharian Balai (Eksibit P32) pada malam 21 Mei 2013.

(iv) Suruhanjaya mendapati catatan -catatan entri 3154 hingga 3161 telah direka secara bersama oleh pegawai -pegawai kanan PDRM iaitu Timbalan

2. Daily Log Entry in D9 Lockup Station Log Book False / Misstatements

(i) The Commission found that the last six entries in the Kuala Lumpur IPK D9 Lockup Station Log Book: entries 3150, 3151, 3152, 3153, 3154 and 3155 written by the two lockup sentries (witnesses SP24 and SP25) were false statements/misstatements.

(ii) the Commission also found that the entries, 3156, 3157, 3158, 3159, 3160 and 3161 were written by SP25 were done, not while on duty but were written in the D9 Station Lockup Log Book (Exhibit P32) two to three days after the date of death.

(iii) The Commission found that entries 3150 up to 3153 were all fabricated by senior PDRM officers namely the Deputy Head of Criminal Investigation, Intelligence and Operations Department Kuala Lumpur IPK (SP60), the D9 Staff Officer of Kuala Lumpur IPK (SP27), D9 Deputy Staff Officer of Kuala Lumpur IPK (SP39) and D9 Officer of Kuala Lumpur IPK (SP44) (at that time), who gave orders to both lockup sentry officers (SP24 and SP25) to make entries in the Station Log Book (Exhibit P32) on the night of 21 May 2013.

(iv) The Commission found that entries 3154 up to 3161 were fabricated by senior PDRM officers namely the Deputy Head of Criminal Investigation, Intelligence

Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60), Timbalan Pegawai Turus D9 IPK Kuala Lumpur (SP39) dan Pegawai D9 IP K Kuala Lumpur (SP44) dan anggota - anggota D9 iaitu SP41, SP42 dan SP43 secara memberi arahan kepada anggota sentri lokap iaitu SP25 untuk menulis catatan - catatan tersebut di Buku Perharian Balai (Eksibit P32) pada dua atau tiga hari selepas tarikh kejadian kematian.

and Operations Department Kuala Lumpur IPK (SP60), the D9 Deputy Staff Officer Kuala Lumpur IPK (SP39), D9 Officer Kuala Lumpur IPK (SP44) and D9 members (SP41, SP42 and SP43) by giving orders to both lockup sentries (SP24 and SP25) to make entries in the Station Log Book (Exhibit P32) two or three days after from the date of the death.

(v) Suruhanjaya mendapati terdapat perlakuan salah laku yang serius melibatkan pegawai -pegawai kanan PDRM untuk melindungi (cover -up) fakta sebenar keadaan kematian simati dengan mereka - reka maklumat yang diketahui sebagai tidak benar atau palsu yang boleh menghalang siasatan kes yang adil dan saksama dari dapat dilakukan berkaitan kematian si mati.

(v) The Commission found that there had been serious misconduct involving senior PDRM officers to cover up the truth behind the death of the deceased by fabricating false information which could obstruct a fair investigation conducted into the death of the deceased.

(vi) Suruhanjaya juga mendapati dengan perlakuan memberikan maklumat palsu / salahnyata atau tidak benar oleh SP60, SP39, SP27 dan SP44 adalah merupakan kesalahan jenayah seperti yang diperuntukkan oleh seksyen 192, 201 dan/atau seksyen 203 Kanun Keseksaan.

(vi) The Commission also noted that the act of fabricating information/misstatements or false statements by SP60, SP39, SP27 and SP44 were criminal offence under Sections 192, 201 and/or Section 203 of the Penal Code.

3. Pengubahan (Tampering) Ke Atas Catatan Masa Di Buku Perharian Balai Lokap D9 (Eksibit P32)

3. Tampering of Time Entries in D9 Station Log Book (Exhibit P32)

(i) Suruhanjaya mendapati terdapat dua catatan masa dalam Buku Perharian Balai Lokap D9 (Eksibit P32) pada entri 3149 dan 3150 yang telah diubah masa daripada catatan asalnya oleh anggota sentri Lokap D9 iaitu SP24 atas SP60, SP39, SP41, SP42 dan SP43 bertujuan untuk menyelaraskan dengan laporan tangkapan semula ke atas si mati (Eksibit P50).

(i) The Commission found that there were two time entries in the D9 Lockup Station Log Book (Exhibit P32) - entries 3149 and 3150 – which had been changed from the original entry by the D9 Lockup sentry – SP24 over SP60, SP39, SP41, SP42 and SP43 in order to tally with the re-arrest report of the deceased (Exhibit P50).

(ii) Suruhanjaya mendapati perlakuan pengubahan masa terhadap Buku Perharian Balai Lokap D9 oleh SP60, SP39, SP41, SP42 dan SP43 merupakan satu kesalahan di bawah seksyen 177 atau seksyen 182 Kanun Keseksaan.

(ii) The Commission noted that the time falsification in the D9 Station Lockup Log Book by SP60, SP39, SP41, SP42 and SP43 was an offence under Section 177 or Section 182 of the Penal Code.

4. Kandungan Laporan Polis Mengenai Kematian Si Mati Adalah Palsu

4. The Content of the Police Report on the Death of the Deceased was False

(i) Suruhanjaya mendapati laporan polis kematian si mati yang dibuat oleh anggota sentri lokap D9 (SP25) atas arahan Timbalan Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60) dan ditaip oleh Sarjan Mejar Ali (anggota D9) mengandungi maklumat yang palsu / salahnyata tentang keadaan sebenar kematian si mati.

(i) The Commission found that the report on the death of the deceased, written by D9 lockup sentry (SP25) based on the orders of the Deputy Head of Criminal Investigation, Intelligence and Operations Department Kuala Lumpur IPK (SP60) and typed by Sergeant Major Ali (D9 member) contained false information/misstatements about the true condition of his death.

(ii) Membuat laporan polis palsu merupakan satu kesalahan di bawah seksyen 177 atau seksyen 182 Kanun Keseksaan.

(ii) Making a false report is an offence under Section 177 or Section 182 of the Penal Code.

5. Penyalahgunaan Kuasa Berhubung Tangkapan Semula Si Mati Pada 21 Mei 2013 (Hari Terakhir Reman)

5. Abuse of Power Regarding the Re-arrest of the Deceased on 21 May 2013 (Final Day of Remand)

(i) Suruhanjaya mendapati tangkapan semula si mati oleh anggota D9 iaitu SP41 dan SP43 pada jam 1.00 petang 21 Mei 2013 telah dilakukan atas arahan Pegawai Turus D9 (SP27) dan Pegawai D9 (SP44) dengan merujuk kepada satu laporan polis Petaling/001384/13 (Eksibit P71) yang telah diambil secara rambang daripada sistem komputer PDRM dalam mana laporan Petaling/001384/13 dan tiada kaitan dengan si mati, di mana kertas siasatan berkaitan laporan polis tersebut telah diarahkan ditutup (*NFA*) oleh Timbalan Pendakwa Raya pada 17 Mei 2013.

(i) The Commission found that the re-arrest of the deceased by D9 members (SP41 and SP43) at 1pm, 21 May 2013 was based on the orders of the D9 Staff Officer (SP27) and the D9 Officer (SP44) based on police report Petaling/001384/13 (Exhibit P71) which had been selected at random from the PDRM computer as the Police Report Petaling/001384/13 had nothing to do with the deceased. The investigation paper of the said police report was then closed based on an order of 'No Futher Action' by the Deputy Public Prosecutor on 17 May 2013.

(ii) Suruhanjaya mendapati Pegawai Turus D9 (SP27) dan Pegawai D9 (SP44)

(ii) The Commission found that the D9 Staff Officer (SP29) and the D9 Officer

telah melakukan salah laku yang serius iaitu menyalahguna kuasa dengan mengarahkan si mati (yang sepatutnya dibebaskan pada hari tersebut sebaik tempoh reman tamat) ditangkap semula tanpa justikasi yang sah pada 21 Mei 2013.

(SP44) committed a serious misconduct in the form of abuse of authority by ordering the deceased (who was supposed to have been freed on that day as his remand duration was over) to be re-arrested without valid justification on 23 May 2013.

6. Sistem Kamera Litar Tertutup (CCTV) Di Lokap D9 Tidak Berfungsi Sejak Tahun 2009

6. The Closed Circuit Camera System (CCTV) at D9 Lockup Had Not Been Functioning Since 2009

(i) Suruhanjaya mendapati CCTV di Lokap D9 dan Pejabat D9 tidak berfungsi sejak tahun 2009 semasa kerja-kerja pembinaan dan pengubahsuaian bangunan baru IPK Kuala Lumpur. CCTV kekal tidak berfungsi walaupun selepas kerja-kerja pembinaan selesai. CCTV hanya berfungsi semula selepas kejadian kematian si mati.

(i) The Commission found that the CCTV system at the D9 Lockup and the D9 Office had not been functioning since 2009, when the construction and renovation works on the new Kuala Lumpur IPK were still going on. The CCTV system remained non-functioning even after the construction works were completed. The CCTV system only started functioning again after the death of the deceased.

(ii) Dengan ketiadaan CCTV yang berfungsi, pergerakan keluar masuk tahanan dan anggota D9 dan Pejabat D9 telah tidak dipantau dan tidak dirakam. Sehubungan ini ketiadaan rakaman CCTV pada hari kejadian telah menafikan peluang untuk mendapatkan keterangan terbaik (*best evidence*) tentang bagaimana si mati dibawa masuk semula ke dalam lokap dengan ketiadaan anggota sentri lokap (SP24 dan SP25) di Lokap D9 selepas beliau dibawa keluar pada jam 2.20 petang di hari kejadian 21 Mei 2013.

(ii) Without a functioning CCTV, the movements of the detainees as well as the D9 members and the D9 office were not monitored nor were they recorded. As such, without CCTV recording of that day's events resulted in not obtaining the best evidence on how the deceased was brought back into the lockup with no lockup sentry (SP25 and SP25) at D9 Lockup after he was released at 2.20pm on the fateful day on 21 May 2013.

(iii) Suruhanjaya mendapati tiada usaha yang bersungguh oleh Pegawai Turus D9 (SP27) dan Unit Logistik IPK Kuala Lumpur untuk memastikan Lokap D9 dipantau oleh CCTV yang berfungsi dengan baik walaupun mengetahui CCTV tersebut tidak berfungsi.

(iii) The Commission found that there was no best effort on the part of the D9 Staff Officer (SP29) and the Kuala Lumpur IPK Logistics Unit to ensure that the D9 Lockup was monitored with functioning CCTV systems even through they were aware that the CCTV system was not functioning.

7. Pelanggaran / Pemecahan Kaedah-Kaedah Lokap 1953 Dan Hukuman Tetap Ketua Polis Daerah Campbell Kuala Lumpur

(i) Suruhanjaya mendapati si mati telah dibawa masuk ke dalam Lokap D9 oleh anggota D9 tanpa melalui kedua-dua anggota sentri lokap (SP24 dan SP25). Oleh itu kemasukan semula si mati ke dalam lokap telah tidak didaftarkan atau dicatatkan dalam Buku Perharian Balai (Eksibit P32).

(ii) Suruhanjaya mendapati kegagalan kedua-dua sentri Lokap D9 (SP24 dan SP 25) untuk berada di lokap antara jam 2.30 petang hingga jam 4.30 petang pada 21 Mei 2013 telah membolehkan anggota D9 membawa masuk semula si mati ke dalam lokap tanpa mematuhi prosedur/tatacara yang dikehendaki dipatuhi dalam kemasukan orang tahanan ke lokap.

(iii) Perlakuan membawa masuk orang tahanan ke dalam lokap tanpa didaftarkan atau meninggalkan lokap tanpa jagaan adalah satu pelanggaran serius ke atas Kaedah-Kaedah Lokap 1953; Hukuman Tetap Ketua Polis Daerah Campbell Kuala Lumpur Bil. 1/89 – Tugas Pengawal Lokap IPK, Kuala Lumpur; dan PTKPN Bahagian A '118'.

8. Hubung Kait Anggota Dan Pegawai D9 Dengan Kecederaan Dan Kematian Si Mati

(i) Suruhanjaya mendapati anggota dan pegawai D9 yang merupakan ahli Pasukan Projek (*Project Team*) iaitu SP41, SP42, SP43 dan SP44 yang diberi tanggungjawab bagi siasatan berkaitan kes tangkapan ke atas si mati mempunyai kaitan rapat dengan perlakuan kekerasan dan kematian si

7. Breach/compliance of the Lockup Procedures 1953 and the Permanent Orders of the Chief of Police in the district of Campbell, Kuala Lumpur

(i) The Commission found that the deceased was brought into the D9 Lockup by D9 members without going through the D9 Lockup sentry (SP24 and SP25). As such the deceased's re-entry into the lockup was not registered or entered into the Station Log Book (Exhibit P32).

(ii) The Commission noted that the failure of both D9 Lockup sentries (SP24 and SP25) to be at the lockup between 2.30 pm to 4.30pm on 21 May 2013 resulted in the D9 members escorting in the deceased into the lockup without adhering to the procedures of escorting detainees into the lockup.

(iii) The act of escorting a detainee into the lockup without first registering or leaving the lockup without supervision is a serious violation of the Lockup Procedures 1953; Permanent Order of the Chief of Police, Campbell District Kuala Lumpur No. 1/189 – Kuala Lumpur IPK Lockup Sentry Duties; and Part A '118' of the PTKPN.

8. The Relationship between the D9 Officers and Members with the Deceased, His Injuries and His Death

(i) The Commission found that the D9 members and officers who were part of the Project Team (SP41, SP42, SP43 and SP44) who had been given the responsibility to investigate into the arrest of the deceased, were connected to the physical acts which led to the death of the deceased. This was based

mati. Ini berdasarkan keterangan dan dokumen yang melihatkan sepanjang tempoh reman si mati di Lokap D9 daripada 13 Mei 2013 hingga masa kematiannya pada 21 Mei 2013, si mati berada di bawah jagaan Pasukan Projek tersebut. Keterangan juga melihatkan hanya Pasukan Projek D9 yang mempunyai akses ke atas si mati sepanjang tempoh tersebut.

on the statements and documents which showed that throughout his remand at the D9 lockup from 13 May 2013 to the time of his death on 21 May 20013, the deceased had been under the custody of the said Project Team. The evidence also showed that only the D9 Project Team had the access to the deceased duing that time.

9. Ketiadaan Siasatan / Soal Siasat Ke Atas Si Mati Oleh Pasukan Projek D9 Daripada 13 Mei 2013 Hingga 19 Mei 2013

9. No Investigation / Interrogation Were Conducted On The Deceased by the D9 Project Team from 13 May 2013 to 19 May 2013

(i) Suruhanjaya mendapati tiada siasatan / soal siasat oleh Pasukan Projek D9 ke atas si mati sejak tarikh beliau dimasukkan ke Lokap D9 sehingga sehingga pada tengah hari 19 Mei 2013. Tiada penjelasan oleh Pasukan Projek mengapa siasatan / soal siasat tidak dijalankan dalam tempoh tersebut.

(i) The Commission found that no investigation / interrogation had been conducted by the Project Team on the deceased from the moment he was put into the D9 Lockup up to 19 May 2013. No expanations were given by the Project Team as to why no investigation / interrogation were conducted during that period.

(ii) Suruhanjaya membuat pemerhatian, dengan tempoh reman yang tinggal telah menjadi singkat, di dalam kes ini reman si mati tinggal dua hari sebelum tamat tempoh, keadaan ini meletakkan Pasukan Projek dalam keadaan terdesak untuk mendapatkan maklumat daripada si mati dan berakhir dengan penggunaan kekerasan terhadap si mati.

(ii) As it was coming to the end of the reman of and there were only 2 days left, this had put the Project Team in a desparate situation to get information from the deceased and had therefore resorted to physical violence.

(iii) Dengan tiadanya penjelasan diberikan oleh anggota D9 dan Pengarah Jabatan Siasatan Jenayah PDRM Bukit Aman, persoalan sama ada tiada keutamaan diberikan kepada siasatan / soal siasat kes berkenaan atau Pasukan Projek mempunyai beban tugas yang terlalu berat tidak dapat dipastikan.

(iii) As there was no explanation from the members of D9 and or from the Director of the Criminal Investigation Department, PDRM Bukit Aman, the question of whether there was no priority given towards the investigation / interrogation of the said case or whether the Project Team was heavily burdened with work, could not be determined.

(iv) Suruhanjaya telah mengeluarkan sapina ke atas Pengarah Jabatan

(iv) The Commission issued a subpoena to the Director of the Criminal Investigation

Siasatan Jenayah PDRM Bukit Aman bagi mendapatkan penjelasan tentang beban tugas yang dihadapi oleh Jabatan Siasatan Jenayah (JSJ), namun beliau gagal untuk hadir memberi keterangan semasa sesi pendengaran awam dalam mana dua sesi telah diperuntukkan bagi tujuan tersebut.

Department of PDRM Bukit Aman to get an explanation on the workload of the Criminal Investigation Department (JSJ) but he failed to attend the public hearing to testify of which two sessions had been fixed for that purpose.

10. Kelewatan Memberi Akses Kepada Keluarga Mati Terhadap Si Mati Semasa Dalam Tempoh Tahanan

10. Late In Giving Family Of The Deceased Access To the Deceased During His Detention Period

(i) Suruhanjaya mendapati kelewatan akses ke atas si mati diberikan ke atas anggota keluarga si mati (SP2 dan SP16) pada 19 Mei 2013, iaitu lapan hari selepas si mati ditahan reman sejak 12 Mei 2013 hingga 15 May 2013 (reman pertama) dan dilanjutkan daripada 16 Mei 2013 hingga 21 Mei 2013 (reman kedua).

(i) The Commission found that the family of the deceased were not given access to him (SP2 and SP16) until 19 May 2013 which was eight days after the deceased was held in remand – 12 May 2013 till 15 May 2013 (first remand) extended from 16 May 2013 till 21 May 2013 (second remand)

(ii) Kedua-dua pegawai D9, iaitu Pegawai Turus D9 (SP27) sebagai Timbalan Pegawai Penjaga Lokap dan Ketua Pasukan Projek (SP44) tidak mempunyai justifikasi yang kukuh untuk tidak memberikan akses dengan lebih awal kepada ahli keluarga si mati untuk berhubung, khususnya isteri si mati (SP2).

(ii) Both D9 officers, the D9 Staff Officer (SP27) acting as Deputy Lockup Officer and Head of the Project Team (SP44) did not have concrete justification for not allowing the family to have access to the deceased sooner,especially his wife.

(iii) Kelewatan memberikan akses dengan sewajarnya kepada ahli keluarga dan tahanan untuk berhubung merupakan satu pelanggaran kepada peruntukan seksyen 28A(2) Kanun Tatacara Jenayah dan para 8.2.1 PTKPN Bahagian A '118'.

(iii) Delaying in giving visitation access to family members of detainees is a violation of Section 28A (2) of the Criminal Procedure Code and para 8.2.1 PTKPN Division A '118'.

11. Orang Tahanan Berlebihan Di Lokap D9

11. Excess of Detainess at D9 Lockup

(i) Suruhanjaya mendapati tidak kurang daripada 4 orang tahanan ditempatkan di Lokap D9 sejak tarikh 13 Mei 2013 sehingga 20 Mei 2013. Secara khususnya, pada 14 Mei 2013 terdapat

(i) The Commission found that not less than 4 detainess were placed in the D9 Lockup from 13 May 2013 to 20 May 2013. Specifically, on 14 May 2013, there were 16 detainees in the D9

16 orang tahanan telah ditempatkan dalam Lokap D9 IPK Kuala Lumpur berdasarkan rekod Buku Perharian Balai D9 (Eksibit P31/P32).

(ii) Menempatkan orang tahanan melebihi daripada 4 orang pada satu-satu masa di Lokap D9 telah melanggar Perkara 2, Hukuman Tetap Ketua Polis Daerah Campbell, Kuala Lumpur Bil. 1/89 dan juga Warta Lokap D9 yang jelas menetapkan maksima orang tahanan yang boleh ditahan di Lokap D9 adalah hanya empat (4) orang.

(iii) Walaubagaimanapun pada hari kejadian 21 Mei 2013, hanya si mati sahaja yang masih ditahan di Lokap D9.

12. Pegawai Dan Anggota D9 Tidak Mengetahui SOP

(i) Berdasarkan keterangan oleh anggota D9 semasa sesi pendengaran, beberapa pegawai dan anggota D9 telah mengakui bahawa mereka tidak pernah melihat atau tidak mengetahui tentang kandungan PTKPN Bahagian A '118' serta Perintah Tetap Ketua Polis Daerah Campbell berhubung pentadbiran dan pengurusan Lokap D9 yang masih berkuatkuasa sehingga kini.

(ii) (ii) Oleh yang demikian pengendalian orang tahanan adalah berasaskan kepada amalan tersendiri di D9 dengan mengabaikan peraturan dan SOP yang sedia ada.

13. Ketiadaan Sampling Darah Untuk Analisa DNA

(i) Suruhanjaya mendapati walaupun dua stapler (Eksibit P54 gambar no. 8 dan 9) Pejabat D9 telah dirampas oleh pegawai penyiasat (SP53 dan SP54) (susulan dengan penemuan dua dawai kokot

Lockup of Kuala Lumpur IPK based on the D9 Daily Recored Book (Exhibit P31/P32)

(ii) Placing more than 4 detainess at any a time in a lockup violates Article 2, Permanent Order of the Chief of Police, Campbell District Kuala Lumpur No. 1/189 and the D9 Lockup Gazette which clearly states that the maximum number of detainees that can be held at the D9 lockup is four (4).

(iii) However, on 21 May 2013 when the accident took place the decaesed was the only one who was still being held in the D9 Lockup.

12. D9 Officers and Members Were Not Aware Of The SOP

(i) Based on the evidence by D9 members during the hearing a few of the D9 officers and personnel admitted that they had never seen or did not know about the contents of the PTKPN Division A '118', the Permanent Order of the Chief of Police, Campbell District regarding the administration and management of the D9 Lockup which is stll in effect until today.

(ii) D9 officers/members exercised their own discretions when it came to handling the detainees and totally disregarded the rules and SOP.

13. No Blood Sampling Available for DNA Analysis

(i) The Commission found that even though the two staplers (Exhibit P54, pictures no. 8 and 9) at the D9 Office had been seized by investigation officers (SP53 and SP54) (following the discovery of

di telinga kanan dan kiri si mati), tiada pengambilan sampel darah diambil bagi tujuan analisa DNA dan perbandingan daripada mana-mana anggota atau pegawai yang mempunyai akses ke atas si mati.

(ii) Ketiadaan sampel darah ini telah mengakibatkan perbandingan DNA tidak dapat dilakukan untuk mengenalpasti identiti *"Male 1"* yang terdapat pada salah satu stapler ("K5(a)") yang telah dianalisa oleh Jabatan Kimia Malaysia sama ada identiti "*Male 1*" ini milik mana-mana anggota D9 yang mempunyai akses ke atas si mati.

SYOR-SYOR EAIC

Berdasarkan kepada dapatan-dapatan yang dinyatakan di atas, Suruhanjaya mengesyorkan yang berikut:

1. Tindakan Tatatertib Hendaklah Diambil Oleh Pihak Berkuasa Tatatertib PDRM Terhadap:

(i) Pegawai-pegawai kanan PDRM iaitu Timbalan Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60), Pegawai Turus D9 (SP27), Timbalan Pegawai Turus D9 (SP39) dan Pegawai D9 IPK Kuala Lumpur (SP44) kerana kesalahan pakatan bersama dalam mereka-reka maklumat palsu/salahnyataan dalam entri-entri di Eksibit P32 berkaitan keadaan kematian si mati.

(ii) Timbalan Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60) dan dua anggota D9 IPK Kuala Lumpur (SP41 dan SP43) kerana mengarahkan anggota sentri lokap (SP24) supaya mengubah/mengganggu (*tampering*) catatan masa di entri 3149 dan 3150 di Buku Perharian Balai Lokap D9 (Eksibit P32).

two staples in the left and right ears of the deceased), no blood sample had been taken from the officers and anyone else who had access to the deceased. for the purpose of DNA analysis and comparison.

(ii) Without blood samples, a DNA comparison could not be performed to identity the 'Male 1' profile that was found on one of the staplers by the Malaysian Chemist Department and it could not be ascertained whether the 'Male 1' profile belonged to which D9 officer that had assess to the deceased.

EAIC RECOMMENDATIONS

Based on the findings above, the Commission recommended the following:

1. Discplinary Action To Be Taken by the PDRM Disciplinary Authority Againts:

(i) PDRM Senior Officers: Deputy Head of Criminal Investigation, Intelligence and Operations Department Kuala Lumpur IPK (SP60), D9 Staff Officer (SP27), D9 Deputy Staff Officer (SP39) and D9 Officer Kuala Lumpur IPK (SP44) for conspiring to fabricate and fabricating false information/misstatements in Exhibit P32 entries in relation to the death of the deceased.

(ii) The Deputy Head of Criminal Investigation, Intelligence and Operations Department Kuala Lumpur IPK (SP60) and two members of the D9 Kuala Lumpur IPK (SP41 and SP43) for ordering the lockup sentry (SP24) to tamper with the time entries (3149 and 3150) in the D9 lockup Station Daily Log Book (Exhibit P32)

(iii) Timbalan Ketua Jabatan Siasatan Jenayah Risikan dan Operasi IPK Kuala Lumpur (SP60) dan Sarjan Mejar Ali (anggota D9) kerana membuat laporan palsu (Eksibit P38) dengan menggunakan SP25 sebagai pengadu di dalam laporan tersebut.

(iv) Pegawai Turus D9 (SP27) dan Ketua Pasukan Projek (SP44) kerana telah menyalahguna kuasa atau kedudukan apabila mengarahkan tangkapan semula ke atas si mati pada 21 Mei 2013 tanpa justikasi yang sah (Eksibit P50).

(v) Pegawai Turus D9 (SP27) dan Ketua Pasukan Projek (SP44) kerana kelewatan memberikan akses berhubung kepada si mati dan ahli keluarga si mati tanpa apa-apa justifikasi dan ianya telah melanggar peruntukan seksyen 28A Kanun Tatacara Jenayah.

(vi) Pegawai Turus D9 (SP27) dan Ketua Pasukan Projek (SP44) kerana gagal menyelia perlakuan anggota-anggota Pasukan Projek (SP41, SP42 dan SP43) dan menjalankan siasatan / soal siasat yang segera ke atas si mati yang hanya dijalankan pada hari ketujuh (19 Mei 2013) setelah direman.

(vii) Anggota Sentri Lokap D9 (SP24) kerana meninggalkan lokap dari jam 2.30 petang hingga 3.00 petang pada 21 Mei 2013.

(viii) Anggota Sentri Lokap D9 (SP25) kerana kegagalan berada di Lokap D9 dari jam 3.00 petang hingga jam 4.30 petang pada 21 Mei 2013.

(iii) The Deputy Head of Criminal Investigation, Intelligence and Operations Department Kuala Lumpur IPK (SP60) and Sergeant Major Ali (D9 member) for falsifying reports (Exhibit P38), using SP25 as the complainant in the report.

(iv) The D9 Staff Officer (SP27) and the Project Team Leader (SP44) for abusing their authority when ordering for the re-arrest of the deceased on 21 May 2013 without valid justification (Exhibit P50).

(v) D9 Staff Officer (SP27) and the Project Team Leader (SP44) for delaying in granting the visitation access to the deceased's family to the deceased without any justification and this was in violation of Section 28A of the Criminal Procedure Code.

(vi) The D9 Staff Officer (SP27) and the Project Team Leader (SP44) for failing to monitor the conducts of the Project Team members (SP41, SP42 and SP43) and to conduct an immediate investigation / interrogation on the deceased, which was only done on the seventh day of remand (19 May 2013).

(vii) The D9 Lockup Sentry (SP24) for being absent the lockup from 2.30pm to 3.00pm on 21 May 2013.

(vii) The D9 Lockup Sentry (SP25) for failing to be at the D9 Lockup from 3.00pm to 4.30pm on 21 May 2013.

2. Pematuhan / Penambahbaikan Tatacara Pengurusan (SOP) Dan Perintah Tetap

PDRM hendaklah menambahbaik mekanisma yang sedia ada berkaitan dengan tugas-tugas penyeliaan dan pemantauan iaitu:

(i) Pematuhan PTKPN / SOP

PDRM haruslah memastikan setiap anggota dan pegawainya memahami dan mematuhi dengan ketat Hukuman Tetap/Perintah Tetap Ketua Polis Negara termasuk PTKPN Bahagian A "118" serta SOP yang berkaitan.

(ii) **Pematuhan SOP Pengurusan Lokap**

PDRM haruslah mewajibkan setiap pegawai penyelia lokap, anggota sentri lokap, pegawai dan anggotanya yang mempunyai akses ke atas orang tahanan mematuhi SOP Pengurusan Lokap atau Perintah Tetap yang dikeluarkan oleh Bukit Aman pada 21 April 2014 dan juga Kaedah-Kaedah Lokap 1953 termasuk mematuhi had bilangan tahanan yang boleh ditempatkan di dalam sel atau lokap dan larangan menggunakan kekerasan terhadap tahanan.

(iii) **Penyeliaan / Pemantauan Buku Saku (*Pocket Book*) yang Efektif**

PDRM disyorkan menjalankan penyeliaan / pemantauan yang efektif terhadap *pocket book* dalam memastikan setiap anggota dan pegawai mengemaskini catatan buku saku serta penyimpanan selamat buku tersebut. Sebarang kehilangan atau kerosakan ke atas buku tersebut perlulah dilaporkan serta merta kepada pegawai penyelia.

2. Adhering to / Improvement of the Standard Operating Procedure and the Permanent Order

PDRM has to improve the current mechanism regarding monitoring and supervision:

(i) Adherence to PTKPN / SOP

PDRM has to ensure that each member and officer understand and strictly adhere to the Fixed Penalty/Permanent Order of the Inspector-General of Police including the TKPN Division A '118' and relevant SOPs.

(ii) Adhering to the Lockup Management SOP

PDRM has to make it compulsory for all lockup supervising personnel, lockup sentries, and officers and members who have access to detainees to obey the Lockup Management SOP or the Permanent Order which was issued by Bukit Aman on 21 April 2014, as well as the Lockup Procedures 1953, including adhering to the number of detainees to be placed in a cell or lockup and the prohibition of use of violence against a detainee.

(iii) Effective Supervision/Monitoring of the Pocket Book

PDRM has to conduct effective supervision / monitoring on the pocket book by ensuring that all officers and members update their pocket book entries and guard the safe-keeping of their books. If lost or damaged, the matter must be reported to the supervising officer immediately.

3. Refresher Course

PDRM disyorkan menjalankan latihan-latihan "*refresher course*" atau "*refresher training*" secara berterusan termasuk latihan semasa dalam jawatan (*on job training)* serta sentiasa memberi peringatan kepada semua anggota polis yang terlibat dalam aktiviti berkaitan penguatkuasaan undang-undang tentang pematuhan SOP dan Perintah Tetap.

3. Refresher Courses

PDRM has to conduct refresher courses or training continuously, including on-the-job training, and always remind the officers involved in law enforcement activities of the need to adhere to the SOP and the Permanent Order.

4. Mekanisme Aduan / Pemberian Maklumat

PDRM disyorkan menambahbaik tatacara yang sedia atau mekanisma untuk membolehkan anggotanya membuat aduan atau melaporkan arahan/perintah oleh pegawai atasan yang bertentangan dengan SOP / Perintah Tetap atau undang-undang. Siasatan ke atas laporan ini haruslah dijalankan oleh satu jawatankuasa bebas di kalangan PDRM.

4. Complaint Mechanism / Informant

PDRM has to improve the current procedure or mechanism to enable officers to complain or to file a report on orders by supervising officers that are against the SOP/Permanent Order or the law. An investigation into the report must be conducted by an independant committee other than PDRM itself.

5. Siasatan Kes Kematian Dalam Tahanan

Disyorkan siasatan kes-kes kematian orang tahanan semasa di dalam tahanan hendaklah dilakukan oleh pegawai penyiasat yang bebas dan berpengalaman, dan bukannya oleh pegawai dari Kontinjen Polis Negeri yang sama di mana kematian berlaku. Ini adalah bagi memelihara ketelusan dan kredibiliti siasatan.

5. Investigation Into The Death Of Detainees

It was recommended that the cases of deaths while in police custody be conducted by independant and experienced investigation officers, and not by officers of the same State Police Contingent where the death occurred. This is to ensure the transparency and credibility of the investigation.

6. Pematuhan Kaedah Penjara 1953 Dan Perintah Tetap Ketua Polis Negara (PTKPN)

Disyorkan pematuhan terhadap Kaedah 10 dalam Kaedah-Kaedah Penjara 1953 dan Para 24 PTKPN Bahagian A '118' yang menghendaki tahanan diberikan pemeriksaan perubatan oleh pegawai perubatan sebaik ia ditahan ke lokap.

6. Adherence to the Prison Procedure 1953 and the Permanent Order of the Inspector-General of the Police (PTKPN)

It was recommended that PDRM adhere to Procedure 10 of the Prison Procedures 1953 and Paragraph 24 PTKPN Division A '118' which require the detainee to undergoe a medical checkup by a medical officer as soon as he is remanded in the lockup.

7. Peranan Oleh Kementerian Kesihatan Malaysia (KKM)

KKM hendaklah menyemak dan menambahbaik mekanisma sedia ada yang berkaitan dengan:

7. The Role Of Malaysia's Ministry Of Health (KKM)

KKM has to improve on the current mechanism with regard to:

(i) Penyelarasan antara KKM dengan Agensi-Agensi Penguatkuasaan Khususnya PDRM

Disyorkan supaya pihak KKM membuat penyelarasan bersama agensi-agensi penguatkuasaan khususnya pihak PDRM bagi membolehkan Kaedah 10 dan para 24 PTKPN Bahagian A '118' serta SOP Pengurusan Lokap PDRM yang mengkehendaki tahanan diberikan pemeriksaan perubatan oleh pegawai perubatan sebaik ia ditahan ke lokap. Pelaksanaan ini haruslah mengambil kira keselamatan semua pihak termasuk petugas perubatan.

(ii) Tatacara / Kaedah Pemeriksaan KKM

Disyorkan supaya pihak KKM menyediakan garis panduan dan prosedur yang komprehensif termasuk kaedah pemeriksaan yang melibatkan kematian dalam tahanan kepada pegawai / pembantu / anggota perubatan dengan memberi penekanan terhadap kaedah pemeriksaan mayat, rakaman gambar yang sempurna, kelengkapan alatan pemeriksaan mayat dan kawalan bahan bukti yang baik di tempat kejadian (tidak dicemari atau diganggu).

(iii) **Garis Panduan Penyediaan Laporan Bedah Siasat**

Disyorkan supaya pihak KKM menggubal satu garis panduan penyediaan laporan bedah siasat dengan mengambil kira standard piawaian antarabangsa oleh pakar patalogi khususnya ke atas dapatan punca kematian yang perlu dinyatakan dengan tepat.

(i) Coordination Between KKM And The Enforcement Agencies, Specifically PDRM

It was recommended that KKM coordinate with enforcement agencies specifically PDRM to enable the application of Procedure 10 and Paragraph 24 PTKPN Division A '118' a well as the PDRM Lockup Management SOP which require that the detainee be given a medical check-up by a medical officer as soon as he is detained in the lockup. The process has to also consider the safety of all parties including the medical officer.

(ii) KKM Inspection Procedures

It was recommended that KKM prepares a comprehensive guideline and procedure which include examination procedures which involves death of detainees while in custody, to officers, and medical officers/assistants while emphasising on the examination procedures of corpses, comprehensive visual recordings, equipments for examination of dead bodies and evidence control at the scene (non-contamination and non-disturbance)

(iii) Autopsy Report Guidelines

It was recommended that KKM draft a guideline for preparing autopsy report, by taking into consideration the international standards by forensic experts especially the cause of death which has to be stated accurately.

8. Tatacara / Garis Panduan Bagi Majistret/ Koroner

Disyorkan Ketua Pendaftar Mahkamah Persekutuan menggubal satu tatacara pemeriksaan yang lebih komprehensif untuk menjadi panduan kepada Majistret/Koroner yang hadir memeriksa mayat si mati berkaitan kematian dalam tahanan.

8. Procedures/Guidelines for Magistrates/ Coroners

It was recommended that the Chief Registrar of the Federal Court draft a more comprehensive examination procedure that acts as a guideline for Magistrates/Coroners who may need to examine the body relating custodial death.

9. Pertimbangan Pertuduhan Jenayah

Suruhanjaya mengesyorkan pihak AGC menimbangkan pertuduhan jenayah dibawa ke atas pegawai-pegawai dan anggota-anggota polis yang dikenalpasti dalam laporan ini kerana kesalahan mereka-reka entri palsu/salahnyataan dan mengubah/gangguan (*tampering*) entri dalam Buku Perharian Lokap D9 (Eksibit P32).

9. Considering Criminal Charges

The Commission recommended to the AGC to consider criminal charges against the police officers that have been identiified in the report for their offences – fabricating false entries/misstatements and tampering with entries in the D9 Lockup Daily Log Book (Exhibit P32).

10. Pindaan Ke Atas Peruntukan Kanun Keseksaan (Akta 574) Dan Akta Keterangan 1950

Suruhanjaya mengesyorkan Kerajaan melalui Kementerian Dalam Negeri (KDN) dan Jabatan Peguam Negara (AGC) supaya meminda peruntukan Kanun Keseksaan (Akta 574) dan Akta Keterangan 1950 bagi memasukkan peruntukan anggapan atau *presumption* yang meletakkan beban bukti ke atas pegawai dan anggota yang mempunyai hak jagaan ke atas orang tahanan sebagai bertanggungjawab ke atas sebarang kecederaan atau kematian yang dialami oleh orang tahanan sehingga dibuktikan sebaliknya.

10. Amendments to Provisions in the Penal Code (Act 574) and the Statement Act 1950

The Commission rcommended that the Government, through the Ministry of Home Affairs (KDN) and the Attorney General's Chambers (AGC), makes amendments to provisions in the Penal Code (Act 574) and the Statement Act 1950 to include a provision of presumption which places the burden of proof on the officer responsible for the safety and well-being of a detainee and for that officer shall be the one responsible for any injuries or death suffered by the detainee unless proven otherwise.

Pengulangan kejadian-kejadian kecederaan dan kematian orang tahanan dalam lokap akibat penggunaan kekerasan adalah satu pelanggaran undang-undang dan integriti yang amat dikesali. EAIC dalam Laporan yang sama menyeru segala perakuan dan syor-syor di dalam laporan tersebut diberikan perhatian yang serius dan tindakan segera diambil oleh semua pihak, terutamanya PDRM bagi mencegah berulangnya kejadian sebegini pada masa hadapan.

The repeated occurrences of injury and death of detainees as a result of physical violence were regrettables a violation of the law and integrity. In its report, EAIC urged for all its recommendations and suggestions be taken into serious consideration and that immediate actions be taken by all the parties, especially PDRM to prevent the repeat of similar incidents in the future.

Lanjutan daripada dapatan dan laporan serta syor-syor oleh EAIC, pihak Jabatan Peguam Negara telah memberikan maklum balas kepada EAIC

Following EAIC's findings, report and recommendations, the Attorney General's Chambers had replied to EAIC that it would consider criminal

bagi menimbangkan tindakan pendakwaan setelah selesai perbicaraan kes pertuduhan jenayah yang dihadapi oleh tiga anggota dan seorang pegawai polis dalam kes menyebabkan kematian N. Dharmendran tersebut.

charges against a few of the officers that had been identified after the conclusion of the criminal trial faced by the three policemen and one police officer in N. Dharmendran's custodial death.

Pihak PDRM juga telah memberi maklum balas kepada EAIC bahawa tindakan tatatertib sedang dilaksanakan ke atas anggota-anggota dan pegawai-pegawai polis yang dinamakan oleh EAIC di dalam laporannya.

PDRM has replied EAIC stating that disciplinary action were being taken against the officers named in EAIC's report.

Laporan penuh siasatan ini boleh diakses dan dimuat turun oleh orang awam melalui laman sesawang EAIC iaitu www.eaic.gov.my.

The full report of the investigation can be accessed by the public and downloaded from EAIC's website – www.eaic.gov.my



LAWATAN DAN PENGAUDITAN STATUTORI

STATUTORY VISITS AND AUDITS

Pada tahun 2016, EAIC telah mempergiat siri lawatan dan pengauditan ke atas premis agensi-agensi penguatkuasaan, lokap-lokap serta depot-depot tahanan yang bertujuan mengaudit dan memantau operasi dan tatacara kerja setiap agensi penguatkuasaan seliaan selaras dengan peruntukan di bawah perenggan 4(1)(b),(d),(f) dan (h) Akta 700. Selain itu, ia merupakan salah satu mekanisme untuk mengesan, menyiasat dan mencegah salah laku pegawai penguat kuasa seterusnya membuat syor yang sewajarnya.

In 2016, EAIC has expanded its working visits and audits to enforcement agencies, lockups and detention depots in order to audit and monitor the operations and work procedures of the enforcement agencies under the supervision of EAIC, in line with the provisions under 4(1)(b),(d), (f), and (h) of Act 700. Apart from that, the visits functioned as a mechanism for detecting, investigating and preventing misconducts by enforcement officers, and last but not least recommending suitable solutions.

Pada tahun 2016, EAIC telah mengadakan 19 siri lawatan melibatkan beberapa buah agensi seliaan. Berikut merupakan senarai siri lawatan yang telah dijalankan oleh EAIC:

In 2016, EAIC had made 19 visits to various agencies under its supervision. The following is a list of visits that were conducted by EAIC:

Jadual 14: Senarai Lawatan Kerja dan Pengauditan
Schedule 14 : List of Working Visits and Audits

Bil *No*	Tempat Lawatan *Venue*	Tarikh *Date*	Agensi Berkaitan *Related Agencies*
1.	Lawatan Kerja EAIC ke Kompleks Imigresen, Kastam dan Kuarantin (ICQ) Bukit Kayu Hitam, Kedah (lawatan serentak) *EAIC's Working Visit to Kompleks Imigresen, Kastam dan Kuarantin (ICQ) Bukit Kayu Hitam, Kedah (simultaneous visit)*	28 Januari 2016 *28 January 2016*	JKDM, JIM, JPJ, PDRM, MAQIS
2.	Lawatan Kerja EAIC ke Kompleks Imigresen, Kastam dan Kuarantin (ICQ) Padang Besar, Perlis (lawatan serentak) *EAIC's Working Visit to Immigration, Customs and Quarantine Complex(ICQ) Padang Besar, Perlis (simultaneous visit)*	28 Januari 2016 *28 January 2016*	
3.	Lawatan Kerja EAIC ke Kompleks Imigresen, Kastam dan Kuarantin (ICQ) Wang Kelian, Perlis *EAIC's Working Visit to Immigration, Customs and Quarantine Complex (ICQ) Wang Kelian, Perlis*	29Januari 2016 *29 January 2016*	
4.	Lawatan Mengejut EAIC ke Klinik *Cure & Care* 1 Malaysia, Tampin, Negeri Sembilan (lawatan serentak) *EAIC's Spontaneous Visit to Klinik Cure & Care 1 Malaysia, Tampin, Negeri Sembilan (simultaneous visit)*	14 Mac 2016 *14 March 2016*	AADK
5.	Lawatan Mengejut EAIC ke *Cure & Care Rehabilitation Centre*, Tiang Dua, Melaka (lawatan serentak) *EAIC's Spontaneous Visit to Cure & Care Rehabilitation Centre, Tiang Dua, Melaka (simultaneous visit)*	14 Mac 2016 *14 March 2016*	
6.	Lawatan Mengejut EAIC ke *Cure & Care Rehabilitation Centre*, Serendah, Selangor (lawatan serentak) *EAIC's Spontaneous Visit to Cure & Care Rehabilitation Centre, Serendah, Selangor (simultaneous visit)*	11 April 2016 *11 April 2016*	
7.	Lawatan Mengejut EAIC ke *Cure & Care Rehabilitation Centre*, Karak, Pahang (lawatan serentak) *EAIC's Spontaneous Visit to Cure & Care Rehabilitation Centre, Karak, Pahang (simultaneous visit)*	11 April 2016 *11 April 2016*	
8.	Pemeriksaan Mengejut EAIC ke Depot Tahanan Jabatan Imigresen Malaysia Juru, Pulau Pinang *EAIC's Inspection atJuru Immigration Detention Depot, Pulau Pinang*	22 Ogos 2016 *22 August 2016*	JIM
9.	Lawatan Mengejut EAIC ke Lokap Berpusat PDRM Bayan Baru, Pulau Pinang *EAIC's Spontaneous Visit to Bayan Baru PDRM Central Lockup, Pulau Pinang*	5 September 2016 *5 September 2016*	PDRM

Bil *No*	Tempat Lawatan *Venue*	Tarikh *Date*	Agensi Berkaitan *Related Agencies*
10.	Lawatan Mengejut EAIC ke Depot Tahanan Imigresen Kuala Lumpur International Airport (KLIA) *EAIC's SpontaneousVisit to Immigration Detention Depot Kuala Lumpur International Airport (KLIA)*	19 September 2016 *19 September 2016*	JIM
11.	Lawatan Mengejut EAIC ke Kawasan Penempatan Penumpang (*Not To Land (NTL))* KLIA & KLIA2 *EAIC's Spontaneous Visit to Holding Rooms (Not To Land (NTL)) at KLIA & KLIA2*	22 September 2016 *22 September 2016*	JIM
12.	Pemeriksaan/Lawatan ke Ibu Pejabat Polis Daerah (IPD) Pengkalan Hulu, Perak *Visit to/Inspection at the Ibu Pejabat Polis Daerah (IPD) Pengkalan Hulu, Perak*	24 September 2016 *24 September 2016*	PDRM
13.	Lawatan Kerja EAIC ke Kompleks Imigresen, Kastam dan Kuarantin (ICQ) Bukit Berapit, Pengkalan Hulu, Perak *EAIC's Working Visit to Immigration, Customs and Quarantine Complex(ICQ) Bukit Berapit, Pengkalan Hulu, Perak*	25 September 2016 *25 September 2016*	JKDM, JPJ, JIM, PGA, PDRM, RELA, KPDNKK
14.	Lawatan Kerja EAIC ke IPD Baling, Kedah *EAIC's Working Visit to IPD Baling, Kedah*	25 September 2016 *25 September 2016*	PDRM
15.	Lawatan Kerja EAIC ke Balai Polis Baling, Kedah *EAIC's Working Visit to Balai Polis Baling, Kedah*	25 September 2016 *25 September 2016*	PDRM
16.	Lawatan Kerja EAIC ke Wisma Kastam Pelabuhan Klang dan Jeti Persendirian *Barter Trade* *EAIC's Working Visit to Wisma Kastam Pelabuhan Klang andPrivate Jetty Barter Trade*	28 September 2016 *28 September 2016*	JKDM
17.	Pemeriksaan/Lawatan Mengejut ke Depot Transit Jabatan Imigresen Malaysia Pasir Gudang, Johor *Spontaneous Visit to/Inspection at the Depot Transit Jabatan Imigresen Malaysia Pasir Gudang, Johor*	16 Oktober 2016 *16 October 2016*	JIM
18.	Lawatan Kerja EAIC ke ICQS Rantau Panjang & ICQS Pengkalan Kubor, Kelantan. *EAIC's Working Visit to ICQS Rantau Panjang & ICQS Pengkalan Kubor, Kelantan*	20 November 2016 *20 November 2016*	JKDM, JIM, JPJ, AADK, PGA, KKM, MAQIS, RELA, AKSEM
19.	Lawatan Kerja EAIC ke AADK Kelantan *EAIC's Working Visit to AADK Kelantan*	21 November 2016 *21 November 2016*	AADK
20.	Lawatan Kerja EAIC ke IPK Kelantan *EAIC's Working Visit to IPK Kelantan*	21 November 2016 *21 November 2016*	PDRM

LAWATAN EAIC KE PUSAT PEMULIHAN AADK DAN PEJABAT AADK KOTA BHARU

EAIC telah menjalankan lawatan dan pengauditan ke empat pusat pemulihan AADK seperti berikut:

a) Klinik C&C Tampin, Negeri Sembilan
b) CCRC Tiang Dua, Melaka
c) CCRC Karak, Pahang
d) CCRC Serendah, Selangor

Berikut merupakan hasil pemerhatian dan cadangan penambahbaikan EAIC ke atas pusat-pusat pemulihan AADK:

EAIC'S VISIT TO THE AADK REHABILITATION CENTRE AND THE KOTA BHARU AADK OFFICE

EAIC had made visits and audits to four AADK rehabilitation centres and they are as follows:

a) Klinik C&C Tampin, Negeri Sembilan
b) CCRC Tiang Dua, Melaka
c) CCRC Karak, Pahang
d) CCRC Serendah, Selangor

The following are the observations and recommendations to the AADK rehabilitation centres:

Pendaftaran dan Kemasukan

Secara amnya, prosedur kemasukkan di Klinik C&C 1 Malaysia dan CCRC mempunyai prosedur yang hampir sama. Sebelum seseorang penghuni didaftarkan, Pegawai Perubatan/Penolong Pegawai Perubatan yang bertugas akan menjalankan pemeriksaan fizikal dan kesihatan ke atas setiap penghuni. Setiap barang yang dibawa oleh penghuni akan dimasukkan ke dalam satu bekas yang disediakan dan ditandakan nombor badannya padabekas tersebut. Barang tersebut kemudiannya disimpan dalam peti besi di pejabat Rekod serta turut direkodkan dalam fail peribadi penghuni. Barang tersebut akan dipulangkan semula apabila penghuni keluar daripada pusat rawatan. Maklumat dalam Rekod Kemasukan dan Pendaftaran mengandungi maklumat peribadi penghuni iaitu nama, gambar, alamat, no. kad pengenalan, maklumat waris, pekerjaan dan jenis dadah yang diambil.

Registration and Admission

In general, the admission procedures at Klinik C&C 1 Malaysia and CCRC are similar. Before a patient is registered, the Medical Officer/Assistant Medical Officer on duty will conduct a physical and health examination upon them. All belongings brought by the patient is kept in a container and marked with his individual number. The things are then taken to and kept in a safe in the Records Office. The belongings are then recorded in the patient's personal file and will be returned when the patient leaves the rehabilitatiion centre. The information in the Admission and Registration Record will include the patient's personal information: name, picture, address, IC number, next-of-kin information, occupation and types of drugs taken.

Program Rawatan

Setiap penghuni wajib mengikuti program yang telah disediakan oleh pihak pengurusan iaitu halaqah, terapi kekeluargaan, terapi kerja, dan psikologi sosial. Selain itu, penghuni yang telah tinggal dalam tempoh tertentu dan kompeten akan berpeluang mengikuti projek kerja di bawah seliaan kaunselor bergantung kepada rekod perubatan dan kemampuan serta minat penghuni itu sendiri. Contoh projek kerja yang dijalankan ialah projek pertanian dan landskap yang dibimbing oleh kaunselor. Selain itu, penghuni juga dilantik untuk membantu tukang masak melakukan kerja-kerja memasak dan penyediaan makanan di dapur.

Penghuni yang mempunyai rekod cemerlang dan berkelakuan baik akan diberi peluang untuk melakukan kerja-kerja luar seperti pramusaji di majlis-majlis tertentu dan setiap penghuni akan dibayar upah kerjaWang tersebut akan disimpan dan direkodkan dalam fail peribadi penghuni di Bahagian Rekod.

Treatment Programmes

Each patient must participate in the programmes prepared by the management, which includes *halaqah* (direction), family therapy, work therapy and social psychology. Apart from that, the patients that have been staying at the centre for a certain period of time will be given work projects to work on under the supervision of the counsellor, depending on his medical record and ability as well as his own individual interest. Examples of work projects held include agricultural and landscaping projects which are guided by the counsellors. The patients are also selected to help the kitchen by cooking and preparing meals.

Patients with excellent records and good behaviours will be given the opportunity to do outdoor work such as being a waiter at certain events and each patient will be paid accordingly. The money collected from work will then be kept and recorded in the patient's personal file in the Records Division.

Jadual Aktiviti Harian

Pihak pengurusan pusat rawatan menyediakan Jadual Aktiviti Harian sepanjang minggu. Jadual Aktiviti Harian penghuni direkodkan di dalam fail peribadi penghuni yang mengandungi penilaian dan ulasan yang dibuat oleh kaunselor mengenai aktiviti harian yang dilakukan. Di dalam buku rekod tersebut juga, Pengawal Keselamatan akan membuat catatan keluar masuk penghuni danturut mengadakan*roll-call* dari semasa ke semasa bagi memastikan jumlah penghuni mencukupi.

Setiap penghuni dibekalkan makanan yang mencukupi mengikut skala diet yang diluluskan oleh Ketua Pengarah AADK seperti yang dinyatakan dalam SOP dan pemeriksaan dilakukan setiap hari bagimemastikan skala diet tersebut dipatuhi. Pusat rawatan membekalkanmakanan sebanyak enam kali sehari kepada penghuni.

Pusat rawatan juga turut menganjurkan kelas agama dan kerohanian kepada penghuni mengikut anutan agama masing-masing.

Tugas, Larangan dan Kemudahan

Setiap penghuni hendaklah mematuhi segala peraturan yang ditetapkan selain mengikuti semua program yang diadakan sepanjang sesi rawatan dan pemulihan. Kaunselor dan warden bertanggungjawab dalam memantau penghuni bagi memastikan segala peraturan dan program yang disediakan diikuti oleh mereka

Penghuni juga dilarang meninggalkan pusat rawatan tanpa kebenaran. Laporan polis akan dibuat sekiranya terdapat penghuni yang melarikan diri. Sebarang pergerakan keluar masuk penghuni perlu mendapat kelulusan pengarah pusat rawatan.

Penghuni tidak dibenarkan membawa pulang makanan ke asrama dan hanya dibenarkan makan di kawasan yang dibenarkan sahaja. Setiap makanan yang dibekalkan oleh keluarga penghuni akan diperiksa terlebih dahulu oleh penyelia yang bertugas semasa sesi lawatan bersamakeluarga.

Daily Activity Schedule

The management of the rehabilitation centre schedules for activities for the week. Each patient's daily activity will be recorded in his personal file which also contains his evaluations and comments by the counsellors on his daily activities. In the same record book, the Security Officer will note down the patients' whereabouts, and there will be roll-calls from time to time to ensure that all patients are present.

Each patient is provided with sufficient food according to the diet scale approved by the Director General AADK, as stated in the SOP and each day, inspections are conducted to ensure that the diet scale is adhered to. The centre serves six meals in a day.

The rehabilitation centre also offers religious and spiritual classes to patients according to their religion/ belief.

Duties, Prohibitions and Facilities

Each patient has to obey all the rules and regulations apart from participating in all programmmes that are conducted throughout the treatment and rehabilitation programme. The counsellors and wardens are responsible in monitoring the patients to ensure that all rules and programmes are adhered to.

The patients are also prohibited from leaving the rehabilitation centre without permission. A police report will be made if any patient attempts to escape. Patients must get the permission from the Director of the rehabilitation centre to leave or enter the premises.

Patients are not allowed to bring food into the hostel and are only allowed to eat at the designated areas. During the family visiting session each meal prepared by the patient's family, will be inspected thoroughly by the warden-on-duty.

Penghuni dibenarkan berjumpa dengan pelawat pada waktu lawatan yang ditetapkan. Pelawat juga dibenarkan menziarah pada hari lain dengan kebenaran pengarah. Walau bagaimanapun, lawatan tidak dibenarkan pada hujung minggu dan cuti umum. Bilik pelawat juga disediakan untuk memberi kemudahan kepada pelawat yang hanya boleh terdiri daripada ahli keluarga terdekat sahaja. Masa yang dibenarkan bagi setiap lawatan adalah selama 15-20 minit.

Visitors are only allowed to meet the patients at fixed visiting hours. Visitors are allowed to visit on other days only with the director's permission. However, no visitation is allowed during weekends or public holidays. The Visitors' Room is specially prepared for the visitors' immediate family for their convenience. The time allocated for each visit is only between 15 – 20 minutes.

Dalam tempoh rawatan dan pemulihan, penghuni hanya akan dibenarkan bercuti tertakluk kepada kelulusan pengarah.

During the treatment and rehabilitation period, the patients are only allowed to take leave upon permission by the director.

Disiplin dan Hukuman

Discipline and Punishment

Dari segi disiplin dan hukuman, Jawatankuasa Penilaian Displin telah ditubuhkan untuk menentukan jenis hukuman yang akan dikenakan terhadap seseorang penghuni. Jenis hukuman tersebut akan bergantung kepada jenis kesalahan yang dilakukan.

In terms of discipline and punishment, the Discipline Assessment Committee was formed to determine the types of punishment that can be imposed on a patient. The types of punishment depend on the types of offence committed.

Hukuman yang dikenakan terhadap penghuni adalah terhad kepada jenis hukuman yang dibenarkan di bawah peraturan 65, *Drug Rehabilitation Centre Rules* 1983. Hukuman pengasingan hanya dikenakan mengikut syarat yang ditetapkan di bawah peraturan 65 *Drug Rehabilitation Centre Rules 1983*. Contoh kesalahan dan hukuman adalah kesalahan ingkar arahan yang berupa pengasingan selama 3 hingga 7 hari dan Ketua Pengarah boleh membenarkan tempoh pelanjutan hukumansehingga 14 hari.

The punishment that can be imposed on a patient is subjected to punishments permitted under Rule 65, *Drug Rehabilitation Centre Rules* 1983. Punishment in form of isolation can only be done under strict conditions and according to Rule 65 *Drug Rehabilitation Centre Rules* 1983. One example of offence and punishment is disobedience to orders/ instructions of which the punishment is 3 to 7 days of isolation; the Director General may allow for an extention to the said isolation up to 14 days.

Daftar/Buku rekod hukuman yang diselenggarakan mengikut peraturan 65 *Drug Rehabilitation Centre Rules 1983 dan* jenis kesalahan ringan ditentukan menurut peraturan68 *Drug Rehabilitation Centre Rules 1983* manakala jenis kesalahan berat ditentukan menurut peraturan 69 *Drug Rehabilitation Centre Rules 1983.*

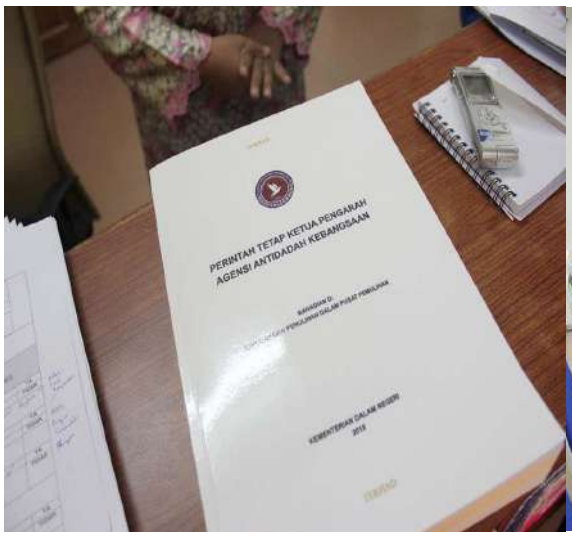
The Registration/Punishment Record Book is governed by Rule 65 of the Drug Rehabilitation Centre Rules 1983, minor offences are set out under Rule 68 of the Drug Rehabilitation Centre Rules 1983 whereas serious offences are stated in 69 Drug Rehabilitation Centre Rules 1983.

Keselamatan

Security

Dari segi keselamatan, terdapat pos-pos pengawal yang dibina bagi memantau pergerakan penghuni. Pengawal keselamatan di pusat rawatan terdiri daripada polis bantuan yang diketuai oleh Penolong

In terms of security, security posts are being placed at various spots to monitor the patients' movements and activities. The security personnel at the rehabilitation centre are mainly volunteer police led





Pegawai Keselamatan. Kekuatan anggota keselamatan adalah berbeza mengikut pusat rawatan dan bilangan penghuni. Pusat rawatan yang dilawati tidak dilengkapi dengan kemudahan CCTV untuk melakukan pemantauan.

by an Assisstant Security Officer. The strength of the security force differs according to the rehabilitation centre and the total number of patients. The centres are not equipped with CCTV.

Cadangan Penambahbaikan

Secara umumnya, EAIC mengesyorkan agar perkara-perkara berikut diambil kira untuk menjamin perkhimatan rawatan dan pemulihan yang lebih berkesan:

i. Penambahan dan pengisian perjawatan polis bantuan bagi menambahbaik kawalan dan pemantauan di pusat rawatan;
ii. Pengisian perjawatan kaunselor bertauliah bagi meningkatkan penyampaian perkhidmatan yang berkesan;
iii. Penambahbaikan sistem keselamatan dengan pemasangan *CCTV* dan *spotlight* di kawasan *hotspot* serta pagar bagi mengelakkan kejadian seperti rusuhan, perlakuan jenayah dan cubaan melarikan diri.

Recommendations for Improvement

In general, EAIC recommended that the following be taken into consideration in order to ensure a more effective rehabilitation and recovery service:

i. There should be more post for police volunteer to enhance security and monitoring abilities at the rehabilitation centre.
ii. There should be a certified counsellor position to ensure a better and a more effective service delivery.
iii. There should be an improvement in terms of security by installing CCTV and spotlights at hotspots and set up fences to avoid unwanted incidents such as riots, crime and attempted escapes.

LAWATAN KERJA EAIC KE AADK, KELANTAN

Lawatan kerja EAIC ke AADK Kelantan telah diadakan pada 21 November 2016 sebagai lawatan susulan kerja EAIC ke kompleks pintu masuk negara di Rantau Panjang dan Pengkalan Kubor, Kelantan serta taklimat oleh Jabatan Siasatan Jenayah dan Jabatan Siasatan Jenayah Narkotik, IPK Kelantan

EAIC'S WORKING VISIT TO AADK, KELANTAN

EAIC's working visit to AADK Kelantan was held on 21 November 2016 as a follow-up working visit to the country's entry point located at Rantau Panjang and Pengkalan Kubor, Kelantan as well as the briefing by the Criminal Investigation and Criminal Narcotics Investigation Departments at IPK Kelantan, which

yang diadakan pada awalnya. Pemilihan lawatan tersebut dibuat berdasarkan kepada maklumat semasa yang melihatkan pertambahan bilangan penagih dadah yang terdiri daripada golongan muda yang amat membimbangkan di Kelantan khasnya peningkatan dalam penggunaan dadah berbahaya "pil kuda" yang dikatakan telah membawa banyak kejadian keganasan fizikal termasuk kecederaan dan kematian ke atas mangsa oleh penagih terlibat.

was held earlier. The visit was made based on current information which showed an alarming increase in drug addiction amongst the youth in Kelantan, especially the increase in the use of the drug known as "meth" which was said to be the cause of many extreme physical violent incidences including injuries towards victims and the worst death.

Delegasi EAIC diketuai oleh YA Datuk Yaacob bin Hj Md Sam (Pengerusi EAIC) dan turut dihadiri oleh Pengarah Pendakwaan Negeri Kelantan iaitu YBrs. Tuan Idham bin Hj. Abd Ghani. Kehadiran EAIC telah disambut baik oleh Pengarah AADK Negeri Kelantan iaitu YBrs. Tuan Ibrahim bin Abd Ghani dan juga barisan Ketua Pegawai AADK Daerah. Lawatan dimulakan dengan taklimat oleh Pengarah AADK Negeri Kelantan berkenaan fungsi dan peranan AADK dalam mencegah kegiatan penyalahgunaan dadah serta tatacara pengendalian program pemulihan di pusat-pusat pemulihan kendalian AADK Kelantan. Taklimat seterusnya telah disampaikan oleh Ketua Pegawai AADK Daerah Kota Bharu iaitu En. Mohd Rizaridzuan bin Othman mengenai usaha yang dilakukan bagi memerangi dadah secara habis-habisan di Kelantan.

EAIC's delegation was led by YA Datuk Yaacob bin Hj Md Sam (The EAIC's Chairman) and was also attended by YA Director of Prosecution Kelantan, YBrs. Tuan Idham bin Hj. Abd Ghani. EAIC's presence was welcomed by Kelantan AADK Director, YBrs. Tuan Ibrahim bin Abd Ghani as well as Chief Officers from other districts. The visit began with a briefing session by the Kelantan AADK Director on the functions and roles of AADK in preventing drug abuse and the process relating to managing rehabilitation programmes at Kelantan AADK rehabilitation centres. The latter part of the briefing was given by the Kota Bharu District Chief Officer, En Mohd Rizaridzuan bin Othman on the efforts to fight drug abuse in Kelantan.

Statistik yang diberikan oleh Jabatan Siasatan Jenayah Narkotik (JSJN), IPK Kelantan melihatkan pertambahan rampasan oleh pihak polis ke atas dadah di Kelantan bagi tahun 2016 (setakat bulan Oktober 2016) berbanding dengan jumlah rampasan dadah yang dilakukan pada sepanjang tahun 2015. Setakat bulan Oktober 2016, JSJN IPK Kelantan telah merampas sejumlah 1,973.89 gram heroin berbanding 1,543.16 gram tahun 2015; 9,474.71 gram ganja berbanding 2,098.94 gram tahun 2015; 623,640 biji pil kuda berbanding 387,367 biji tahun 2015; 1,762.59 gram syabu berbanding 538.87 gram tahun 2015; 449.290 liter ubat batuk berbanding 107.4 liter tahun 2015; 6,838 biji Eramin 5 berbanding 1,239.0 biji tahun 2015; 6,224.280 kilogram daun ketum berbanding 1,010.260 kilogram tahun 2015; dan 2,398.98 liter air ketum berbanding 500.5 liter tahun 2015. Dari segi tangkapan, statistik oleh JSJN IPK Kelantan juga melihatkan pertambahan

The statistics given by the Narcotics Criminal Statistics Department (JSJN) IPK Kelantan showed an increase in the amount of confiscated drugs during drug raids in Kelantan in 2016 (till October 2016) comparing to the those confiscated throughout 2015. Up to October 2016, JSJN IPK Kelantan had confiscated as much as 1,973.89 grams of heroin compared to 1,543.16 grams in 2015; 9,474.71 grams ofmarijuana compared to 2,098.94 grams in 2015; 623,640 methamphetamine pills compared to 387,367 pills in 2015; 1,762.59 gramsof cocaine compared to 538.87 grams in 2015; 449.290 liters of cough medicine compared to 107.4 liters in 2015; 6,838 Eramin 5 pills compared to 1,239.0 pills in 2015; 6,224.280 kilograms *daun ketum* compared to 1,010.260 kilograms in 2015; and 2,398.98 liters of *air ketum*compared to 500.5 liters in 2015. In terms of arrests, statistics from JSJN IPK Kelantan also showed an increase in drug-related arrests. Up to

tangkapan berkaitan dadah. Setakat bulan Oktober 2016, seramai 921 orang pembekal dadah ditangkap berbanding 697 bagi sepanjang tahun 2015 (pertambahan 32%); 4,422 orang ditangkap bagi

October 2016, 921 drug suppliers had been arrested, compared to 697 arrested throughout 2015 (an increase of 32%); 4,422 people were arrested for drug possession compared to 3,025 people in 2015 (an





kesalahan memiliki dadah berbanding 3,025 orang tahun 2015 (pertambahan 46%); 63 orang dikenakan tahanan perintah LLPK berbanding 76 tahun 2015 (pengurangan 17%); dan 10,528 orang positif urin berbanding 8,222 bagi tahun 2015 (pertambahan 28%).

increase of 46%); 63 people were arrested on LLPK arrest orders compared to 76 in 2015 (a decrease of 17%); and 10,528 people tested positive for drugs compared to 8,222 in 2015 (an increase of 28%).

Semasa sesi taklimat, Pengerusi EAIC YA Datuk Yaacob, telah mengemukakan beberapa isu berbangkit kepada pihak AADK Kelantan antaranya yang menyentuh bilangan penagih tegar di Kelantan dan langkah-langkah pembasmian penagihan dan pencegahan pengedaran dadah. Selain itu, turut dibincangkan adalah cadangan penambahbaikan bagi AADK Kelantan dari aspek kebersihan, keselamatan dan tenaga kerja.

During the session, EAIC's Chairman YA Datuk Yaacob raised a a few issues to the Kelantan AADK, including the total number of hard-core addicts in Kelantan and the measures taken to eradicate drug addiction and trafficking. Apart from that, recommendations to improve AADK Kelantan in terms of cleanliness, security and manpower were also discussed.

PEMERIKSAAN MENGEJUT EAIC KE DEPOT TAHANAN JABATAN IMIGRESEN MALAYSIA

EAIC'S SURPRISE INSPECTION AT THE MALAYSIAN IMMIGRATION DETENTION DEPOTS

PEMERIKSAAN / LAWATAN MENGEJUT EAIC KE DEPOT JABATAN IMIGRESEN MALAYSIA DI KLIA

EAIC'S SPOT CHECK/SPONTANEOUS VISIT TO THE MALAYSIAN IMMIGRATION DETENTION DEPOT AT KLIA

Analisa dan Pemerhatian EAIC

EAIC's Analysis and Observations

Sepanjang lawatan dijalankan, EAIC mendapati bahawa tiada salah laku oleh pegawai/anggota Jabatan Imigresen Malaysia yang serius dikesan

Throughout the visit, EAIC observed that there was no serious misconduct on the part of the Malaysian Immigration Department officers in performing their

dalam menjalankan tanggungjawab dan tugas menguruskan depot tahanan ini.

responsibilities and tasks in managing the detention depot.

Walau bagaimanapun, EAIC mengesyorkan supaya pihak JIM memastikan pewartaan terhadap depot tahanan KLIA dibuat sewajarnya. Selain itu, EAIC juga mendapati tiada ruang khusus disediakan bagi pengendalian penerimaan Orang yang Ditahan(ODT). Penerimaan ODT hanya dibuat di kaunter masuk Depot Tahanan KLIA yang juga digunakan untuk penyemakan dan saringan ODT. Justeru, pihak JIM disarankan untuk menyediakan ruangan khas bagi penerimaan ODT.

However, EAIC had proposed recommendations that JIM to ensure the KLIA detention depot be gazetted accordingly. Apart from that, EAIC also found that there was no specific location to admit/receive the Detainees (ODT). Admission of the detainees was only done at the reception counter of the KLIA Detention Depot which was also used for checking and filtering all ODT. As such, it was recommended that JIM provide a specific location that was suitable for the admission of ODT.

EAIC juga mendapati bahawa Notis Kemudahan tidak terdapat dalam empat versi bahasa iaitu Bahasa Melayu, Bahasa Inggeris, Bahasa Mandarin dan Bahasa Tamil. Notis Kemudahan hanya terdapat dalam dua versi bahasa sahaja iaitu Bahasa Inggeris dan Bahasa Melayu.

EAIC also noticed that the Facilities Notice was not in four languages – Malay, English, Mandarin and Tamil. The Facilities Notice was only available in two languages, i.e. English and Malay.

Keadaan blok tahanan yang menempatkan sel lelaki dan wanita didapati diuruskan dengan baik. Blok tahanan lelaki dan perempuan diasingkan sebagaimana keperluan SOP. Berdasarkan pemerhatian EAIC, sel wanita berada jauh daripada sel lelaki dan persekitaran sel dalam keadaan bersih.

The cell blocks for the men and women were well-maintained. Both detention blocks are kept separate as stated in the SOP. Based on EAIC's observation, the female cells were a distant away from the male's and the cell surroundings were kept clean.

Kemudahan CCTV bagi tujuan pemantauan di depot tahanan KLIA tidak diselanggara dengan baik. EAIC telah dimaklumkan bahawa Depot Tahanan KLIA dilengkapi dengan kemudahan CCTV, namun demikian CCTV tersebut tidak berfungsi sejak kontrak penyelenggaraannya tamat. Sekiranya CCTV tersebut kembali berfungsi, pemantauan melalui CCTV dapat dilakukan dari Stesen Pegawai Bertugas. Walau bagaimanapun, pihak JIM menjelaskan bahawa pemantauan masih dijalankan walaupun tanpa pemantauan melalui CCTV di mana pegawai yang bertugas akan membuat pemantauan secara bergilir-gilir selama 24 jam mengikut jadual yang telah ditetapkan.

CCTV facilities used for monitoring at the KLIA Detention Depot were however not well-maintained. EAIC was informed that the KLIA Detention Depot was fully-equipped with CCTV, but it was not functionable as the maintainance contract had lapsed. The CCTV monitoring would be done from the Officer-On-Duty's Station once the CCTV. The officers on duty would take turns to make rounds of the premises 24 hours according to the duty roster.

Berdasarkan pemerhatian, tiada tempat penyimpanan barang peribadi disediakan untuk kegunaan ODT. Barangan ODT akan diletakkan di tepi sel penempatan ODT. Selain itu, ruang penyimpanan ubatan untuk ODT tidak disediakan dan tiada

According to further observation, there was no specific area for the ODT to keep their personal belongings. Their belongings are however placed near to/by the ODT's cell Apart from that, there was also no proper storage for ODT's medication and there was no officer

pegawai yang bertanggungjawab untuk mengawal ubat-ubatan tersebut.

responsible for the control and care of the medication.

SOP Pengurusan Depot Tahanan

Detention Depot Management SOP

Terdapat SOP Pengurusan Depot yang disediakan oleh Kementerian Dalam Negeri. Walau bagaimanapun SOP tersebut adalah terhad untuk diakses oleh setiap pegawai JIM kerana ianya hanya ditempatkan di bilik Komandan dan Timbalan Komandan.

A Detention Depot Management SOP is provided for by the Ministry of Domestic Afffairs. However, the SOP is limited in terms of its access by all of the JIM officers as it is placed only in the Commandant's and the Vice Commandant's rooms.

Bagi memastikan penyimpanan barang peribadi dibuat dengan teratur, pegawai bertugas perlu mematuhi SOP Penyimpanan Barang Peribadi yang disediakan. Selain itu, buku resit harta nombor rujukan PK(0)IM.E.01/FQ-34 turut disediakan untuk memastikan setiap barang yang diterima daripada penghuni direkodkan.

To ensure that the storage of the personal effects was done systematically, the officer on duty must comply with the Storing Personal Belongings SOP. Apart from that, a receipt book of belongings with ref no: PK(0)IM.E.01/FQ-34 was prepare to ensure each that item received was recorded.

Rekod lawatan waris, pegawai perubatan, peguam, pegawai penyiasat serta pegawai polis didapati ada disediakan. Rekod tersebut diuruskan oleh Bahagian Lawatan manakala rekod lawatan oleh pegawai perubatan akan diuruskan oleh pihak klinik.

There were also records of visits by next-of-kin, medical officers, advocates, investigating officers, as well as police officers. All records are managed by the Visitors Division except for the medical officers' visiting record which is managed by the clinic.

Pengurusan Depot Imigresen KLIA

KLIA Immigration Depot Management

Stesen pegawai bertugas berada dalam keadaan yang baik dan selesa untuk menjalankan tugas. Selain itu, pegawai JIM juga berpuas hati dengan keadaan dan persekitaran stesen pegawai bertugas. Bagi melancarkan pengurusan depot, pegawai bertugas JIM akan mengadakan taklimat bersama pegawai penjaga sel untuk menyampaikan perkara-perkara yang perlu diberi perhatian semasa mengawal sel. Selain itu, turut dipamerkan nombor telefon kecemasan serta *whatsapp group* bagi memudahkan komunikasi antara pegawai bertugas dan pegawai penjaga lokap.

The officer's station was in good condition - comfortable and conducive for work. In addition, a JIM officer on duty stated that he was also satisfied with the premises and work surroundings. To ensure that the depot was managed smoothly, the JIM officer on duty would give a briefing to the cell guards on what should be given attention to while guarding the cells. Apart from that, emergency contacts and whatsapp groups were created to ease the communication between officers on duty and lockup personnel.

Kesimpulan

Conclusion

Secara keseluruhan, tiada salah laku oleh pegawai dan anggota JIM yang dikesan dalam menjalankan tanggungjawab dan tugas menguruskan depot tahanan ini dan oleh itu, tiada salah laku pihak JIM di

In conclusion, EAIC had found no misconduct on the part of the JIM officers in the course of performing their tasks in managing the detention depot at KLIA. However, as mentioned above, there are steps to be

Depot Tahanan KLIA. Walau bagaimanapun, terdapat beberapa perkara yang perlu diambil tindakan susulan oleh pihak JIM seperti yang dinyatakan di atas.

PEMERIKSAAN / LAWATAN MENGEJUT EAIC KE DEPOT TRANSIT JABATAN IMIGRESEN MALAYSIA DI PASIR GUDANG

Pengenalan

Pada 16 Oktober 2016, (pukul 9:00 pagi) Pasukan Pemeriksa EAIC telah melakukan pemeriksaan/ lawatan mengejut di Depot Transit JIM di Pasir Gudang, Johor. Depot Transit Imigresen tersebut terletak bersebelahan dengan Terminal Feri Pasir Gudang, Johor.

Pemeriksaan/lawatan dimulakan dengan melakukan peninjauan di sekitar luar Depot Transit Imigresen Pasir Gudang dan Terminal Feri Pasir Gudang. Selesai peninjauan, Pasukan Pemeriksa telah ke pejabat JIM Pasir Gudang yang terletak diTerminal Feri Gudang, Johor. Pegawai JIM yang bertanggungjawab telah memberikan penerangan kepada Pasukan Pemeriksa mengenai Depot Transit JIM Pasir Gudang tersebut dan kemudiannya membawa Pasukan Pemeriksa melakukan pemeriksaan ke atas Depot Transit JIM Pasir Gudang tersebut.

Dapatan Pemeriksaan / Lawatan Mengejut EAIC Ke Depoh Transit Jabatan Imigresen Malaysia di Pasir Gudang.

Berdasarkan kepada tinjauan yang telah dibuat, berikut merupakan hasil pemerhatian EAIC:

(a) Ruang bertugas/pejabat yang tidak kondusif

Hasil pemerhatian mendapati ruang bertugas/ pejabat anggota bertugas di dalam Depoh Transit tersebut sempit dan tidak terurus. Terdapat juga sebuah bilik yang disediakan untuk kegunaan anggota Imigresen sebagai ruang pejabat dan satu bilik lagi digunakan sebagai stor penyimpanan barang-barang peribadi tahanan/tempat pengasingan kepada tahanan *transgender*/tempat simpanan fail dan barang-barang anggota Imigresen.

taken seriously by JIM in order to have a better facility overall.

EAIC'S SURPRISE INSPECTION/VISIT TO THE MALAYSIA IMMIGRATION DEPARTMENT TRANSIT DEPOT AT PASIR GUDANG

Introduction

On 16 October 2016, at 9am, the EAIC Inspection Team conducted a surprise spot check/spontaneous visit at the JIM Transit Depot at Pasir Gudang, Johor. The Immigration Transit Depot is located next to the Pasir Gudang Ferry Terminal, Johor.

The spot check/spontaneous visit started with a tour of the external surroundings of the Pasir Gudang Immigration Transit Depot and the Pasir Gudang Ferry Terminal. After the tour, the Inspection Team went into the JIM Pasir Gudang office which was inside the Pasir Gudang Ferry Terminal, Johor. The JIM Officer in-charge explained to the Inspection Team on the surroundings of the Pasir Gudang JIM Transit Depot and then took the team to conduct an inspection at the Depot.

Findings of EAIC's Surprise Inspection/Visit to the Malaysian Immigration Department Transit Depot at Pasir Gudang

Based on the observations made,these were the following findings:

(a) Office/Work space not conducive

As a result of the observation, it was clear that work/office space for the officers on duty at the Transit Depot was very limited and disorganised. There was a room used by the Immigration officers as working space and another room was used as a stor room to keep personal belongings of the detainees/as an isolation room for transgender detainees/as a filing room to store files and belongings of Immigration officers.

(b) Kemudahan dan keselamatan dalam Depoh Transit JIM Pasir Gudang

CCTV di dalam kedua-dua sel tidak berfungsi dan menyebabkan tiada pemantauan terhadap tahanan oleh anggota Imigresen yang bertugas. Pagar pemisah di antara bangunan utama dengan kawasan luar adalah terlalu dekat. Depot juga berada hampir di tepi laut (tidak sampai 1 meter). Tiada penyelenggaraan terhadap bangunan Depot Tahanan seperti pagar, tandas dan lain-lain kemudahan yang telah rosak. Kawasan tempat letak kenderaan / tempat penurunan tahanan untuk dimasukkan ke dalam Depot Transit adalah tidak bersesuaian serta terbuka kepada orang awam.

Kemudahan tandas bagi anggota Imigresen yang bertugas juga tidak disediakan di Depoh Transit JIM Pasir Gudang dan oleh itu, anggota terpaksa ke bangunan Terminal Jeti untuk menggunakan kemudahan tandas.

(c) Kebajikan Pegawai / Anggota bertugas

Setiap pegawai / anggota yang bertugas tidak diberikan suntikan vaksin oleh pihak JIM. Menerusi temubual yang dibuat, pihak Depot Transit JIM Pasir Gudang memohon untuk suntikan vaksin sama seperti di Depot Tahanan yang lain, namun begitu tiada maklum balas daripada pihak JIM berhubung dengan permohonan yang dibuat tersebut.

(d) Pematuhan SOP Pengusiran Di Pusat Tahanan Pasir Gudang, Johor

SOP yang khusus terpakai kepada Pusat Tahanan Pasir Gudang Johor telah dikeluarkan oleh Kementerian Dalam Negeri (KDN). Hasil pemerhatian mendapati bahawa pegawai pengawal depot mematuhi SOP yang ditetapkan daripada aspek penerimaan maklumat penghantaran tahanan, tahanan yang diterima dan seterusnya proses simpanan rekoddalam Daftar Akuan Terima Pati Depoh Tahanan Imigresen, pengecaman melalui rekod, pengurusan penghantaran pulang dan

(b) Facilities and security at the Pasir Gudang JIM Transit Depot

The CCTV in both cells were not functioning and that the Immigration officers on duty could not monitor the detainees. The divider fence between the main building and the outside area was too close. The Depot itself was too close to the sea (less than 1 metre away). There was no maintainance done on the actual Transit Depot building on the fence, toilets and other broken facilities. The parking bay/disembarkation area for the detainees to be placed in the Transit Depot is not suitable and furthermore, it is a public area.

Toilet facilities for the Immigration officer on duty were also not provided for at the Pasir Gudang JIM Transit Depot and the officer has to go to the Jetty Terminal to use the toilets there.

(c) Officer-On-Duty Welfare

None of the officers on duty has been given vaccination by JIM. According to the interview, the Pasir Gudang JIM Transit Depot have applied for the same vaccine like other detention depots but there has been no response from JIM regarding the said application.

(d) Compliance with Eviction SOP at Pasir Gudang Detention Depot (deportation)

The specific SOP used at the Pasir Gudang Johor Detention Centre was issued by the Ministry of Domestic Affairs (KDN). As a result of the observation, it was found that the depot guards obeyed the SOP in terms of detainee admission delivery information. The detainee is then recorded in the Illegal Immigrant Depot Detainee Admission Statement Registration, taken for record identification, processed for repatriation, and inspected and approved according to the detainee repatriation inspection memo.

pengesahan memo periksa keluar penghantaran pulang tahanan. Walau bagaimanapun, terdapat beberapa prosedur yang tidak lagi relevan akibat daripada pelantikan ejen yang menguruskan penghantaran tahanan PATI dari Indonesia.

However, there were few procedures that were no longer relevant following the appointment of an agent to handle the repatriationof illegal Indonesian immigrants.

Syor dan Cadangan Penambahbaikan

Recommendations and Suggestions for Improvement

Berikut merupakan syor dan cadangan penambahbaikan oleh EAIC:

The following are recommendations and improvements proposed by EAIC:

(a) SOP Pengusiran di Pusat Tahanan Pasir Gudang Johor perlu dikaji semula berikutan pelantikan syarikat sebagai ejen yang menguruskan penghantaran pulang PATI ke Indonesia. Bangunan dan kemudahan yang ada di Depot Transit JIM tersebut perlu ditambahbaik dan dibaikpulih oleh pihak JIM dan/atau kontraktor yang dilantik. Pihak JIM juga perlu mengkaji kesesuaian kedudukan Depot Transit JIM yang terlalu hampir dengan laut. Dari aspek tahap kebersihan, Depot Transit JIM perlu dipertingkatkan bagimengelakkan penularan dan jangkitan penyakit kepada tahanan dan anggota JIM yang bertugas.

(a) The Pasir Gudang Johor Detention Depot Eviction SOP needs to be reviewed following the appointment of a company to act as repatriation agent of illegal Indonesian Immigrants. The building and facilities at the JIM Transit Depot need to improved by JIM and/or appointed contractors. JIM also needs to consider the suitability of the JIM transit Depot as it was too close to the sea. In terms of healthcare, the JIM Transit Depot needs to be upgraded to prevent the possibility of spreading contagious diseases to the detainees and JIM officers who are on duty.

(b) Tahanan yang dibawa ke Depot Transit JIM Pasir Gudang perlu dihantar pulang dalam jangka masa yang munasabah sebaik sahaja tiba di depot tersebut tanpa perlu menunggu jumlah tahanan mencukupi bagimemenuhi kapasiti feri. Tahanan juga perlu dibekalkan dengan sarapan pagi sekiranya tidak dihantar pulang dalam tempoh yang segera.

(b) The detainees who are taken to the Pasir Gudang JIM Transit Depot need to be sent back home within a reasonable time after arriving at the depot without waiting for more detainees to fillthe ferry's capacity. The detainees also have to be given proper meal in case they are not repatriated immediately.



(c) Bilangan perjawatan pegawai/anggota depot tahanan ditambah bagi memastikan nisbah pegawai/anggota depot dan tahanan dalam kedudukan yang memuaskan. Pegawai/anggota yang bertugas di depot tahanan perlu diberikan imunisasi atau vaksin daripada penyakit berbahaya seperti tibi dan kusta serta pihak JIM, KDN, JKR dan KKM perlu mempertingkatkan kerjasama bagi memastikan kemudahan dan keselamatan depot tahanan dapat diperbaikpulih.

(c) The number of posts for depot officers have been increased to ensure the officer-detainee ratio is satisfactory. Officers assigned at the detention depot must also be immunised and vaccinated for the possibility of contracting dangerous and contagious diseases such as tuberculoses and leprosy. In addition, JIM, KDN, JKR and KKM need to improve their co-operation with one another to ensure that the standard of the facilities and security at the detention depot are improved.

LAWATAN KE KOMPLEKS IMIGRESEN, KASTAM DAN KUARANTIN (ICQ/ICQS/CIQ)

Lawatan EAIC ke pintu sempadan bertujuan untuk melihat dan memantau tugasan harian pegawai penguat kuasa yang bertugas di pintu-pintu sempadan negara. ICQ dan CIQ merupakan hentian pemeriksaan yang dipertanggungjawabkan kepada lapan agensi utama. Agensi-agensi yang telah ditugaskan untuk mengawal dan membuat pemeriksaan di pintu sempadan adalah seperti berikut:

i. Jabatan Imigresen Malaysia
ii. Jabatan Kastam Diraja Malaysia
iii. Polis Diraja Malaysia
iv. Unit Pencegah Penyeludupan
v. MAQIS
vi. Kementerian Kesihatan Malaysia
vii. Jabatan Pengangkutan Jalan
viii. Agensi Kawalan Sempadan Malaysia

Sepanjang tahun 2016, EAIC telah mengadakan beberapa siri lawatan ke sempadan negara iaitu di ICQ Bukit Kayu Hitam, ICQ Padang Besar dan Wang Kelian, ICQ Bukit Berapit Pengkalan Hulu, ICQS Rantau Panjang dan Pengkalan Kubor.

LAWATAN EAIC KE ICQ BUKIT KAYU HITAM

Antara aspek pemeriksaan dalam lawatan ini merangkumi jumlah pegawai yang bertugas, layanan pegawai, pematuhan terhadap tatacara kerja dan pemeriksaan kenderaan keluar dan masuk.

EAIC'S WORKING VISIT TO THE IMMIGRATION, CUSTOMS AND QUARANTINE COMPLEX (ICQ/ ICQS/CIQ)

EAIC's visit to the border was conducted to observe the daily routine of the enforcement officers on duty at the nation's borders. ICQ and CIQ are inspection stops jointly managed by eight main agencies. The agencies in-charged of controlling and conducting inspections at the border are as follows:

i. Immigration Department of Malaysia
ii. Royal Customs Department of Malaysia
iii. Royal Malaysia Police
iv. Anti-Smuggling Unit
v. MAQIS
vi. Ministry of Health
vii. Department of Road Transport
viii. Border Security Agency

Throughout 2016, EAIC had conducted a few series of visits to the border: ICQ Bukit Kayu Hitam, ICQ Padang Besar and Wang Kelian, ICQ Bukit Berapit Pengkalan Hulu, ICQS Rantau Panjang and Pengkalan Kubor.

EAIC'S VISIT TO ICQ BUKIT KAYU HITAM

Some of the aspects covered during the internal inspection visit were the total number of officers on duty, the quality of their service, adherence to work procedure and inspections of vehicles going in and

Semasa pemerhatian ini dibuat, pegawai EAIC tidak mendedahkan identiti bagi melihat operasi kawalan yang dipraktikkan di pintu sempadan oleh agensi-agensi terlibat.

Hasil pemerhatian EAIC mendapati pemeriksaan terhadap motorsikal terutamanya yang berasal dari Thailand telah dilepaskan tanpa pemeriksaan yang teliti. Pemeriksaan orang awam yang menaiki kenderaan pelancongan pula dibuat lebih kurang 3 minit di mana semua penumpang perlu turun daripada kenderaan pelancongan dan melalui kaunter Imigresen. Selain itu, antara aspek lain dalam pemerhatian EAIC merangkumi pengurusan pegawai bertugas, kelancaran trafik kenderaan keluar dan masuk, persekitaran sekeliling dan pengurusan barang rampasan. Semasa lawatan ini juga, antara perkara yang dibangkitkan termasuklah perkara yang berkenaan dengan pematuhan SOP dan pendedahan SOP kepada pegawai-pegawai yang bertugas.

LAWATAN EAIC KE ICQ PADANG BESAR

Pengenalan

Lawatan Audit Pintu Masuk Sempadan Malaysia-Thailand Padang Besar telah diadakan pada 23 Januari 2016. Tujuan lawatan adalah untuk membuat pemerhatian mengenai operasi harian yang dijalankan oleh agensi-agensi penguatkuasaan dalam mengendalikan urusan keluar/masuk di pintu sempadan. Terdapat lima agensi yang ditugaskan untuk menjaga laluan masuk sempadan iaitu JIM, JKDM, AADK, JPJ dan PDRM.

Kompleks ICQ Padang Besar mempunyai 6 pos pemeriksaan Imigresen di mana terdapat dua pos pemeriksaan untuk pejalan kaki, satu pos pemeriksaan untuk pejalan kaki dan kenderaan berat seperti lori, kenderaan pengangkutan awam, satu pos pemeriksaan untuk motosikal, dua pos pemeriksaan untuk kereta. Selain itu, terdapat pos pemeriksaan JKDM, JPJ, AADK dan PDRM.

out. During the inspection, EAIC officers did not reveal their true identities to enble them to observe the true nature of the security operations practised at the borders by the agencies involved.

As a result of the observation, EAIC found that motorcycles, especially those from Thailand were allowed to pass without a detailed inspection. Inspections on civilianson tourist vehicles took only 3 minutes during which all the passengers had to alight from the tourist vehicle and go through the immigration counter. Apart from that, EAIC also observed from the aspect of the management of the officer-on-duty, the smoothness of the traffic flowing in and out, the surroundings and the manner of handling confiscated goods. During the visit also, among the issues raised were adherence to SOP and disclosure of SOP to the officers on duty.

EAIC'S VISIT TO PADANG BESAR ICQ

Introduction

The Padang Besar Malaysia-Thailand Border Entry Audit Visit was held on 23 January 2016. The visit was aimed to conduct observations on its daily operations managed by the enforcement agencies emphasizing on the entry/exit at the border. There are five agencies responsible in monitoring and securing the entrance and the border: JIM, JKDM, AADK, JPJ and PDRM.

Padang Besar ICQ Complex has six immigration checkpoints where two for pedestrians, one for pedestrians and heavy vehicles such as lorries and public transports, one for motorcycles, and two for cars. Apart from that, there were also inspection posts for JKDM,JPJ,AADK and PDRM.

Pemerhatian EAIC Mengenai Pos Pemeriksaan JIM

Semakan pasport dan *border pass* bagi pejalan kaki dibuat secara manual manakala cap jari dibuat melalui mesin imbasan. Semakan pasport dan *boarder pass* di pos motosikal dan kereta juga dibuat secara manual.

Awal pemerhatian mendapati pemeriksaan yang dijalankan agak longgar iaitu dengan hanya melihat dan menggunakan isyarat tangan membenarkan masuk terutama Pembawa Penumpang ("Pak Wan Cha") yang dilihat keluar masuk tanpa sebarang pemeriksaan.

Walau bagaimanpun, setelah menyedari kehadiran EAIC, pemeriksaan dilakukan dengan lebih terperinci dan aliran trafik di pintu sempadan menjadi agak sesak. EAIC dimaklumkan bahawa tiada pemeriksaan menyeluruh dilakukan ke atas setiap penunggang motorsikal terutamanya penunggang yang kerap melalui sempadan. EAIC juga dimaklumkan terdapat SOP yang digunapakai dan didedahkan kepada pegawai bagi membantu menjalankan tugas seharian.

EAIC's Observation On JIM's Checkpoints

Passport and border pass inspections for pedestrians are conducted manually and the finger print was verified through a scanner. The passports and border passes at the motorcycle and car checkpoints are done manually.

EAIC's initial observation was that the inspections were done rather carelessly – by just observing and using hand signals to allow especially those vehicles carrying passengers ("Pak Wan Cha") to enter and they were seen entering and leaving without any form of inspection.

However, upon realising the presence of EAIC, the inspections were done more thoroughly and hence the traffic at the border became more congested. EAIC was informed that no thorough inspection was done upon motocyclists especially those who regularly pass through the border. EAIC was also informed that the SOP was used by the officers to assist their daily routines.

Pemerhatian EAIC mengenai Pos Pemeriksaan JKDM

Pada awal pemeriksaan, EAIC mendapati terdapat dua orang pegawai penguat kuasa Kastam bertugas di pos Kastam dan tidak melakukan apa-apa kaedah pemeriksaan fizikal terhadap kenderaan berat masuk ke Thailand dan hanya membuat pemantauan dari pondok pos pengawal sahaja.

Terdapat cermin pantulan bersaiz besar dipasang di bahagian atas berhampiran pos kastam bagi membolehkan pegawai membuat identifikasi pada lori-lori untuk melihat kandungan barang yang dibawa.

Walau bagaimanapun, setelah menyedari kehadiran EAIC, penguat kuasa JKDM mula membuat pemeriksaan secara menyeluruh pada kandungan barang yang dibawa ke Thailand dan bertanyakan tujuan masuk ke Thailand.

EAIC's Observation On JKDM's Checkpoints

During the initial inspection, EAIC found that there were two Customs enforcement officers stationed at the Customs checkpoints and they were not doing any physical inspection on heavy vehicles entering Thailand. They merely monitored the situation from the guard posts.

There was a big reflective mirror fixed at the top of the Customs post to allow the officers to have a clearer view of the lorries and the content of their loads.

However, only after realising EAIC's presence did the JKDM officers start conducting thorough inspections on the loads on the lorries that were being carried into Thailand and enquire information on their purpose of entry into Thailand.

Pemantauan Pintu Keluar-Masuk Malaysia/ Thailand

Monitoring the Malaysia/Thailand Entry-Exit Point

Pos Pemeriksaan JKDM

JKDM's Checkpoints

Hasil pemerhatian mendapati pemeriksaan ke atas kenderaan di laluan komersial tidak dilakukan secara menyeluruh dan terdapat kenderaan yang langsung tidak diperiksa. Kenderaan yang ditahan diarahkan beralih ke tepi untuk diperiksa oleh pegawai kanan namun tiada pemeriksaan terperinci dilakukan.

From the observation, it was noted that the inspections on vehicles on the commercial lane was not done thoroughly and in fact, some vehicles were not even inspected. Even vehicles that were asked to pull to the side to be checked by a senior officer were not inspected thoroughly.

EAIC dimaklumkan terdapat kenderaan yang tidak dilakukan pemeriksaan kerana pegawai bertugas dapat mengenal pasti kenderaan yang membawa barang-barang yang dikenakan cukai. Kebiasaanya, masa yang diambil untuk melakukan pemeriksaan lebih kurang 3-5 minit kerana sekiranya masa diambil terlalu lama untuk memeriksa kenderaan ianya akan menimbulkan kemarahan pemilik kenderaan dan mengakibatkan kesesakan trafik di pintu sempadan.

EAIC was informed that there were vehicles that did not undergo any inspection because the officer on duty noted that the vehicle was carrying taxable goods. Usually, the time taken to conduct an inspection was about 3 to 5 minutes because if it task too long, it would create distress to the owners and traffic congestion at the border entry point.

Dari segi cukai yang dikenakan, EAIC dimaklumkan jumlah cukai yang dikenakan adalah sebanyak 30% daripada jumlah nilai barangan yang diisytiharkan oleh pembawa. Jumlah tersebut kemudiannya boleh dikurangkan mengikut budi bicara pegawai tersebut. Amalan ini telah dilakukan sekian lama dan pegawai yang ditemu bual tidak pasti sama ada perkara tersebut dinyatakan di dalam fail meja atau SOP. Pembayaran cukai dibuat dengan menggunakan borang JK63A iaitu borang cukai penumpang. Resit akan dikeluarkan selepas pembayaran dibuat.

In terms of taxes, EAIC was informed that the total amount of taxes was about 30%of the total value of the goods declared by the carrier. The amount was later reduced according upon the officer's discretion. This had been the practice for many years.The officer interviewed was not sure whether such practice is expressed in the table file or in the SOP. Payment of taxes was done by filling the JK63A form i.e. the passenger tax form. Receipts were issued after payment was made.

Terdapat laluan khas yang disediakan bagi kenderaan yang membawa barang dagangan yang telah ditetapkan peraturan pemeriksaan tertentu. Walau bagaimanapun, kenderaan komersial yang membawa barang dagangan dengan jumlah yang sedikit dibenarkan melalui laluan kenderaan komersil tetapi dengan membayar cukai sebanyak 30% sedangkan jika ia melalui laluan yang sepatutnya, jumlah cukai yang dikenakan adalah lebih rendah tetapi perlu melalui proses yang lebih rumit dan lambat.

There was a special lane for vehicles carrying trade goods which have to undergo specific inspection under the regulations. However, commercial vehicles carrying trade goods in small amounts/volume are allowed to go through the commercial vehicle lane subject to the payment of pay 30% tax while. However, if it went through the correct lane, the amount tax imposed is far less but it has to go through a more complicated and slow process.

EAIC dimaklumkan bahawa kes penyembunyian barang merupakan perkara yang kerap berlaku. Jika pihak JKDM mendapati terdapat barangan larangan dibawa masuk, barang tersebut akan dirampas. JKDM juga mempunyai rekod berkenaankenderaan-kenderaan yang diperiksa dan juga rekod seluruh tugasan yang dijalankan.

EAIC was informed that cases of hidden goods happened frequently. If JKDM finds that prohibited goods are brought in, the goods will be confiscated. JKDM also had the records of vehicles which are inspected as well as the records of all the tasks that have been conducted.

Berkenaan dengan pemeriksaan oleh Unit Narkotik JKDM, pemeriksaan hanya dilakukan terhadaporang yang disyaki melalui gerak tubuh badan dan melalui maklumat yang diterima.

Regarding examinations by the JKDM Narcotics Unit, examinations can only be done on people who are considered suspects based on body language and on information given.

Antara masalah yang dihadapi oleh JKDM termasuklah aspek kekurangan tenaga kerja, fasiliti dan aset.

Among the problems faced by JKDM are lack of manpower, facilities and assets.

Pos Pemeriksaan AADK

AADK Inspection Posts

EAIC dimaklumkan bahawa pegawai AADK akan menahan kenderaan (motor dan kereta) yang disyaki penumpangnya mengambil dadah dan fokus utama adalah terhadap golongan remaja warganegara Malaysia. Mereka yang ditahan akan diarahkan untuk menjalani saringan ujian air kencing sebelum disahkan positif atau sebaliknya. Jika didapati positif dadah, individu tersebut akan diberi jaminan keluarga sementara menunggu keputusan dari Jabatan Kimia.

EAIC was informed that AADK officers would stop vehicles (cars and motorcycles) suspected of having passengers who are drug users and the main focus was on Malaysian youths. Those detained will be ordered to undergo a series of urine tests before confirming it as positive or vice-versa. If tested positive for drugs, the individual will be released on family guarantee while waiting for the test results from the Chemical Department.

Keutamaan tugas AADK adalah untuk menahan individu yang mengambil dadah manakala individu yang disyaki membawa atau mengedar dadah akan dirujuk ke Jabatan Narkotik PDRM untuk tindakan selanjutnya.

The main function of AADK is to detain individuals who take drugs while indiviuals suspected of taking or dealing drugs will be referred to the PDRM Narcotics Department for further actions.

Pos Pemeriksaan JPJ

JPJ Inspection Post

Semasa pemeriksaan dibuat di pos kawalan JPJ, EAIC mendapati pos pemeriksaan JPJ ditutup dan tiada pegawai JPJ yang membuat pemeriksaan kenderaan yang melalui laluan tersebut.

While inspecting the JPJ control post, EAIC found that the JPJ inspection post was closed and there was no JPJ officers doing any inspection on the vehicles that were passing in that lane.

Pos Pemeriksaan PDRM

PDRM Inspection Posts

Kawalan PDRM hanyalah untuk memantau bilangan kenderaan keluar-masuk Malaysia/Thailand di mana anggota yang bertugas akan mencatatkan bilangan kenderaan Malaysia dan Thailand yang memasuki

PDRM authority is only monitoring the number of vehicles going in and out of Malaysia/Thailand where officers on duty would note down the number of Malaysian and Thailand vehicles entering Malaysian

sempadan Malaysia. Operasi kawalan PDRM turut dibantu oleh dua orang anggota PGA.

Bagi kes rampasan barang-barang, pihak PDRM akan merujuk kepada JKDM bagi mengelakkan pertindihan bidang kuasa.

border. PDRM control operations were assisted by two members of PGA.

For item seizures cases, PDRM would refer to JKDM to avoid overlapping of authorities.

LAWATAN EAIC KE ICQ WANG KELIAN

Lawatan Audit Pintu Masuk Malaysia/Thailand melalui Wang Kelian telah diadakan pada 23 Januari 2016. Pemerhatian EAIC dijalankan di Kompleks ICQ Wang Kelian di mana terdapat lima (pos agensi yang membuat kawalan dan pemeriksaan di pintu masuk sempadan negara iaitu pos pemeriksaan JIM, JPJ, PDRM, MAQIS dan JKDM.

Pemantauan EAIC mendapati pegawai penguat kuasa JIM yang bertugas di kaunter pemeriksaan tidak membuat pemeriksaan secara menyeluruh dan hanya dibuat ke atas sebilangan kenderaan sahaja.

Selain itu, EAIC juga mendapati terdapat pegawai bertugas yang tidak memakai pakaian uniform mereka semasa menjalankan tugas. Pemerhatian juga mendapati sejumlah wang dimasukkan ke dalam peti cadangan yang disediakan di pos pemeriksaan. Selain itu, tiada pemeriksaan dibuat kepada pasport atau *border pass* penumpang-penumpang yang melalui pos pemeriksaan tersebut.

Setelah menyedari kehadiran pegawai EAIC, pegawai penguat kuasa yang bertugas mula menjalankan pemeriksaan menyeluruh terhadap setiap kenderaan yang melalui laluan keluar masuk di kompleks

EAIC'S VISIT TO ICQ WANG KELIAN

The Wang Kelian Malaysia-Thailand Border Audit Visit was held on 23 January 2016. EAIC's observation took place at the Wang Kelian ICQ Complex where five agencies had their posts to conduct inspections at the border the five agencies are JIM, JPJ, PDRM, MAQIS and JKDM

EAIC's observation showed that JIM's enforcement officers on duty at the inspection counter did not conduct thorough inspections on all vehicles since inspections were done only on certain vehicles.

Apart from that, EAIC also noticed that there were officers where not wear their uniforms while on duty. Another point to note is that some monies had been put into a suggestion box at a checkpoint. Furthermore, no inspections were conducted on passport or border pass holders passing through the inspection posts.

Upon realising the presence of the EAIC officers, the enforcement officers on duty began to conduct thorough inspections on all the vehicles passing through the ICQ Complex. It was also observed that





ICQ. Pemerhatian juga mendapati pegawai yang tidak beruniform mula memakai uniform semasa menjalankan tugas.

the officers not in uniform earlier changed into their uniforms.

LAWATAN KE ICQ BUKIT BERAPIT, PENGKALAN HULU

VISIT TO ICQ BUKIT BERAPIT, PENGKALAN HULU

EAIC telah melawat pos kawalan enam agensi iaitu JIM, Pasukan Gerakan Am(PGA), JKDM, JPJ, PDRM dan RELA.

EAIC visited checkpoints of the 6 agencies: JIM, PGA, JKDM, JPJ, PDRM and RELA.

Semasa lawatan di JIM, antara aspek yang disentuh dalam lawatan ini adalah mengenai pos kawalan JIM dan tatacara pemeriksaan yang dijalankan. Pihak JIM di ICQ Bukit Berapit menggunakan sistem biometrik dalam mengendalikan urusan keluar/masuk warga asing ke Malaysia- Thailand. Jika terdapat tahanan di pos kawalan, tahanan tersebut akan dihantar ke lokap JIM yang terletak di pejabat yang diwartakan pada tahun 2010. Lokap tersebut dilengkapi dengan dua sel masing-masing untuk tahanan lelaki dan wanita yang mana setiap satu sel boleh memuatkan seramai lapan orang. Secara keseluruhan, operasi yang dijalankan oleh pegawai JIM di sini adalah mengikut SOP yang ditetapkan.

During the visit to JIM, among the aspects that were touched on were the JIM control post and the procedures of how the inspections were done. JIM at ICQ Bukit Berapit used a biometric system to handle the incoming/outgoing of the foreigners at the Malaysia-Thailand entry/exit point. If there were detainees at the control posts, the detainees would be taken to JIM's lockup which was located at JIM's office, gazzetted in 2010. The lockup was equipped with two cells, one for male detainees and the other one for female detainees. Each cell can fit eight detainees. In general, the operations of JIM at the posts were carried out according to the standard SOP.

Pasukan lawatan EAIC seterusnya telah membuat lawatan ke Pejabat PGA yang terletak bersebelahan dengan pejabat JIM. Semasa lawatan ini, terdapat lima orang pegawai telah ditugaskan yang diketuai oleh pegawai berpangkat Sarjan selaku Penyelia. Tujuan anggota PGA ditempatkan di ICQ Bukit Berapit ialah bagi menjaga keselamatan semua agensi yang ditempatkan di ICQ tersebut sekiranya terdapat perkara-perkara yang tidak dingini seperti pergaduhan. Antara tugas anggota PGA ialah membuat rondaan di "*check point*" yang ditetapkan di Kompleks ICQ.

EAIC's team then went to visit the PGA Office which was located right next to the JIM's Office. During the visit, there were five officers on duty and they were led by a supervising officer carrying the rank of Sergeant. The reason for the PGA officers were placed at Bukit Berapit was to ensure the safety of all agencies placed at the ICQ in case of occurrences like fights. Among the duties of the PGA officers was to patrol at the checkpoints at the ICA Complex.

Pada masa yang sama, pegawai EAIC juga turut membuat pemeriksaan terhadap buku Perharian Balai dan "*pocket diary*", serta Jadual Tugasan Pegawai

At the same time, EAIC officers also inspected the Station Diary Book and pocket diaries as well as the officers' schedule.

Seterusnya, EAIC telah melawat pos kawalan JKDM. Hasil pemerhatian mendapati hanya satu pos kawalan JKDM yang ditempatkan bagi laluan Malaysia – Thailand, dan terdapat dua pos kawalan

Next, EAIC visited the JKDM control post. From the observaton, it was noted that there was only one JKDM post placed on the Malaysia-Thailand lane and two control posts placed on the Thailand-Malaysia

yang disediakan bagi laluan Thailand – Malaysia yang dilengkapi dengan kemudahan CCTV. Tinjauan pasukan lawatan EAIC mendapati pemeriksaan yang dibuat oleh pihak kastam ke atas kenderaan yang masuk hanya dibuat secara rawak sahaja iaitu lebih kurang 10% daripada kenderaan yang masuk sebagaimana yang ditetapkan dalam *SOP*. Hal ini berlaku bagi mengelakkan kesesakan lalu lintas terutama pada waktu puncak. Selain itu, EAIC turut menyentuh aspek pematuhan SOP di kalangan warga Kastam terutamanya perkara yang melibatkan pemeriksaan ke atas kenderaan keluar/ masuk dan pengurusan barangan rampasan serta penyimpananya.

lane, which completed with CCTV facilties. EAIC's further observation was that the inspections done by the customs on vehicles were done at random ie: about 10% only about of the vehicles entered as per the standard SOP. This was done so as to avoid traffic congestion, especially during peak hours. Apart from that, EAIC also brought up the issue on the need for Customs officers to follow SOP, especially on matters involving inspections of vehicles that came and left as well as the management and storage of confiscated goods.

EAIC juga turut melawat pos kawalan JPJ dan telah diberi taklimat oleh pegawai bertugas berkenaan dengan operasi di situ. Terdapat hanya 1 pos kawalan JPJ bagi laluan Thailand – Malaysia dan kawasan tersebut dilengkapi dengan CCTV. Namun begitu, pos kawalan tersebut tidak dibuka kerana hasil temubual dengan pegawai JPJ yang bertugas menyatakan mereka menghadapi masalah kekurangan pegawai, khususnya pada hari minggu.

EAIC also visited JPJ's control post and was given a briefing by a officer on duty about the operations conducted there. There was only one JPJ control post onthe Thailand-Malaysia lane and that area was well-equipped with CCTV. However, the control post was not open and EAIC was informed that JPJ had the problem of the lack of manpower, especially during weekends.

Mengikut SOP, setiap kenderaan yang masuk ke Malaysia perlu mendapatkan "*International Circulation Permit*" (ICP) daripada pihak JPJ dan permit perlu dipulangkan semula kepada JPJ di pos kawalan semasa kenderaan tersebut keluar daripada Malaysia. Malangnya, pemeriksaan EAIC mendapati prosedur tersebut tidak dipatuhi. Walau bagaimanapun, hanya borang laporan pemeriksaan kenderaan sahaja yang diisi.

According to SOP, each vehicle entering Malaysia needs to have an International Circulation Permit (ICP) from JPJ and the permit must be returned to JPJ at the control post upon leaving Malaysia. Unfortunately, EAIC found out that the procedure was not adhered to and only Vehicle Inspection Report Forms were filled.

EAIC kemudiannya melawat pos kawalan PDRM yang terletak sebelum pintu masuk sempadan Malaysia-Thailand. Pegawai polis yang bertugas telah memberi taklimat berkenaan tugas-tugas PDRM di sini.

EAIC then visited the PDRM control posts which was located just before the Malaysia-Thailand border. The officer on duty gave a briefing on the duties of PDRM stationed there.

Pegawai EAIC juga turut melihat bagaimana anggota bertugas membuat pemeriksaan terhadap kenderaan yang ingin memasuki Thailand. Melalui taklimat yang diberikan oleh anggota bertugas, anggota PDRM hanya membuat pemeriksaan terhadap kenderaan yang tidak dikenali dengan meminta hak milik kenderaan yang asal. Setelah itu, anggota bertugas

The EAIC officers also observed that the officers on duty conducted inspections on vehicles that entered into Thailand. From the briefing given earlier by the officer, PDRM officers only inspected unknown vehicles by asking for the ownership of the car. After that, the officer would make a search through the *My Kad* system by phone to verify the status of the

akan membuat semakan melalui sistem *My Kad* melalui telefon untuk mengetahui status kenderaan tersebut sama ada kenderaan tersebut disenarai hitam atau dilaporkan hilang.

vehicle and to see if the vehicle had been blacklisted or reported stolen.

Hasil temubual pegawai EAIC dengan pegawai PDRM yang bertugas mendapati, terdapat anggota PDRM yang tidak mengetahui SOP berhubung kawalan di sempadan.

As a result of the interview with the PDRM officer, EAIC found out that there were some PDRM officers who still only had little knowledge about the SOP on border control.

Sepanjang lawatan EAIC ke ICQ Bukit Berapit, didapati anggota RELA yang bertugas menjalankan tugas mengawal lalu lintas dan membantu JIM bagi membantu kelancaran operasi di sini supaya sentiasa berada dalam keadaan terkawal.

Throughout EAIC's visit to the ICQ Complex at Bukit Berapit, the members of RELA controlled the traffic and assisted JIM in conducting smooth operations in ensuring that everything was under control.

Terdapat 1 pos kawalan KPDNKK diletakkan di laluan Malaysia –Thailand, namun tiada pegawai bertugas ditempatkan di pos kawalan tersebut.

There was 1 KPD control post on the Malaysia-Thailand route, but there were no officers at the control posts.

Kesimpulan dan Syor

Conclusion and Recommendations

Berdasarkan pemerhatian yang dijalankan, EAIC mendapati pos kawalan di ICQ Pengkalan Hulu diselia dengan baik.

Based on the observations, the control posts at the ICQ Complex, Pengkalan Hulu were well supervised.

Antara syor EAIC adalah seperti berikut:

Among the recommendations from EAIC are as follows:

(i) Pegawai dan anggota di ICQ Pengkalan Hulu diberikan kursus integriti bagi meningkatkan tahap integriti.

(i) The officers and members at the ICQ Pengkalan Hulu should be given integrity courses to instil and enhance their integrity level.

(ii) Pegawai atasan memaklumkan SOP berkaitan kepada pegawai dan anggota bawahan dari semasa ke semasa.

(ii) Senior officers should from time to time inform their officers and subordinates about the relevant SOP.





(iii) Menyediakan pos kawalan yang kondusif seperti kemudahan kaunter pos berhawa dingin.

(iv) Menambah bilangan anggota bertugas di pos kawalan JPJ.

(v) Anggota kastam yang bertugas dibekalkan dengan uniform dan kasut yang bersesuaian dengan tugasan mereka di pos kawalan sempadan.

(vi) Menyediakan stor barang rampasan yang lebih tersusun dan kondusif i.e. barang rampasan minyak petrol dan mercun diasingkan serta memastikan stor rampasan berada dalam keadaan yang bersih bagi mengelakkan kehadiran tikus (menerusi pemerhatian yang dibuat semasa lawatan).

(vii) KPDNKK menempatkan pegawai bertugas di pos kawalan.

(viii) Menyediakan kemudahan logistik yang lebih selesa dan sesuai kepada JIM bagi tujuan membawa tahanan ke depoh tahanan.

(ix) Membekalkan alat yang terkini dan berkesan untuk penguat kuasa membuat pemeriksaan secara berkesan i.e. "*metal detector*".

(iii) The control posts should be more conducive for work , for example, providing counter facilities and airconditioning.

(iv) There should be an increase in the number of officers assigned to the JPJ control posts.

(v) Customs officers on duty should be given uniforms and shoes appropriate to work at the border control posts.

(vi) There shoud be a storage area for confiscated goods that was more organised and conducive i.e. confiscated petrol and fireworks should be separated and the store should also be clean to avoid any infestation of rats as per observation done during the visit.

(vii) KPDNKK should place officers at the control posts.

(viii) There should be better logistics to make it more comfortable and suitable for JIM when transfering detainees to the depot.

(ix) There should be more effective equipments/ tools for the enforcement officers to conduct inspections more effectively i.e. metal detectors

LAWATAN KERJA EAIC KE KOMPLEKS PEMERIKSAAN KELUAR MASUK DI SEMPADAN MALAYSIA/THAILAND DI RANTAU PANJANG DAN PENGKALAN KUBOR, KELANTAN

Pada 20 November 2016 delegasi EAIC yang diketuai YA Datuk Yaacob bin Hj Md Sam, Pengerusi EAIC telah mengadakan lawatan ke Kompleks Imigresen, Kastam, Kuarantin dan Keselamatan (ICQS) Rantau Panjang dan Pengkalan Kubor. Kedua-duanya merupakan pintu keluar masuk utama Malaysia-Thailand melalui negeri Kelantan. Delegasi EAIC telah disambut oleh Timbalan Pengarah Jabatan Imigresen Negeri Kelantan, Tuan Nik Akhtarulhaq bin Abdul Rahman dan pegawai-pegawai dari pelbagai jabatan yang ditempatkan di ICQS. ICQS Rantau

EAIC'S WORKING VISIT TO THE MALAYSIA/ THAILAND ENTRY EXIT INSPECTION COMPLEX AT RANTAU PANJANG DAN PENGKALAN KUBOR, KELANTAN

On 20 November 2016, EAIC's delegation led by YA Datuk Yaacob bin Hj Md Sam, EAIC Chairman held a visit to the Immigration, Customs, Quarantine and Security Complex at Rantau Panjang and Pengkalan Kubor. Both were the main doorway of the entry-exit of Malaysia-Thailand through Kelantan. The delegation was received by the Deputy Director Immigration Department, Kelantan, Tuan Nik Akhtarulhaq bin Abdul Rahman and some officers from various departments located at ICQS. ICQS Rantau Panjang was placed under the authority of JIM. There are few

Panjang telah diletakkan di bawah pentadbiran JIM. Di kompleks ini terdapat beberapa agensi lain seperti JKDM, JPJ, AADK, MAQIS, RELA, PGA, PERHILITAN dan Cawangan Penguatkuasa Farmasi serta Bahagian Kawalan Penerbitan dan Teks Al-Quran, Kementerian Dalam Negeri. Delegasi EAIC telah diberikan taklimat ringkas berkenaan fungsi, tugas dan peranan semua jabatan yang terdapat di ICQS oleh wakil masing-masing. Selepas itu, delegasi EAIC telah dibawa melawat sekitar ICQS Rantau Panjang untuk melihat keadaan dan tatacara kerja jabatan masing-masing.

other agencies such as JKDM, JPJ, AADK, MAWIS, RELA, PGA, PRHILITAN, the Pharmaceutical Enforcement Division as well as the Quranic Text and Publishing Control Division being placed at the complex. EAIC's delegation was given a briefing on the functions, roles and responsibilities of the various departments at ICQS, by their respective representatives. Later, the delegation was taken around ICQS Rantau Panjang to observe the surroundings and inspect the work procedures of each department.

Pihak EAIC juga berpeluang melawat Kompleks ICQS Pengkalan Kubor dan dibawa meninjau sekitar Kompleks ICQS. Berbeza dengan ICQS Rantau Panjang yang mempunyai Jambatan Muhibah yang merentasi Sungai Golok, ICQS Pengkalan Kubor hanya boleh diakses menggunakan feri dan bot sahaja.

The delegation group also visited the ICQS Complex Pengkalan Kubor and was also taken for a tour around the ICQS Complex. In contrast to the ICQS Rantau Panjang which its the Muhibah Bridge spreaded across Golok River, ICQS Pengkalan Kubor can only be accessed by ferries and boats.





Susulan daripada lawatan tersebut, EAIC telah menulis kepada Ketua Pengarah Jabatan Imigresen Malaysia (JIM) selaku agensi yang mengetuai ICQS kedua-dua pintu masuk tersebut dan Ketua Pengarah Jabatan Sukarelawan Malaysia (RELA) untuk membuat beberapa penambahbaikan yang melibatkan kesempurnaan fungsi CCTV yang sebahagian besarnya didapati telah tidak berfungi serta kerjasama kawalan yang lebih sempurna oleh RELA dalam membantu melicinkan kawalan keluar masuk orang ramai dan kenderaan di pintu masuk Rantau Panjang.

Following that visit, EAIC wrote in to the Director General, Malaysia Department of Immigration (JIM) as the lead agency at ICQS and to the Director General, Malaysian Volunteer Corps (RELA), to suggest measures and/or changes such as installing a working CCTV as the existing one was not functioning and reinforcing security cooperation by RELA which would help smoothen the entry-exit traffic at Rantau Panjang.

LAWATAN EAIC KE BALAI/LOKAP PDRM

LAWATAN EAIC KE IPD PENGKALAN HULU

Tujuan lawatan ini diadakan adalah untuk mengaudit dan memantau operasi dan tatacara pengendalian lokap, Pejabat Bahagian Siasatan Jenayah & Narkotik serta stor barang kes di IPD Pengkalan Hulu.

Pemeriksaan yang dilakukan merangkumi perkara yang berikut:

- "*Pocket book*" anggota sentri
- Pewartaan lokap
- Pengurusan dan fasiliti lokap
- Pengurusan tahanan
- Pengurusan barang kes
- Pengurusan stor

Berdasarkan kepada pemerhatian serta penerangan wakil IPD Pengkalan Hulu semasa lawatan, EAIC mendapati secara keseluruhannya lokap dan Pejabat Bahagian Siasatan Jenayah berada dalam keadaan yang baik serta mempunyai sistem rekod yang sistematik.

Walau bagaimanapun, pemerhatian EAIC mendapati keadaan Pejabat Bahagian Siasatan Jenayah Narkotik dan stor yang menyimpan barang kes berada dalam keadaan tidak tersusun dan tidak mengikut prosedur yang ditetapkan. Ini akan menyukarkan perjalanan sesuatu kes di mahkamah sekiranya kertas siasatan atau barang kes tersebut didapati hilang.

EAIC'S VISIT TO PDRM STATIONS/ LOCKUPS

EAIC'S VISIT TO IPD PENGKALAN HULU

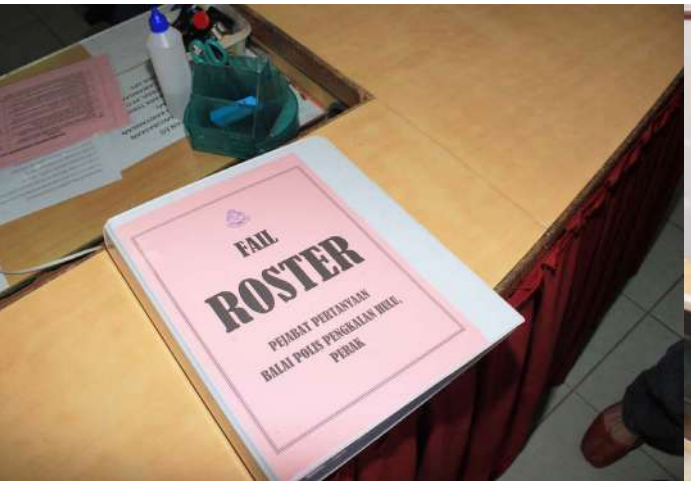
This visit was made to audit and monitor the lockup management operations and processes at the Narcotics and Criminal Investigation Division Office as well as the exhibit store at IPD Pengkalan Hulu.

The inspections conducted covered the following:

- Sentry pocket book
- Lockup gazette
- Lockup facility and management
- Detainee management
- Case exhibit management
- Store management

Based on observations and explanations by IPD Pengkalan Hulu representative during the visit, EAIC found that in general,the lockup and the Criminal Investigation Division Office were in good condition and had a systematic record system.

However, EAIC's observations was that the office of Narcotics Criminal Investigation Division and the exhibit store which stored case exhibits were unorganised and not following any standard procedures. This would cause difficulties to a case's progress in court if the investigation paper or the case exhibit was found missing.





LAWATAN EAIC KE IBU PEJABAT POLIS DAERAH BALING

Lokap IPD Baling hanya menempatkan tahanan lelaki sahaja dan telah di wartakan pada 10 Januari 2012 [P.U.(B)33]. Semasa lawatan ini diadakan, terdapat 30 orang tahanan termasuk tahanan warganegara asing. Terdapat lapan sel di Lokap IPD Baling yang mana setiap sel boleh memuatkan seramai tiga hingga ke empat orang tahanan bergantung kepada keluasan sel. Walau bagaimanapun terdapat empat sel yang tidak boleh digunakan kerana masalah saluran air yang menyebabkan air bertakung dalam lokap yang menyebabkan dinding lokap yang mengalami keretakan.

Lokap IPD Baling dilengkapi dengan kemudahan CCTV, walau bagaimanapun, terdapat CCTV yang tidak berfungsi di beberapa kawasan lokap akibat daripada perbuatan vandalisme oleh tahanan. Namun EAIC telah dimaklumkan oleh sentri yang bertugas bahawa kerosakan tersebut telah dimaklumkan kepada pihak pengurusan untuk dibaikpulih.

Lokap IPD Baling juga dilengkapi dengan kemudahan-kemudahan yang berikut –

(a) Tandas;
(b) Bilik Soal Siasat 1 & 2;
(c) Bilik Kawad Cam;
(d) Bilik Pelawat;
(e) Bilik senaman;
(f) Lokap Cawangan Khas;
(g) Ruang "*black maria*"; dan
(h) Ruang senaman untuk tahanan.

EAIC'S VISIT TO THE POLICE HEADQUARTERS, BALING

The lockup at IPD Baling gazetted on 10 January 2012 [P.U.(B)33] could only hold male detainees. During the visit, there were 30 detainees including foreign detainees. There were eight cells in the IPD Baling Lockup where each cell could fit up to three to four detainees depending on the size of the cell area. However, the forth cells could not be used because of water flowing problem causing the water standing in the lockup and thus causing the lockup walls to crack.

The lockup at IPD Baling was equipped with CCTV facilities but there were some CCTV which were not functioning at certain areas at the lockup due to vandalism by the detainees. EAIC was informed by a sentry on duty that the problem had been brought to the management's attention for them to take necessary action and have it repaired.

The lockup at IPD Baling was also equipped with the following facilities:

(a) Toilets;
(b) Interrogation Roooms 1 & 2;
(c) Identification Room;
(d) Visitors' Room;
(e) Gym;
(f) Lockup Special Branch;
(g) Black Maria' Parking Bay; and
(h) Exercise space for detainees.





Tahanan juga dibekalkan dengan pakaian lokap berwarna oren. Pelawat yang ingin bertemu dengan tahanan dikehendaki berurusan dengan pegawai penyiasat terlebih dahulu sebelum diberikan kebenaran. Pelawat juga hanya dibenarkan melawat tahanan pada waktu bekerja sahaja.

The detainees were provided with orange lockup clothing. Visitors intending to meet the detainees are required to deal with the investigating officer for visit permission. Visitors are only allowed to visit detainees during working hours.

EAIC turut memeriksa *pocket diary* anggota bertugas dan buku perharian balai dan mendapati ianya dikemaskini dan direkod dengan teratur.Borang lawatan pegawai perubatan yang merawat tahanan turut disediakan bagi tujuan rekod. Selain itu, Arahan Timbalan Ketua Polis Daerah Baling berkenaan pengurusan tahanan dipamerkan bagi memudahkan anggota membuat rujukan mengenai tugas-tugas mereka.

EAIC also inspected the pocket diary of the officer on duty and the station daily diary and found that it was up-to-date and neatly recorded. The visits by the medical officers who treated the detainees were also recorded. Apart from that, the Baling District Vice Chief of Police's Orders for the management of the detainees was displayed to make it easier for the officers to make references.

Kesimpulan

Conclusion

Pemerhatian mendapati diari lokap, "*pocket book*" anggota bertugas dan papan kenyataan di lokap diselia dan diuruskan dengan baik. Namun begitu, keadaan lokap secara keseluruhannya berada dalam keadaan sederhana dan perlu diperbaiki.

Observations found that the lockup diary, the pocket book of the officer on duty and the notice board in the lockup were all supervised and well-managed However, the overall condition of the lockup was just average and needed to be improved.

LAWATAN EAIC KE BALAI POLIS BALING

EAIC'S VISIT TO THE POLICE STATION, BALING

Lokap di Balai Polis Baling merupakan lokap transit sementara bagi menunggu tarikh perbicaraan yang hanya menempatkan tahanan wanita dan juvana. Pasukan lawatan EAIC dimaklumkan oleh pihak IPD Baling bahawa tahanan wanita dan juvana masih belum dipindahkan ke Lokap IPD Baling kerana kekangan peruntukan kewangan.

The Lockup at the Baling Police Station is a transit points, which only holds female detainees and jouvenilles, while waiting for trials. EAIC's visiting team was informed by the IPD Baling representative that the female and jouvenille detainees had yet to be brought to the IPD Baling Lockup due to limited budget.

Semasa lawatan, terdapat tiga orang tahanan wanita warganegara Indonesia yang ditempatkan di lokap tersebut kerana kesalahan tinggal di Malaysia melebihi tempoh masa dan sedang menunggu perbicaraan.

During the visit, there were three female Indonesian detainees that had been detained in the lockup, for overstaying in Malaysia, were pending trial.

Hasil pemerhatian EAIC mendapati Lokap Balai Polis Baling mempunyai empat buah sel dengan jumlah maksimum tahanan seramai tujuh orang. Lokap ini dilengkapi dengan lapan buah CCTV yang ditempatkan di dalam lokap termasuk di dalam sel. Selain itu, ia turut dilengkapi dengan kemudahan berikut:

EAIC also noted that there were 4 cells in the Baling Police Station Lockup which could fit a maximum of seven people. The lockup was equipped with CCTV which were placed throughout the lockup, including inside the cells. Apart from that, it also had the following facilities:

Setiap tahanan diberi makan sebanyak tiga kali sehari. Pemerhatian juga mendapati buku perharian balai dikemas kini dan dalam keadaan yang teratur. Setiap pelawat yang melawat tahanan dikehendaki mengisi buku lawatan lokap bagi tujuan rekod.

Kesimpulan

(i) Pemerhatian mendapati diari lokap, "*pocket book*" anggota bertugas dan papan kenyataan di lokap diselia dan diuruskan dengan baik.

(ii) Pengurusan lokap secara keseluruhannya berada dalam keadaan sederhana dan keadaannya usang serta memerlukan sistem pengudaraan yang lebih baik.

Syor

(i) Penambahbaikan kemudahan di lokap terutamanya sistem pengudaraan yang lebih baik.

LAWATAN KERJA EAIC KE IBU PEJABAT POLIS KONTINJEN (IPK) KELANTAN

Lawatan kerja EAIC ke IPK Kelantan telah diadakan pada 21 November 2016. Lawatan dimulakan dengan sesi taklimat oleh Timbalan Ketua Polis Negeri Kelantan, YBrs. SAC Din bin Ahmad berkenaan dengan isu perjawatan kontinjen Kelantan, penurunan kadar jenayah, isu-isu integriti, tugas-tugas berisiko serta kerjasama antara pihak IPK Kelantan dengan JIPS. Sesi lawatan diteruskan dengan taklimat oleh Ketua Jabatan Siasatan Jenayah Negeri Kelantan, YBrs. ACP Mohd Fakri bin Che Sulaiman berkenaan pengenalan mengenai tatacara pengendalian kertas siasatan kes-kes jenayah, tindakan pencegahan dan operasi yang dijalankan, keberkesanan tindakan pencegahan dan operasi yang dijalankan tersebut serta statistik jenayah yang direkodkan di seluruh negeri Kelantan. Kemudiannya, Ketua Jabatan Siasatan Jenayah Narkotik Negeri Kelantan, Supt Mit A/L Emong KJSJN Kelatan memberikan taklimat mengenai tatacara pengendalian kes-kes narkotik, tindakan dalam usaha mencegah peningkatan kes narkotik di negeri Kelantan, keberkesanan tindakan yang diambil serta statistik kes-kes narkotik

Food were provided for the detainees three times daily. It was also noted that the station roster was organised and neat. Each visitor who came to visit a detainee would fill in particulars in the lockup visitor book for record purposes.

Conclusion

(i) Obseration found the lockup diary, officer-on-duty pocket book and the notice board at the lockup were well managed.

(ii) The lockup management in general was rated average and its condition was rather dilapidated and it needed a much better ventilation system.

Recommendations

(i) Improvements on the lockup facilities, especially better ventilation

EAIC'S WORKING VISIT TO THE IPK KELANTAN

EAIC's working visit to IPK Kelantan was held on 21 November 2016. The visit began with a briefing by Kelantan Deputy Chief of Police, YBrs. SAC Din Bin Ahmad on posts at the Kelantan contingent, the decrease of crime rate, issues of integrity, high risk tasks and cooperation between IPK Kelantan and JIPS. The visiting session continued with a talk by the Head of the Criminal Investigation Department, Kelantan, Ybrs. ACP Mohd Fakri bin Che Sulaiman on criminal investigation paper handling procedures, prevention and operations, the effectiveness of the operations and the operations conducted as well as the criminal statistics of Kelantan. Following that, the Head of Narcotic Criminal Investigation Department Kelantan, Supt Mitt A/L Emong KJSJN Kelantan gave a short talk on handling narcotic cases, actions taken in Kelantan to lower the number of narcotic cases in Kelantan, the effectiveness of the actions taken and the statistics of narcotic cases according to category and district in Kelantan. All of the issues discussed showed an increase in the Police's significant success in confiscating different types of dangerous





berdasarkan kategori dan daerah di Kelantan. Perkara yang dibincangkan tersebut melihatkan peningkatan kejayaan polis yang signifikan dalam rampasan dadah berbahaya pelbagai jenis di negeri Kelantan dari bulan Januari hingga Oktober 2016 dan peningkatan nilai sitaan harta dadah serta tangkapan berkaitan dadah yang meningkat berbanding dengan statistik perkara yang sama bagi tahun 2015. Dialog telah diadakan selepas taklimat diberikan termasuk isu-isu berkaitan aduan kepada EAIC yang melibatkan polis bagi negeri Kelantan.

drugs from January to October 2016 as well as the increase in the value of confiscated drugs and drug-related arrests which had, too, increased compared to similar statistics in 2015. A dialogue session was held after the briefings and some of the topics discussed were issues relating to complaints received by EAIC involving the police in Kelantan.

LAWATAN EAIC UNTUK MENINJAU JETI PERSENDIRIAN DAN AKTIVITI BARTER TRADE DI PELABUHAN SELATAN DI BAWAH KAWALAN JABATAN KASTAM DIRAJA MALAYSIA, SELANGOR

Pengenalan

EAIC telah mengadakan lawatan ke Pelabuhan Klang untuk meninjau dan mengetahui dengan lebih jelas tatacara pemeriksaan kastam dan imigresen yang melibatkan aktivti-aktiviti *barter trade* dan urusan pemunggahan di Jeti Persendirian di Pelabuhan Klang Selatan. Lawatan yang telah diadakan pada 20 September 2016 diketuai oleh YA Datuk Yaacob bin Hj. Md. Sam (Pengerusi EAIC) bersama-sama beberapa orang pegawai kanan EAIC.

Pihak EAIC telah di bawa melawat ke tempat-tempat pelabuhan dan jeti persendirian serta melihat proses pemunggahan barangan serta kedudukan pos pemeriksaan kastam dan mendapat taklimat dan penerangan mengenai operasi dan kawal selia yang dijalankan Jabatan Kastam dan Jabatan Imigresen.

EAIC'S VISIT TO OBSERVE THE PRIVATE JETTY AND BARTER TRADE ACTIVITIES AT SOUTH PORT, UNDER THE SUPERVISION OF THE ROYAL MALAYSIAN CUSTOMS DEPARTMENT

Introduction

EAIC conducted a visit to Port Klang to observe and learn more about customs and immigration inspection procedures involving the barter trade and the unloading process at the Private Jetty at South Klang Port. The visit was held on the 20 September 216 and was led by YA Datuk Yaacob bin Hj Md Sam (EAIC Chairman) along with several senior EAIC officers.

During the visit, the EAIC's delegation were brought to inspect several places around the port and the private jetties and also observed the unloading of goods and finally, to check out the location of the customs post after which they attended a briefing session on how the operations and monitoring were done at the Customs and Immigration Departments.

Latarbelakang

Peruntukan seksyen 30 dan 33 Akta Kastam 1967 membenarkan pendaratan barangan berduti import dan memuatkan barangan berduti eksport di tebing sungai yang ditetapkan.

Bagi memudahkan pentadbiran dan kawal selian jeti-jeti persendirian, Unit Jeti Persendirian di Pelabuhan Selatan telah diwujudkan berfungsi untuk memberikan fasilitasi atau kemudahan kepada pengimport/ pengeksport yang menggunakan jeti persendirian sebagai kawasan pemunggahan dagangan serta mengawal segala aktiviti yang dijalankan di jeti persendirian.

Pengeluaran Permit Jeti

Di Selangor, permit jeti dikeluarkan oleh Lembaga Pelabuhan Klang (LPK) di bawah sek. 3(2)(v), 20,21 dan 22(1) *Port Authorities Act* 1963 yang mengkehendaki kebenaran bertulis daripada pihak berkuasa pelabuhan sebelum sesuatu operasi dijalankan. Bagi Lembaga Urus Air Selangor, permit dikeluarkan di bawah Peraturan – peraturan Aktiviti Pengubahan Sumber (Selangor) 2013.

Barang Dagangan di Jeti Persendirian

Dagangan yang dikendalikan di jeti adalah seperti berikut:

i. Luar biasa dari segi ukuran atau berat misalnya jentera besar/berat yang memerlukan kenderaan/alat khas untuk pemunggahan

ii. Pukal seperti jagung, gandum, baja dan lain-lain yang dibawa dalam guni, tong dan sebagainya.

iii. Bahan-bahan mudah terbakar, asid dan lain-lain.

Penggunaan Jeti Persedirian

Jeti Persendirian berperanan sebagai sistem sokongan kepada pelabuhan utama di Pelabuhan Klang.

Background

Under the provisions in Sections 30 and 33 Customs Act 1967, goods with import duties may be landed/ loaded on any part of the legal landing place and goods with export duties may be landed or loaded at the river bank as pre-determined.

To ease the administration and monitoring of private jetties, the Private Jetty Unit at South Port was built to provide facilities to importers/exporters who use the private jetties as an unloading bay for trading goods and to monitor all activities conducted at the private jetties.

Jetty Permit Issuance

In Selangor, a jetty permit is issued by the Port Klang Board (LPK) under Sec. 3(2)(v), 20,21 and 22(1) Port Authorities Act 1963 which requires a written permission from the port authority before any operation is conducted. For Lembaga Urus Air Selangor, permits are issued under the Resource Alteration Activity Regulations (Selangor) 2013.

Trade Goods at Private Jetties

Among the types of rades conducted at the jetties are as follows:

i. Extraordinary in terms of measurement or weight, for example large/heavy machinery which requires special vehicles/equipment to be unloaded.

ii. Goods packed in sacks, barrels etc such as maize, wheat, fertilizers etc.

iii. Flammable material, acid etc.

The Use of Private Jetties

Private Jetties functions as a support system to the main port at Port Klang.

Terdapat 20 buah jeti persendirian yang dibenarkan beroperasi sepanjang Sungai Klang dan Sungai Langat seperti berikut:

1. Pelabuhan ASA Niaga Barter Trade S/B (B1X)
2. Glenn Marine Group (Asia) S/B (B3A)
3. ASA Niaga Jeti Harbour City
4. Kapar Energy Ventures S/B (B6C)
5. Awal Idaman S/B(B2J)
6. Suria Marine Service (B2B)
7. Sritama Industries S/B (B3J)
8. ATB Jetty S/B (B3K)
9. Bukit Gombak Development S/B (B4J)
10. Muhibbah Marine Engineering S/B(B5A)
11. THHE Fabrications S/B (B5B)
12. Glenmarie Cove Development S/B (B5C)
13. Vantage Holdings Berhad (B5N)
14. Swee Ting Trading S/B (B6B)
15. Grominent S/B (B6E)
16. Sebangun
17. Benalec Shipyard S/B(B6G)
18. Lunar Maritime
19. Low Kim chuan & Anak-anak S/B (B3M)
20. Lion Waterway Logistic S/B (B4X)

Tertakluk kepada syarat-syarat yang termaktub dalam seksyen 30 dan 33, Akta Kastam 1967, antara syarat yang wajib diberi perhatian adalah:

1. Masa penggunaan jeti
2. Penyewa yang dibenarkan menggunakan jeti
3. Dagangan yang dibenarkan untuk dimuatnaik/ turun di jeti dan
4. Dokumen-dokumen yang mesti diserahkan kepada pihak JKDM sebelum penggunaan jeti

Kawalan

Dalam usaha menjamin tadbir urus terbaik, pihak JKDM telah mengambil langkah-langkah berikut bagi memastikan urusan kawal selia dilakukan dengan lebih cekap dan berkesan.

i. Penempatan Pegawai Kastam di jeti persendirian (4 orang pegawai)
ii. Lawatan berkala dilakukan dari semasa ke semasa

There are 20 private jetties permitted to operate along Klang River and Langat River as follows:

1. Pelabuhan ASA Niaga Barter Trade S/B (B1X)
2. Glenn Marine Group (Asia) S/B (B3A)
3. ASA Niaga Jeti Harbour City
4. Kapar Energy Ventures S/B (B6C)
5. Awal Idaman S/B(B2J)
6. Suria Marine Service (B2B)
7. Sritama Industries S/B (B3J)
8. ATB Jetty S/B (B3K)
9. Bukit Gombak Development S/B (B4J)
10. Muhibbah Marine Engineering S/B(B5A)
11. THHE Fabrications S/B (B5B)
12. Glenmarie Cove Development S/B (B5C)
13. Vantage Holdings Berhad (B5N)
14. Swee Ting Trading S/B (B6B)
15. Grominent S/B (B6E)
16. Sebangun
17. Benalec Shipyard S/B(B6G)
18. Lunar Maritime
19. Low Kim chuan & Anak-anak S/B (B3M)
20. Lion Waterway Logistic S/B (B4X)

Subject to conditions contained in Sections 30 and 33, Customs Act 167, among the regulations that must be paid attention to are:

1. The time set for the use of the jetty
2. Renters allowed to use the jetty
3. Trade goods allowed to be loaded/unloaded at the jetty
4. Documents that must be handed to the JKDM before using the jetty

Control

As part of their efforts to ensure best administration, JKDM had taken steps to ensure that supervision is conducted more efficiently and more effectively.

i. Placement of Customs Officers at private jetties (4 officers)
ii. Regular visits are conducted from time to time

iii. Lawatan malam dilakukan secara berkala
iv. Lawatan bersama agensi penguatkuasaan yang lain (LPK/LUAS/APMM/Pasukan Gerakan Marin/JKDM/JIM)
v. Peringatan dan pemberitahuan dikeluarkan dari semasa ke semasa kepada pengusaha jeti
vi. Semua jeti persendirian di bawah kawalan kastam diwajibkan memaparkan papan tanda jelas yang dipagari untuk menunjukkan had kawasan
vii. Perjumpaan bersama pengurus jeti persendirian
viii. Kawalan dari segi borang dan laporan.

iii. Night visits be conducted regularly
iv. Joint visits are conducted with other enforcement agencies (LPK/LUAS/APMM/Pasukan Gerakan Marin/JKDM/JIM)
v. Reminders and notices are issued from time to time to jetty owners
vi. All private jetties under the supervision of customs are required to display the notice board clearly on fences to signal area limits
vii. Meetings are conducted with managers of private jetties
viii. Control via forms and reports

Bayaran Perkhidmatan Kastam

Bayaran perkhidmatan Kastam diperuntukkan di bawah seksyen 144 Akta Kastam 1967 seperti berikut:

1. Jeti berhampiran yang digunakan oleh pemiliknya sendiri bagi memunggah barang-barang sendiri yang telah dibenarkan, dikenakan caj RM30/ sehari atau sebahagian daripada sehari.

2. Jeti yang digunakan bukan sahaja oleh pemiliknya tetapi juga pengimport/ pengeksport lain sebagai perkongsian untuk memunggah barang-barang mereka yang telah dibenarkan dikenakan caj RM 50/ sehari atau sebahagian daripada sehari.

Payment for Customs' Services

Payment for customs' services are provided for under Section 144 Customs Act 1967 as follows:

1. A jetty located nearby and used by the owners themselves to unload permitted personally-owned goods, is charged RM30/day or half a day.

2. A jetty used not only by the owners but also by other importers/exporters in a partnership to unload permitted goods is charged RM50/day or half a day.

Secara keseluruhannya EAIC berpuas hati dengan tahap kawalan dan penguatkuasaan undang-undang oleh Jabatan Kastam dan Jabatan Imigresen di tempat tersebut dengan syor kepada pemilik jeti persendirian tersebut supaya dapat menyegerakan pembinaan pondok pemeriksaan Kastam yang lebih kondusif

In general, EAIC was satisfied with the level of control and law enforcement practised by the Customs and Immigration Departments at the location, recommending that the owners of the jetty themselves build a hut to accommodate the Customs' inspection process, as the hut would be more conducive





berbanding dengan pondok yang ada sekarang yang kelihatan uzur untuk digunakan dengan lebih selesa oleh pegawai Kastam bertugas di pondok kawalan dan pemeriksaan tersebut.

LAWATAN EAIC KE *NOT TO LAND* (NTL) KLIA DAN KLIA2

Latar Belakang

EAIC telah menerima laporan mengenai dakwaan yang melibatkan seorang lelaki warganegara Filipina bernama Jaime Rafael D. De Los Reyes (Jaime Rafael) yang merupakan seorang peserta program 'Residential Course' yang diadakan di Kuala Lumpur sempena Hari Malaysia. Beliau tiba di Kuala Lumpur melalui penerbangan Cebu Air dan kemudiannya telah ditahan di Lapangan Terbang Antarabangsa Kuala Lumpur 2 (KLIA 2) selepas pemeriksaan dijalankan oleh pegawai Imigresen dengan alasan pasport miliknya telah didapati rosak.

Maklumat dan laporan yang dikemukakan melibatkan perkara-perkara berikut:

i. Jaime Rafael ditahan atas alasan pasport miliknya didapati basah;
ii. Keadaan serta kelengkapan dalam sel tahanan yang menempatkan penumpang-penumpang NTL di KLIA 2;
iii. Had bilangan para penumpang NTL di dalam sel;
iv. Lokasi kawasan penempatan NTL;
v. Pengurusan barang-barang rampasan;
vi. Kegiatan rasuah dalam kalangan pegawai-pegawai Imigresen;
vii. Makanan yang disediakan kepada penumpang NTL; dan
viii. Layanan kepada para penumpang NTL semasa ketibaan pihak kedutaan Filipina.

Tujuan Lawatan

Susulan daripada laporan dan maklumat tersebut, EAIC telah mengadakan pemeriksaan mengejut ke kawasan penempatan penumpang NTL di KLIA dan KLIA2 pada 22 September 2016. Pemeriksaan mengejut ini bertujuan mengenal pasti perkara-

and comfortable for the Customs officers on duty, compared to the current dilapidated hut.

EAIC'S VISIT TO 'NOT TO LAND' KLIA AND KLIA2

Background

EAIC had received a report concerning claims that involved a Phillipino citizennamed Jaime Rafael D. De Los Reyes (Jaime Rafael) who was a contestant of a programme called 'Residential Course" which was held in Kuala Lumpur in conjunction with Hari Malaysia. He arrived in Kuala Lumpur by Cebu Air and was detained at Kuala Lumpur International Airport 2 (KLIA 2) after inspection by Immigration officers revealed that his passport was spoilt.

The information and report that he presented contained the following items as stated below:

i. Jaime Rafael's detention on the reason that his passport was found to be wet;
ii. The condition and facilities in the detention cell where NTL passengers at KLAI 2 are placed;
iii. The maximum capacity of NTL passengers can be placed in a cell;
iv. The location of the NTL detention area;
v. Management of confiscated belongings;
vi. Bribery among Immigration officers;
vii. Food prepared for the NTL passengers; and
viii. Treatment received by NTL passengers upon the arrival of the representatives of the Phillipines Embassy.

Purpose of Visit

Following the report and the information, EAIC conducted a spot check at the detention area for NTL passengers at KLIA and KLIA2 on 22 September 2016. The surprise inspection aimed to verify the following:

perkara yang berikut -

i. Kesahihan maklumat yang diterima sebagaimana di atas;
ii. Kaedah-kaedah dan tatacara yang digunapakai oleh JIM dalam mengendalikan penumpang NTL di KLIA dan KLIA2; dan
iii. Perbezaan kaedah dan tatacara pengendalian penumpang NTL yang digunapakai di KLIA dan KLIA2.

i. The authentcity of the information received as mentioned above;
ii. Methods and procedures used by JIM in handling NTL at KLIA and KLIA 2; and
iii. The different methods and procedures used to handle NTL at KLIA and KLIA 2.

Dapatan Siasatan Hasil Daripada Lawatan Yang Dijalankan Terhadap Isu-Isu Berbangkit

EAIC telah melakukan pemerhatian serta soal selidik mengenai hal-hal yang dibangkitkan. Perkara-perkara yang dibangkitkan adalah seperti yang berikut:

i. Jaime Rafael ditahan atas alasan pasport miliknya didapati basah

Lawatan/pemeriksaan mengejut mendapati bahawa berdasarkan penelitian terhadap Senarai Semak Penumpang untuk Ditolak Kemasukan (NTL), Jaime Rafael telah ditahan disebabkan keadaan fizikal pasport (No. EC0605810) miliknya yang didapati telah rosak. Maka satu Notis Penolakan Masuk/*Notice of Refusal* bertarikh 14 September 2016 telah dikeluarkan terhadap Jaime Rafael.

ii. Keadaan serta kelengkapan di dalam sel tahanan yang menempatkan para penumpang NTL di KLIA2

Jaime Rafael menyatakan bahawa tiada katil disediakan dan para penumpang yang berada di dalam sel tersebut hanya memegang botol kosong yang dijadikan bantal dan menggunakan kotak untuk dijadikan alas untuk berbaring dan terdapat juga tahanan yang hanya berbaring di atas lantai tanpa sebarang alas. Pemeriksaan mendapati dakwaan oleh Jamie Rfaeil adalah benar memandangkan semasa lawatan, para penumpang NTL berbaring di atas kadbod dan ada di kalangan mereka yang berbaring di atas lantai. EAIC telah dimaklumkan bahawa tiada SOP yang mengkehendaki pihak JIM

Findings From The Investigation on Raised Issues, as a Result of the Visit

EAIC conducted observations and a questionnaire on the raised issues; there were in total,eight issues raised:

i. Jaime Rafael's detention upon claims that his passport was wet

The spontaneous visit/spot check found that based on the NTL Passenger's Checklist, Jaime Rafael was detained due to the physical apearance of his passport (No. EC0605810) which was found to be spoilt. As such a Notice of Refusal dated 14 September 2015 was issued to Jaime Rafael.

ii. The condition and facilities in the detention cell where NTL passengers from KLIA and KLIA 2 are placed

Jaime Rafael claimed that there was no bed and the passengers only had empty bottles which were used as a pillow and a cardboard was used as a mat to lie on and that there were also some detainees who had none to lie on the floor. Inspection proved that Jaime Rafael's claims were true as during the inspection, some NTL passengers were lying on cardboards while others were just lying on the floor. EAIC was informed that there was no SOP which required JIM to provide sleeping facilities like pillows or beds for the use of NTL passengers in the cells.

untuk menyediakan kelengkapan untuk tidur seperti bantal dan katil untuk kegunaan para penumpang NTL di dalam sel.

Selain itu, Jaime Rafael juga menyatakan bahawa sel di mana beliau ditempatkan berada dalam keadaan yang sangat kotor. Pemeriksaan mengejut mendapati bahawa terdapat tandas yang tidak berpintu dengan dinding yang menyerupai '*partition*' dalam setiap sel. Pemeriksaan EAIC terhadap tandas di kawasan NTL wanita mendapati keadaan tandas berada dalam keadaan yang memuaskan manakala pemeriksaan tandas di kawasan NTL lelaki pula didapati kotor dengan air yang bertakung di lantai.

iii. Had bilangan para penumpang NTL di dalam sel

Jaime Rafael menyatakan terdapat antara 30 hingga 40 penumpang NTL yang ditempatkan di dalam sel di KLIA2 yang mana keluasannya kurang daripada 25 meter persegi.

Pemeriksaan mengejut mendapati bahawa terdapat 2 sel yang masing-masingnya menempatkan para penumpang lelaki dan wanita. Pemeriksaan yang dijalankan mendapati bahawa dakwaan Jaime Rafael seperti di perenggan 5.3.1 tidak dapat disahkan kerana setiap sel berkeluasan 222.56 meter persegi dan setiap sel mampu memuatkan seramai 100 orang penumpang dalam satu masa. Semasa lawatan/pemeriksaan mengejut dijalankan, terdapat 58 penumpang NTL yang ditahan di dalam sel dan pecahan penumpang mengikut jantina dan negara adalah seperti berikut:

Apart from that, Jaime Rafael also stated that the cells where he had been placed in was very dirty. The spotcheck revealed that the toilet had no door and the walls were similar to partitions in each cell. EAIC's inspection on the toilet at the women NTL area revealed to be in satisfactory condition while the the men NTL area was dirty and even had water pooling on the floor.

iii. Maximum capacity of NTL passengers in a cell

Jaime Rafael stated that between 30 to 40 NTL passengers were placed in a cell at KLIA 2 which had an area of about 25 meter per square feet.

The surprise inspection found that there were two cells each for men and women. The inspection that was conducted could not verify Jaime Rafael's claims as per paragraph 5.3.1 as each cell was 222.56 meter per square feet and each cell coud fit 100 passengers at a time. During the visit/inspection, 58 NTL passengers were detained in a cell and the breakdown of the passengers according to gender is as follows:

No. *No.*	Negara Asal *Country of Origin*	Lelaki *Men*	Perempuan *Women*
1.	Indonesia	11	5
2.	Bangladesh	22	-
3.	India	7	1
4.	China	-	1
5.	Vietnam	1	8
6.	Nepal	1	-
7.	Kemboja	-	1
Jumlah *Total*		42	16
		58	

iv. Lokasi kawasan penempatan NTL

EAIC mendapati bahawa sel yang menempatkan para penumpang NTL tidak mempunyai sistem pengudaraan yang baik kerana tidak mempunyai tingkap mahupun lubang saluran udara. Pemeriksaan mendapati bahawa terdapat kipas pengudaraan ('ventilation fan') dalam setiap sel bagi tujuan pengudaraan.

iv. Location of NTL detention area

EAIC found that the cells where the NTL passengers were placed had good ventilation as they were windowless and there were vents in the wall. Inspection revealed that there was a ventilation fan in each cell.

v. Pengurusan barang-barang rampasan penumpang NTL

Jaime Rafael mendakwa bahawa pihak JIM telah merampas telefon bimbit, tali pinggang dan beg miliknya semasa beliau ditahan. Selain itu, dompetnya juga telah dirampas namun wang yang terdapat dalam dompet tersebut diberikan kepada Jaime Rafael untuk simpanannya.

EAIC juga mendapati terdapat rekod transaksi proses serah barang kes iaitu Borang Serahan Barang-Barang Kes (Kes NTL) dan juga Buku Serahan Barang-Barang Kes.

Berdasarkan kepada pemeriksaan ke atas dokumen-dokumen yang terlibat, didapati hanya telefon bimbit jenis *iPhone* sahaja yang dirampas dan disimpan oleh JIM manakala barang-barang lain milik Jaime Rafael diserahkan terus kepadanya untuk simpanan sendiri.

v. Management of confiscated belongings of NTL passengers

Jaime Rafael claimed that JIM confiscated his cellphone, belt and bag when he was detained. Apart from that, his wallet was also confiscated while the money his wallet was given to Jaime Rafael for his own keep.

EAIC found that there was a record of the surrendering of the case objects transaction – Case Objects Surrendering Form (NTL Case) and also the Case Objects Surrendering Book.

Based on the examination of the documents involved, only his iphone was confiscated by JIM whereas the rest of his belongings had been returned directly to Jaime Rafael for his own keeping.

Sehubungan itu, dakwaan bahawa telefon bimbit, tali pinggang, beg serta dompet miliknya telah dirampas tidak dapat disahkan. Berdasarkan kepada rekod sedia ada, telefon bimbit jenis *iPhone* telah dipulangkan semula kepada Jaime Rafael.

As such, his claim that his cell phone, belt, bag and wallet had been confiscated could not be verified. Based on the records, his iphone had also been returned to him.

vi. Kegiatan rasuah di kalangan para pegawai Imigresen

vi. Bribery among Immigration officers

Jaime Rafael mendakwa bahawa sewaktu beliau ditahan, beliau telah melihat seorang penjaga di *Holding Area* yang menerima wang daripada salah seorang penumpang sebagai bayaran rasuah untuk membolehkan penumpang tersebut dilepaskan daripada sel tersebut.

Jaime Rafael claimed that when he was being detained, he saw a guard at the holding area receiving money from one of the passengers as a bribery to allow that passenger to be released from the cell.

Pasukan lawatan/pemeriksaan mengejut mendapati bahawa dakwaan tersebut tidak dapat disahkan memandangkan tiada Kamera Litar Tertutup (CCTV) di sekitar kawasan *Holding Area* bagi menentusahkan dakwaan tersebut.

The spontaneous visit/spot check team found that the claim could not be verified as there was no CCTV placed around the Holding Area.

vii. Makanan yang disediakan kepada penumpang NTL

vii. Food prepared for the NTL passengers

Jaime Rafael mendakwa bahawa penumpang-penumpang NTL termasuk beliau telah diberikan nasi sebagai sarapan pagi dan mereka tidak disediakan sudu dan garfu.

Jaime Rafael claimed that the NTL passengers had been given rice for breakfast but they had not been given forks and spoons.

Berdasarkan kepada penjelasan yang diperolehi, EAIC mendapati makanan untuk penumpang-penumpang NTL disediakan oleh syarikat penerbangan yang dinaiki oleh mereka. Siasatan awal mendapati bahawa Jaime Rafael telah menggunakan perkhidmatan Cebu Air dan makanan yang disediakan oleh syarikat penerbangan tersebut adalah dibeli daripada restoran makanan segera *Marrybrown* berupa set ayam goreng tanpa nasi. Walau bagaimanapun, pemeriksaan terhadap syarikat penerbangan AirAsia pula mendapati bahawa makanan jenis nasi disediakan dan turut dilengkapi dengan sudu dan garfu untuk kegunaan penumpang NTL.

According to the explanation received, EAIC found that the food for the NTL passengers was prepared by the flights that they went on board. Initial investigation showed that Jaime Rafael had used the service of Cebu Air and the food prepared by the airline company was bought from Marrybrown fast food outlet in the form of fried chicken set without rice. However, upon futher inspection, it was found that the airline company Air Asia pepared a rice meal which came complete with fork and spoon for the use of the NTL passengers.

viii. Layanan kepada penumpang-penumpang NTL semasa ketibaan pihak kedutaan Filipina

Jaime Rafael mendakwa bahawa beliau berada di dalam sel selama lebih kurang 12 jam sehingga pihak Kedutaan Filipina tiba di *Holding Area* KLIA2 tersebut. Semasa dalam tahanan, beliau dan warga Filipina yang lain tidak diberikan makanan yang baik sehingga ketibaan pihak Kedutaan Filipina.

Pemeriksaan mendapati bahawa dakwaan Jaime Rafael berkenaan tempoh tahanannya adalah benar kerana Notis Penolakan Masuk menunjukkan bahawa Jaime Rafael telah ditahan pada 14/9/2016 jam 1.51 pagi dan berdasarkan kepada catatan pada Buku Serahan Barang-Barang Kes menunjukkan bahawa status penumpang NTL Jaime Rafael telah dibatalkan pada 14/9/2016 jam 1.30 petang manakala rujukan terhadap catatan yang terdapat pada *'Acknowldgement Letter'* bertarikh 14/9/2016 pula menunjukkan bahawa Jaime Rafael telah pulang ke Filipina pada 15/9/2016 jam 1.20 petang.

Berkenaan dengan dakwaan beliau mengenai layanan baik diterima hanya selepas wakil Kedutaan Filipina hadir di KLIA2, pemeriksaan mengejut mendapati bahawa dakwaan tersebut tidak dapat disahkan memandangkan status penumpang NTL Jaime Rafael dibatalkan atas sebab jaminan yang diberikan oleh pihak Kedutaan Filipina dan tiada CCTV yang dapat menentusahkan atau menyokong dakwaan beliau.

Jaime Rafael juga mendakwa, pihak Kedutaan Filipina telah memaklumkan kepada beliau bahawa pasport miliknya dalam keadaan baik semasa meninggalkan Malaysia dan tidak dipersoalkan oleh pihak JIM.

viii. Treatment received by NTL passengers upon the arrival of representatives of the Phillipines Embassy.

Jaime Rafael claimed that he was in a cell for about 12 hours till a representative from the Phillipines Embassy arrived at the Holding Area at KLIA 2. While under detention, he claimed that he and few other Philipinos were not given proper food until the the representatives from the Phillipines Embassy arrived.

Inspection revealed that Jaime Rafael's claim on the duration of his detention was true as the Notice of Refusal showed that Jaime Rafael was detained on 14/92016 at 1.15am and based on the record in the Case Objects Surrendering Book, Jaime Rafael's NTL passenger status was cancelled on 14/9/2016 at 1.30pm while the Acknowledgement Letter dated 14/9/2016 showed that Jaime Rafael had returned to the Phillipines on 15/9/2016 at 1.20 pm.

Regarding his claims that he received good treatment only after the representatives from the Phillipines Embassy arrived at KLIA 2, the spot check team could not verify it as Jaime Rafael's NTL passenger status had been cancelled based on the guarantee given by the Phillipine Embassy and that there were no CCTV to either support or negate his claims.

Jaime Rafael also claimed that the Phillipines Embassy had told him that his passport was in good condition when he was leaving Malaysia and that it had not been questioned by JIM.

Lawatan ke KLIA Serta Perbezaan Antara Kawasan Penempatan Dan Pengurusan Penumpang NTL Di KLIA dan KLIA2

Selain daripada pemeriksaan mengejut ke kawasan penempatan penumpang NTL di KLIA2, EAIC juga telah menjalankan lawatan ke kawasan penempatan penumpang NTL KLIA yang dikenali sebagai *Holding Lounge.*

EAIC mendapati terdapat beberapa perbezaan ketara berhubung dengan pengoperasian *Holding Lounge* di KLIA dan *Holding Area* di KLIA2 seperti berikut:

Visit to KLIA and the Difference between the Holding Area and NTL Passenger Management at KLIA and KLIA 2

Apart from the spot check to the NTL passenger holding area at KLIA 2, EAIC also conducted a visit to the NTL passenger holding area at KLIA which is known as Holding Lounge.

EAIC found a few differences between the operation of the KLIA Holding Lounge and the KLIA 2 Holding Area, as follows:

Bil *No*	Kawasan Penempatan KLIA *Holding Lounge KLIA*	Kawasan Penempatan KLIA 2 *Holding Area KLIA2*
1.	**Pengendalian** Dikendalikan oleh syarikat swasta yang dilantik oleh pihak JIM KLIA iaitu **Mono Circle Sdn. Bhd.** ***Management/Affairs*** *Managed by a private company appointed by JIM KLIA – **Mono Circle Sdn Bhd***	**Pengendalian** Dikendalikan sepenuhnya oleh pihak JIM KLIA. ***Management/Affairs*** *Fully-managed by JIM KLIA*
2.	**Pewartaan Sel** Tiada terdapat sel di KLIA. ***Gazetted Cell*** *Not found in KLIA.*	**Pewartaan Sel** Tidak diwartakan. ***Gazetted Cell*** *Not gazetted.*
3.	**Keadaan sel** Hanya terdapat satu ruang besar yang menempatkan para penumpang *NTL* lelaki manakala terdapat ruang berupa *'partition'* di dalam sel tersebut yang menempatkan para penumpang*NTL* wanita. ***Condition of the Cell*** *There was only one big space which fitted all the male NTL passengers while partitions were set up within that cell to make a space for the women NTL passengers.*	**Keadaan sel** Terdapat dua sel yang masing-masing menempatkan para penumpang *NTL* lelaki dan wanita. ***Condition of the Cell*** *There are two separate cells for male and female NTL passengers respectively.*
4.	**Bilangan penumpang *NTL*** Pada hari pemeriksaan mengejut diadakan, keadaan di dalam kawasan penempatan berada dalam keadaan agak sesak kerana terdapat 143 orang penumpang *NTL* lelaki dan 29 orang penumpang *NTL* wanita. ***The total number of NTL passengers*** *On the day of the spotcheck, the area was rather congested as there were 143 male NTL passengers and 29 female NTL passengers.*	**Bilangan penumpang *NTL*** Pada hari pemeriksaan mengejut diadakan, terdapat 58 orang penumpang NTL yang terdiri daripada 42 orang penumpang NTL lelaki dan terdapat 16 orang penumpang NTL wanita. ***The total number of NTL passengers*** *On the day of the spotcheck, there were 58 NTL passengers, of which 42 were male and 16 were female.*

5.	**Makanan penumpang** Tiada makanan percuma disediakan kepada penumpang NTL semasa di KLIA. Berdasarkan temubual bersama pegawai daripada Syarikat Mono Circle Sdn. Bhd., penumpang-penumpang NTL perlu membeli makanan sendiri semasa berada di *Holding Lounge* KLIA dan harga makanan adalah berbeza mengikut sarapan, makan tengah hari dan makan malam. ***Food for the passengers*** *No free food is provided to the NTL passengers while at KLIA. According to the officer from Syarikat Mono Circle Sdn. Bhd., NTL passengers need to buy the food while in the Holding Lounge at KLIA and the price of the food varies according to the type of meals – breakfast, lunch and dinner*	**Makanan penumpang** Makanan diberikan secara percuma kepada penumpang-penumpang NTL dan makanan disediakan oleh syarikat penerbangan yang dinaiki oleh penumpang-penumpang NTL sendiri. ***Food for the passengers*** *Food were given for free to the NTL passengers and the meals are prepared by the respective airline company on which the NTL passengers had been on.*
6.	**Kelengkapan sel** i. Tiada katil ataupun bantal disediakan di dalam sel tersebut untuk kegunaan penumpang NTL dan tiada terdapat SOP yang mengkehendaki pihak JIM KLIA menyediakan kemudahan katil dan bantal di dalam sel tersebut. ii. Terdapat beberapa unit sofa di dalam *Holding Lounge*. ***Cell Facilities*** *i. No bed or pillowsare provided in the cell for the NTL passengers and there is no SOP which requires JIM KLIA to provide sleeping facilites like beds or pillows in the cell.* *ii. There are a few sofas in the Holding Lounge*	**Kelengkapan sel** i. Tiada katil ataupun bantal disediakan di dalam sel tersebut untuk kegunaan penumpang dan tidak terdapat SOP yang mengkehendaki pihak JIM KLIA menyediakan kemudahan katil dan bantal untuk kegunaan penumpang NTL. ii. Kotak dijadikan sebagai tempat untuk berbaring dan botol air dijadikan sebagai bantal bagi penumpang di dalam sel tersebut. ***Cell Facilities*** *i. No bed or pillows were provided in the cells for the use of the NTL passengers and there was no SOP which requires JIM KLIA to provide sleeping facilites like beds and pillows for the use of NTL passengers.* *ii. Cardboard was used for mattress to lie on and water bottles were used as pillows for the passengers in the cells.*
7.	**Tandas** Tandas lelaki dan wanita di kawasan penempatan penumpang NTL dalam keadan bersih dan semasa lawatan dijalankan, didapati kerja-kerja pembersihan tandas sedang dilakukan oleh pekerja syarikat pembersihan yang dilantik oleh Mono Circle Sdn. Bhd. ***Restrooms*** *Male and female toilets at the Holding Lounge for the NTL passengers were clean and during the visit, the toilets were being cleaned by a cleaning company appointed by Mono Circle Sdn Bhd.*	**Tandas** Tandas di sel lelaki berada dalam keadaan kotor dan tidak mempunyai pintu serta air bertakung dan menyukarkan penumpang-penumpang NTL menggunakan tandas tersebut. ***Restrooms*** *The toilet in the male cell was dirty and did not have a door, and also there was water pooling on the floor and making it difficult for the NTL passengers to use the facility.*

8.	**Sistem simpanan barang-barang milik penumpang NTL** Barang-barang seperti beg diletakkan di dalam sebuah bilik dan ditandakan, namun begitu tiada borang serah menyerah barang disediakan untuk rujukan. ***NTL passengers' belongings storage system*** *Belongings such as bags are placed in a room and marked but there is no goods surrender form to be filled and used as a reference.*	**Sistem simpanan barang-barang milik penumpang NTL** Terdapat sistem simpanan barang dan borang serah menyerah barang disediakan dan diamalkan oleh Pegawai JIM KLIA di *Holding Area* KLIA2 namun tiada CCTV terdapat di tempat tersebut. ***NTL passengers' belongings storage system*** *There is a storage system and a belongings surrender form to be filled and this is practised by JIM KLIA Officers at KLIA 2 but there is no CCTV at the storage area.*
9.	**Rekod kemasukan penumpang** Tidak diperiksa. ***Passenger admission records*** *Not examined.*	**Rekod kemasukan penumpang** Rekod kemasukan penumpang disimpan dengan teratur dan lengkap. ***Passenger admission records*** *Passenger admission records were well organised and in order.*
10.	**SOP Pengendalian penumpang NTL** Tidak terdapat SOP yang tetap untuk pengendalian kawasan penempatan penumpang NTL. ***Handling NTL passengers SOP*** *There was no fixed SOP for the handling of the NTL passengers.*	**SOP Pengendalian penumpang NTL** Tidak terdapat SOP yang tetap untuk pengendalian kawasan penempatan penumpang NTL. ***Handling NTL passengers SOP*** *There was no fixed SOP for the handling of the NTL passengers.*
11.	**Pemasangan CCTV** Terdapat CCTV diletakkan di*Holding Lounge*. ***Installing CCTV*** *There were CCTVs in the Holding Lounge.*	**Pemasangan CCTV** Tidak terdapat CCTV disediakan di pos pengawal *Holding Area* KLIA2 ini untuk memantau pergerakan pegawai bertugas dan penumpang-penumpang NTL di *Holding Area* KLIA2. ***Installing CCTV*** *No CCTV had been installed at the guard post at the Holding Area KLIA 2 to monitor the movements of the officer on duty and the NTL passengers.*

PINDAAN AKTA SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN 2009 *[AKTA 700]*

AMENDMENT OF THE ENFORCEMENT AGENCY INTEGRITY COMMISSION ACT 2009 *[ACT 700]*

Sebagaimana matlamat Kerajaan untuk meningkatkan integriti semua pegawai penguat kuasa dan agensi-agensi penguatkuasaan, EAIC telah mengambil langkah untuk mengkaji semula *Akta 700* bagi memastikan fungsi dan mandat yang diberikan kepada EAIC dapat dijalankan dengan lebih cekap dan efektif.

In line with the Government's aim to strengthen the integrity among enforcement officers and agencies, EAIC reviewed Act 700 to ensure that the functions and mandates given were performed effectively.

Rentetan daripada cadangan pindaan terhadap *Akta 700* yang telah dibincangkan dan dicadangkan pada tahun 2015, Bahagian Undang-undang telah mengemukakan semula draf Rang Undang-undang (RUU) pindaan kepada Akta 700 ini kepada Bahagian Gubalan, Jabatan Peguam Negara (AGC) untuk semakan dan kelulusan pada 28 Januari 2016.

Following a discussion in 2015 to review and propose for amendments to Act 700, the Legal Division presented a new draft of the amended Act 700 Bill (RUU) to the Drafting Division at the Attorney General's Chambers (AGC) for its review and approval on 28 January 2016.

Seterusnya pada 18 Februari 2016, satu perjumpaan telah diadakan antara YA Datuk Pengerusi EAIC bersama Penasihat Undang-undang (PUU), Jabatan Perdana Menteri (JPM) bagi membincangkan beberapa cadangan pindaan kepada Akta 700 tersebut dan seterusnya satu perbincangan bersama wakil Bahagian Gubalan, AGC telah diadakan pada 19 Februari 2016 bagi membincangkan isu-isu *transitional* dan *saving clause* pada cadangan pindaan tersebut.

Following that, on 18 February 2016, a meeting was held between the EAIC's Chairman and the Legal Advisors (PUU) from the Prime Minister's Department (JPM) to discuss the various proposed amendments to Act 700. After that, there was a discussion with the Drafting Division from AGC on 19 February 2016 to discuss transitional issues and saving clauses in the amendments.

Draf RUU bagi versi Bahasa Melayu telah diterima dari Pejabat Penasihat Undang-undang JPM pada 10 April 2016 dan rentetan daripada itu, wakil daripada EAIC telah dijemput untuk satu perbincangan bersama wakil daripada JPM serta wakil daripada Jabatan Perkhidmatan Awam (JPA) yang dipengerusikan oleh Dato' Nadzri Siron, Timbalan Ketua Setiausaha Bahagian Pengurusan, JPM. Mesyuarat tersebut turut dihadiri oleh wakil daripada Bahagian Gubalan dan Bahagian Pendakwaan, AGC.

The Malay version of the Bill was received from the Legal Advisor's Office at JPM on 10 April 2016 and later , representatives of EAIC were invited to discuss with JPM representatives as well as representatives from the Public Service Department (JPM). The discussion was chaired by Dato' Nazri Siron, Vice Chief Secretary, Management Division, JPM. The meeting was also attended by representatives from both the Drafting Division and Prosecution Division, AGC.

Memandangkan terdapat isu-isu berkenaan tatatertib pegawai awam dalam cadangan pindaan yang telah disediakan, pada 28 April 2016 satu perbincangan telah diadakan di JPA yang dipengerusikan oleh Encik Ikhbal Hanam Mukras yang turut dihadiri oleh PUU, JPA dan PUU, JPM yang mana isu-isu berkenaan Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993 [P.U(A) 395/1993] telah dibincangkan.

As there were issues regarding civil officers' misconduct in the suggested amendments, on 28 April 2016, a discussion chaired by Encik Ikhbal Hanam Mukras was held at JPA. The discussion was also attended by representatives of JPA and JPM's legal advisors with regards to issues concerning the Public Officers' Regulations (Conduct and Discipline) 1993 [P.U. A) 395/1993].

Setelah penambahbaikan dibuat berdasarkan mesyuarat tersebut, draf RUU tersebut telah dipanjangkan kepada semua agensi penguatkuasaan

A few improvements/amendments were made towards the draft according to the outcome of the meeting and later, the draft Bill was forwarded to all

serta Bahagian Pendakwaan, AGC bagi mendapatkan maklum balas awal daripada semua agensi-agensi yang berkaitan.

enforcement agencies as well as the Prosecution Division, of the AGC for their feedback accordingly..

Pada 13 Julai 2016, EAIC telah menerima maklum balas daripada Bahagian Pendakwaan, AGC berkenaan draf RUU pindaan kepada Akta 700 yang dicadangkan dan sehingga hujung bulan Ogos 2016, kesemua agensi penguatkuasaan telah memberikan maklum balas serta komen terhadap RUU tersebut.
Pada 5 Ogos 2016, satu taklimat berkenaan draf RUU pindaan kepada Akta 700 telah disampaikan kepada YB Datuk Paul Low Seng Kuan, Menteri di Jabatan Perdana Menteri seterusnya memaklumkan hasrat EAIC untuk membentangkan RUU tersebut pada persidangan Parlimen.

On 13 July 2016, EAIC received feedback from the Prosecution Department, of the AGC and by the end of August 2016, all enforcement agencies had given their feedbacks and comments on the draft Bill. On 5 august 2016, a briefing on the Draft of the Act 700 Amendment Bill was presented to YB Datuk Paul Low Seng Kuan, Minister at the Prime Minister's Department at the end of which EAIC announced its intention to present the Bill to the Parliamentary Assembly.

Rentetan daripada maklum balas yang telah diterima daripada Bahagian Pendakwaan, AGC satu mesyuarat telah diadakan pada 29 Ogos 2016 yang dipengerusikan oleh YA Datuk Pengerusi EAIC. Mesyuarat tersebut melibatkan wakil daripada Bahagian Pendakwaan, Bahagian Gubalan serta Bahagian Penasihat, AGC, wakil dari Pejabat PUU, JPA serta wakil dari Pejabat PUU, JPM dengan membincangkan maklum balas daripada Bahagian Pendakwaan, AGC.

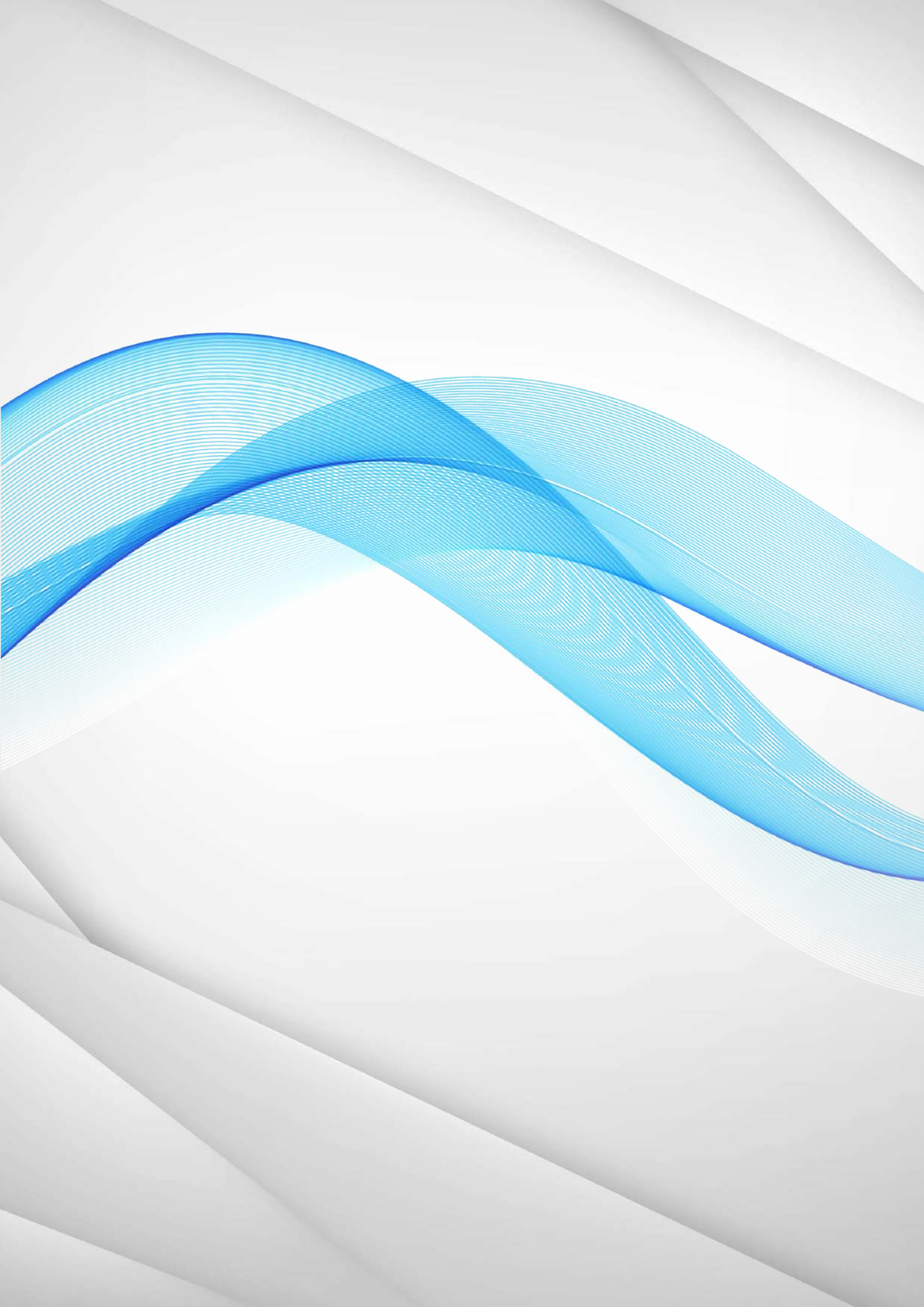
Upon receiving feedback from the Prosecution Division, of the AGC, a meeting was held and chaired by the EAIC's Chairman and attended by representatives from Prosecution Division, Drafting Division and the Advisory Division, AGC; representatives from the Legal Advisor's Office (PUU), JPA; and representatives from Legal Advisor's Office (PUU), JPM, with the aim of discussing the feedback.

Sehubungan dengan maklum balas itu juga, pada 5 September 2016, satu perjumpaan bersama PUU, Kementerian Dalam Negeri (KDN) telah diadakan yang dipengerusikan oleh Tuan Setiausaha EAIC bagi membincangkan berkenaan maklum balas daripada pihak KDN terhadap cadangan Pindaan Akta 700 ini.

Later, on 5 September 2016, another meeting was held with regards to the feedback, this time with the Legal Advisor (PUU) from the Ministry of Home Affairs and chaired by the EAIC's Chief Secretary. The topic of discussion was mainly on the feedback received from KDN.

Seterusnya, pada 7 September 2016, draf RUU ini telah dikemukakan semula kepada Bahagian Gubalan, AGC. Dalam proses semakan ini, terdapat beberapa isu lagi yang telah dibangkitkan oleh pihak AGC yang memerlukan kajian lanjut dibuat. Kesemua isu yang dibangkitkan tersebut telah dijawab oleh EAIC dan draf RUU kini sedang di peringkat akhir kelulusan Pegawai Pelulus, AGC yang dijangka akan dimuktamadkan dalam waktu yang terdekat sebelum diangkat untuk kelulusan Jemaah Menteri dan seterusnya untuk dibentangkan semasa Mesyuarat Pertama, sidang Parlimen 2017 nanti.

Following that, on 7 September 2016, the Bill was presented to the Drafting Division, AGC. Moving forward, there were other issues brought up by the AGC that needs to be verified. All issues raised were answered by EAIC and the Bill is now at the final stage of approval with the AGC and is expected to be finalized in the near future and thereon forwarded to the Chamber of Ministers before being presented in the first meeting of the Parliamentary Assembly in 2017.



KAJIAN IMPAK DAN KEBERKESANAN SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN (EAIC)

STUDY ON THE IMPACT AND EFFECTIVENESS OF THE ENFORCEMENT AGENCY INTEGRITY COMMISSION (EAIC)

Sepanjang lima (5) tahun usia penubuhan EAIC, pelbagai pandangan positif dan negatif diterima berhubung tahap keberkesanan EAIC dalam menjalankan fungsi-fungsinya sebagaimana digariskan oleh Akta 700. Menyedari bahawa perlunya penambahbaikan dibuat, EAIC menerusi Mesyuarat Suruhanjaya Bil. 6 Tahun 2015 telah bersetuju untuk suatu kajian dijalankan bagi mengkaji impak dan keberkesanan EAIC seterusnya membolehkan suatu landskap hala tuju jangka pendek dan jangka panjang EAIC disediakan dengan mengambil kira input dan pandangan orang ramai serta amalan terbaik (best practices) agensi-agensi yang menjalankan fungsi yang hampir serupa di peringkat nasional dan antarabangsa.

OBJEKTIF KAJIAN

Kajian ini dibahagikan kepada tiga (3) fasa.

i. Fasa I ialah untuk menilai impak dan keberkesanan fungsi dan kuasa-kuasa EAIC dalam melaksanakan peranan dan tanggungjawab di bawah Akta 700. Impak dan keberkesanan tersebut akan diaudit secara menyeluruh dan mendalam menerusi analisis makro dan mikro.

ii. Fasa II ialah untuk mengkaji impak dan keberkesanan daripada segi pengurusan aduan dan pengendalian siasatan serta keputusan yang dibuat oleh EAIC.

iii. Fasa III menfokuskan kepada cadangan penambahbaikan yang perlu dilaksanakan oleh EAIC berdasarkan keberkesanan fungsi EAIC dengan melihat kepada aspek-aspek seperti berikut:

   (a) Penambahbaikan dari Sudut Struktur Organisasi, Sistem dan Prosedur
   (b) Halangan kepada Tatacara dan Perundangan
   (c) Hala Tuju dan Pelan Perancangan Strategik EAIC
   (d) Skop dan Pelaksanaan Fungsi EAIC

Throughout its five year establishment, EAIC has received many encouraging feedbacks in terms of the level of effectiveness in performing its functions as underlined by the Enforcement Agency Integrity Commission [Act 700]. In pursuing for improvements, EAIC, through the Commission's Meeting No. 6/2015, it was agreed that a study shall be made on the impact and the effectiveness of EAIC, to draft out a landscape of short-term and long-term planning for EAIC, taking into account the input and views from the public as well as best practices by agencies which function in a similar manner on both domestic and international levels.

OBJECTIVES OF THE STUDY

The study was divided into three phases.

i. Phase I was aimed to evaluate the impact and effectiveness of the functions and authority of EAIC in fulfilling its role and responsibilities under Act 700. The impact and effectiveness was audited thoroughly through both macro and micro-analysis.

ii. Phase II was aimed to study the impact and effectiveness in terms of complaint management and investigation as well as the decisions made by EAIC.

iii. Phase III focused on EAIC's recommendations for improvements based on the effectiveness of EAIC's functions by studying the following aspects:

   (a) Improvements in organizational structure, system and procedure
   (b) Discipline and legal challenges
   (c) EAIC's directions and strategic Plan
   (d) EAIC's scope and functional implementation

(e) Syor-Syor Praktikal yang Membolehkan EAIC kekal Relevan

(f) Cadangan Amalan Terbaik

Secara ringkas, ia merujuk kepada analisa mikro terhadap program-program yang telah dilaksanakan oleh EAIC. Fokus kajian di bawah fasa ini adalah untuk menilai keberkesanan dan impak semua aktiviti yang pernah dijalankan oleh EAIC termasuk sesi dialog, taklimat, Hari Bertemu Pelanggan, Program EAIC & Anda serta program-program lain yang pernah dijalankan. Borang soal selidik kajian ini telah diedarkan kepada 21 agensi penguatkuasaan yang telah disenaraikan di bawah seliaan EAIC, orang awam, media, ahli politik dan NGO yang pernah mengikuti program-program yang dianjurkan oleh EAIC. Pada masa yang sama, terdapat juga keperluan untuk mendapatkan maklumat tambahan berhubung dengan tahap pengetahuan pegawai penguat kuasa dan orang awam yang tidak pernah mengikuti sebarang program yang dikendalikan oleh EAIC.

Selain itu, kajian juga dibuat bagi mengukur dan mengkaji tahap dan jurang kualiti perkhidmatan yang disediakan oleh EAIC dengan mendapatkan maklum balas daripada pengadu-pengadu yang pernah mengemukakan aduan.

Dalam menghasilkan suatu laporan yang komprehensif, para perunding juga telah mengadakan perbincangan meja bulat (*round table discussion*) dan temu bual kumpulan fokus (*focus group discussion*) bagi membandingkan maklumat yang diperoleh dengan analisis kajian rintis. Jemputan untuk sesi *RTD dan FGD adalah* terdiri daripada wakil 21 penguatkuasaan, pengadu, media, NGO dan orang awam.

PELAKSANAAN KAJIAN IMPAK DAN KEBERKESANAN EAIC

Mesyuarat Jawatankuasa Penilaian Perunding (JPP) bertarikh 29.1.2016 dan melalui Kertas Resolusi Secara Edaran Bil. 1/2016 Perolehan Perkhidmatan Perunding Secara Tender Terhad Kajian Impak Dan Keberkesanan Suruhanjaya Integriti Agensi

(e) Practical recommendations that would ensure EAIC's continuous relevance

(f) Best practices

In short, the study would refer to a micro analysis of the programmes that were conducted by EAIC. The focus of the study in these phases was to evaluate the effectiveness and impact of all activities conducted by EAIC which included dialogue sessions, official briefings, Meet-the-Client Day, *EAIC & Anda* plus all other programmes conducted. Survey forms were distributed to all 21 enforcement agencies listed under EAIC's purview including the public, the media, politicians and NGOs that have taken part in EAIC's programmes. EAIC realized that there is a need for additional information to be furnished towards the public and/or enforcement officers who had never attended any of EAIC's programmes to assess their level of knowledge about EAIC.

Apart from that, the study was aimed to indicate the quality and its loopholes in EAIC's services which was obtained by getting feedbacks from those who had lodged and filed complaints with EAIC.

To ensure a comprehensive report, the consultants organized a round table discussion and a focus group discussion to compare all information obtained for analysis. The attendees of the Round Table Discussion and the Focus Group Discussion were representatives of the 21 enforcement agencies, complainants, the media, NGO and the public at large.

IMPLEMENTATION OF THE EAIC'S IMPACT AND EFFECTIVENESS STUDY

Through the Consultant Assessment Committee Meeting (JPP) on 29.1.2016 and the Distribution of the Resolution Paper No 1/2016, the Acquirement of the Services of a Consultant through Limited Tender to Conduct the Study of the Impact and Effectiveness

Penguatkuasaan (EAIC) telah mempersetujui pelantikan UTHM Sdn. Bhd sebagai Perunding bagi menjalankan kajian ini.

Sehubungan itu, EAIC telah mengeluarkan surat tawaran bertarikh 12 Februari 2016 kepada pihak UTHM Sdn Bhd bagi tujuan menjalankan kajian tersebut dengan kos projek sebanyak RM271,130.92 sahaja bagi tempoh enam (6) bulan. Kajian bermula pada 22 Februari 2016 dan berakhir pada 22 Oktober 2016. Susulan daripada keperluan untuk mendapatkan jumlah responden sebagaimana ditetapkan, tempoh kajian kemudiannya telah dilanjutkan kepada 8 bulan dimana tempoh kajian tamat pada 22 Oktober 2016.

of EAIC,it was agreed that UTHM Sdn. Bhd. be appointed as the Consultant to conduct the study.

In line with that, EAIC issued an offer letter dated 12 February 2016 to UTHM Sdn. Bhd. to conduct the study at a total cost of RM271,130.92 for a period of six months. The study commenced on 22 February 2016 and ended on 22 October 2016. As there was a need to get more respondents, the study was extended to 8 months and therefore concluded on 22 October 2019.



Sepanjang pelaksanaan kajian ini, pihak perunding yang dilantik telah mengemukakan empat (4) laporan utama terdiri daripada (1) Laporan Awal (2) Laporan Interim (3) Draf Laporan Kajian Impak dan Keberkesanan EAIC dan (4) Laporan Akhir Kajian Impak dan Keberkesanan EAIC. Beberapa siri pembentangan oleh Perunding di hadapan Jawatankuasa Penilaian Perunding (JPP) juga telah diadakan bagi membentangkan perkembangan dapatan kajian dan seterusnya mendapatkan ulasan dan komen JPP mengenai kajian tersebut.

Throughout the implementation of the study, the Consultants presented four primary reports which included: (1) Initial report; (2) Interim Report; (3) Draft of Study of EAIC's Impact and Effectiveness Report; and (4) Study of EAIC's Impact and Effectiveness Final Report. Presentation sessions were held by the consultant before the Consultant Assessment Committee to update on their progress and to obtain feedback and comments from the JPP regarding the outcome of the study.



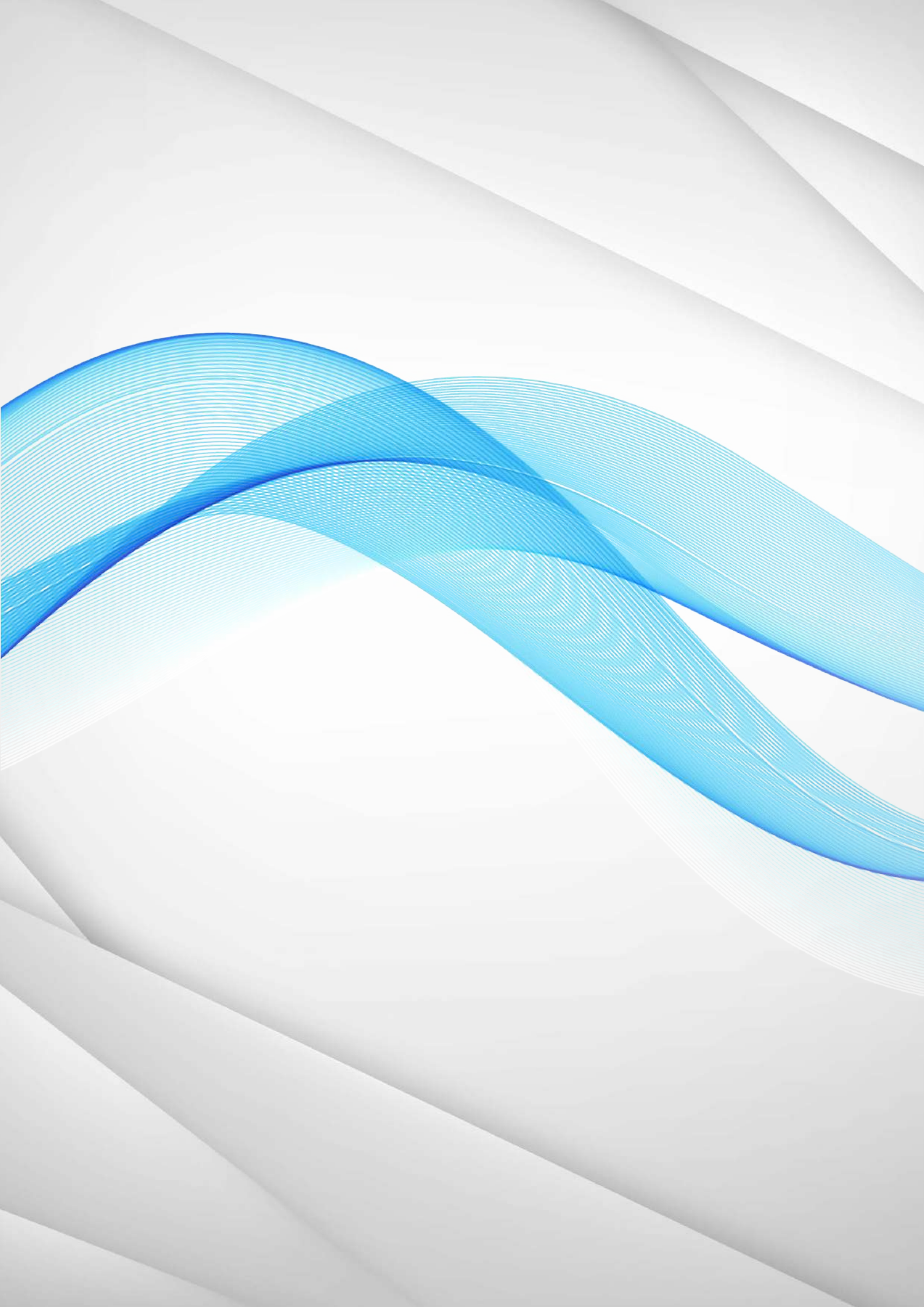


Laporan Akhir telah dikemukakan oleh Juru Perunding, YBrs. Dr Abdul Rahman bin Ahmad kepada Pengerusi EAIC, YA Datuk Yaacob bin Hj Md Sam dalam satu Majlis Penyerahan Laporan Kajian Impak dan Keberkesanan EAIC bertarikh 15 Disember 2016.

The Final Report was presented by the Head Consultant, YBrs. Dr. Abdul Rahman bin Ahmad to EAIC's Chairman, YA Datuk Yaacob bin Hj. Md Sam at the Final Report Presentation Ceremony on 15 December 2016.

Berdasarkan kepada laporan yang diterima, satu Mesyuarat Khas Suruhanjaya akan diadakan pada 18 Januari 2017 bertujuan untuk mendengar taklimat mengenai dapatan-dapatan yang terkandung dalam laporan kajian tersebut. Seterusnya, input-input akan diperolehi daripada semua Pesuruhjaya mengenai tindakan susulan berkaitan hasil kajian. Dapatan kajian yang sama juga akan dimanfaatkan oleh EAIC sebagai panduan dan rangka kerja semasa perbincangan bengkel dan penggubalan Pelan Perancangan Strategik EAIC yang akan diadakan pada Februari 2017.

Based on the report received, a Special Commission's Meeting would be held on 18 January 2017 to discuss the findings contained in the report. Following that, the input from all Commissioners would be gathered to decide the next action. The findings of the report would benefit EAIC in guiding and creating a framework during the workshop and the drafting of EAIC's Strategic Plan which would be held in February 2017.



SESI DIALOG EAIC BERSAMA PIHAK-PIHAK BERKEPENTINGAN

EAIC'S DIALOGUE SESSIONS WITH STAKEHOLDERS

SESI DIALOG BERSAMA PENGURUSAN TERTINGGI AGENSI PENGUATKUASAAN SELIAAN

Sesi Dialog EAIC bersama Pengurusan Tertinggi Agensi Penguatkuasaan merupakan antara pendekatan diplomatik yang diambil oleh EAIC bagi membolehkan perbincangan dan pertukaran buah fikiran dibuat berhubung isu-isu semasa berkaitan dasar dan operasi serta tatacara penguatkuasaan undang-undang yang dijalankan oleh agensi-agensi seliaan EAIC. 11 sesi dialog yang telah diadakan sepanjang tahun 2016 adalah seperti berikut:

DIALOGUE SESSION WITH THE TOP MANAGEMENT FROM THE ENFORCEMENT AGENCIES UNDER EAIC'S SUPERVISION

EAIC's dialogue Sessions with the Top Management from Enforcement Agencies are a diplomatic means of enabling more in-depth discussions on current issues related to administrative policies and enfocement operations conducted by the agencies under EAIC supervision. The 11 dialogue sessions that were held throughout 2016 are as follows:

Jadual 15: Senarai Sesi Dialog Bersama Pengurusan Tertinggi Agensi Penguatkuasaan Seliaan
Schedule 15: List of Dialogue Session With The Top Management From The Enforcement Agencies Under EAIC's Supervision

BIL *NO*	TARIKH *DATE*	KEMENTERIAN/AGENSI *MINISTRY/AGENCY*	TEMPAT *VENUE*
1.	21 Januari *21 January*	Jabatan Perikanan Malaysia *Malaysian Fisheries Department*	Putrajaya
2.	25 Februari *25 February*	Jabatan Sukarelawan Malaysia (RELA) *Malaysian Volunteers Corps (RELA)*	Putrajaya
3.	8 Mac *8 March*	Jabatan Alam Sekitar *Department of Environment*	Putrajaya
4.	7 April *7 April*	Jabatan Perlindungan Hidupan Liar dan Taman Negara (PERHILITAN) Semenanjung Malaysia *Department of Wildlife and National Parks*	Kuala Lumpur
5.	12 April *12 April*	Kementerian Kesihatan (Bahagian Penguatkuasaan Farmasi) *Ministry of Health (Pharmaceutical Enforcement Division)*	Selangor
6.	19 April *19 April*	Kementerian Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan (KPKT) *Ministry of Housing and Local Government (KPKT)*	Putrajaya
7.	9 Mei *9 May*	Jabatan Imigresen Malaysia *Immigration Department of Malaysia*	Putrajaya
8.	30 Jun *30 June*	Kementerian Perdagangan Dalam Negeri Koperasi Dan Kepenggunaan (KPDNKK) *MInistry of Domestic Trade, Co-operatives and Consumerism (KPDNKK)*	Putrajaya
9.	26 Julai *26 July*	Jabatan Penerbangan Awam *Civil Aviation Department*	Putrajaya
10.	23 Ogos *23 August*	Jabatan Tenaga Kerja *Labour Department*	Putrajaya
11.	26 Oktober *26 October*	Jabatan Perhubungan Perusahaan *Industrial Relations Department*	Putrajaya

Secara amnya, EAIC melihat terdapat agensi-agensi penguatkuasaan yang telah menunjukkan

In general, EAIC observed that there were some enforcement agencies which had shown commitment

penghayatan amalan integriti yang baik dalam kalangan warga kerjanya melalui pematuhan prosedur dan tatacara kerja khususnya yang terlibat dalam sistem penyampaian perkhidmatan awam. Namun begitu, masih terdapat penambahbaikan yang perlu dilakukan oleh agensi-agensi penguatkuasaan dalam memastikan pematuhan peraturan dan penguatkuasaan undang-undang dapat diperkasakan.

towards integrity practices by following procedures and work ethics, especially those involved in the public delivery service. However, there was still a need for improvement which must be done by the enforcement agencies to ensure the adherence to regulations and that the law was upheld.

Antara isu-isu yang telah dibangkitkan sepanjang sesi dialog dapat dirumuskan seperti yang berikut:

The issues that were raised during the dialogue sessions could be summarised as follows:

1. Sesi Dialog EAIC Bersama Pengurusan Tertinggi Jabatan Perikanan Malaysia

i. Kawasan Penguatkuasaan Agensi Penguatkuasaan Maritim Malaysia (APMM) dan Jabatan Perikanan Malaysia berhubung Penguatkuasaan Akta Perikanan 1985

EAIC dimaklumkan berkenaan pihak Jabatan Perikanan dan APMM yang sering mengadakan mesyuarat secara berjadual bagi membincangkan isu-isu penguatkuasaan. Namun isu sempadan/kawasan penguatkuasaan tidak dibincangkan secara khusus. Sehubungan itu, pihak Jabatan Perikanan tetap menjalankan penguatkuasaan Akta Perikanan 1985 dalam program Pemantauan, Kawalan dan Pengawasan (*Monitoring, Control and Surveillance*) kerana ia merupakan salah satu teras perkhidmatan oleh Jabatan Perikanan.

ii. Penyerahan Aduan Nelayan oleh Jabatan Perikanan Malaysia kepada APMM

EAIC membangkitkan persoalan mengenai penyerahan aduan nelayan oleh pihak Jabatan Perikanan kepada APMM sedangkan Jabatan Perikanan

1. EAIC's Dialogue Session with the Top Management of the Malaysian Fisheries Department

i. The Jurisdiction of the Malaysian Maritime Enforcement Agency (APMM) and the Malaysian Fisheries Department in relation to the enforcement of the Fisheries Act 1985

EAIC was informed that the Fisheries Department and the APMM regularly held scheduled meetings to discuss enforcement issues. However, the issues of border/enforcement territory had not been discussed specifically. At the same time the Fisheries Department continued with their enforcement activities according to the Fisheries Act 1985 in the Monitoring, Control and Surveillance programme as it is a core service by the Fisheries Department.

ii. Submission of the Fishermen's Complaint by the Malaysian Fisheries Department to the APMM

EAIC raised the issue of the submission of the fishermen's complaint by the Fisheries Department to APMM when the Fisheries Deparment was supposed

sepatutnya yang bertanggungjawab menguatkuasakan Akta Perikanan 1985. Menurut pihak Jabatan Perikanan, aduan-aduan perlu dikemukakan kepada APMM selaras dengan keputusan dasar Kerajaan dalam menjadikan APMM sebagai agensi tunggal penguatkuasaan maritim.

iii. Trend Jabatan Perikanan Malaysia terhadap Kes Kompaun dan Bicara

EAIC membangkitkan beberapa persoalan berhubung tren berkaitan kes kompaun dan bicara.

- Adakah terdapat sasaran oleh pihak Jabatan Perikanan untuk mengurangkan kes kompaun dan meningkatkan kes bicara;
- Adakah pihak Jabatan Perikanan menjalankan pendakwaan sendiri; dan
- Adakah kadar kompaun bagi kes yang dibawa oleh APMM berbeza dengan kadar kompaun bagi kes yang dibawa oleh pihak Jabatan Perikanan.

Pihak Jabatan Perikanan memaklumkan pengendalian kes kompaun dan pendakwaan di Mahkamah adalah mengikut prosedur perundangan sedia ada yang berkuatkuasa.Secara umum, pendakwaan di Mahkamah melibatkan kes seperti tiada lesen, penggunaan peralatan dilarang dan kesalahan melibatkan kepentingan awam. Kes tangkapan oleh pihak Jabatan Perikanan atau pihak APMM akan didakwa oleh kedua-dua agensi ini masing-masing. Bagi kes-kes selainnya boleh dikompaun berdasarkan Buku Kadar Kompaun Jabatan Perikanan Malaysia. Sehubungan ini, tidak timbullah isu perbezaan kadar kompaun kerana pihak APMM perlu merujuk kepada pihak Jabatan Perikanan memandangkan

to be responsible for enforcing the Fisheries Act 1985. However, according to the Fisheries Department, complaints needed to be forwarded to APMM according to the Government's policy in making APMM the sole maritime enforcement agency.

iii. The Malaysian Fisheries Department's Trend On Compound Cases and Court Trials

EAIC raised a few questions regarding the trends related to compound cases and trials:

- Had the Fisheries Department met its target to reduce compound cases and increase trials?
- Had the Fisheries Department conducted their own independent prosecution? and
- Was the compound rate for cases brought by APMM different from the compound rate for cases brought by the Fisheries Department.

The Fisheries Department stated that the handling of the compound cases and the prosecution in court was in accordance to the legal procedures inforce. In general, prosecution in court involved cases such as working without a license, the use of prohibited equipment and misdemeanours involving public safety. Arrests made by either the Fisheries Departmet or the APMM will be indicted by the respective agencies. For other cases, compound would be issued on the Malaysian Fisheries Department Book of Compound Rates. As a result, there were no issues of different compound rates as APMM needs to refer to the Fisheries Department since the compounding authority still lied with the Fisheries Department according to

bidang kuasa kompaun masih terletak pada Jabatan Perikanan mengikut Akta Perikanan 1985.

iv. Ketiadaan Tindakan Penguatkuasaan terhadap Pencerobohan Bot-Bot Nelayan Asing Semasa Musim Monsun di Pantai Timur

Pihak Jabatan Perikanan memaklumkan semenjak kewujudan APMM, kapasiti dan keupayaan pihak Jabatan Perikanan adalah sangat terhad. Secara umumnya, pihak Jabatan Perikanan tidak menjalankan penguatkuasaan melebihi 30 batu nautika bagi mengelakkan risiko bahaya laut. Pihak Jabatan Perikanan sentiasa berusaha mengambil tindakan penguatkuasaan mengikut kemampuan dengan memberikan keutamaan kepada isu perikanan di persisiran pantai seperti membanteras pencerobohan kawasan oleh vesel pukat tunda.

v. Pencerobohan Bot Pukat Kenka Dua Bot di Tanjung Piandang

Pihak Jabatan Perikanan mengambil maklum akan aduan yang diterima oleh pihak EAIC terhadap pencerobohan pukat kenka dua bot di kawasan Pantai Tanjung Piandang, Kuala Kurau, Perak.

Ia juga telah dimaklumkan bahawa rekod tangkapan kesalahan terhadap pencerobohan bot pukat kenka telah menurun sejak tahun 2004 dengan ketara memandangkan bot-bot peronda yang tinggal hanyalah bot-bot kecil yang sudah usang dan tiada peruntukan tambahan untuk pembelian bot baru. Selari dengan penubuhan APMM, pihak Jabatan Perikanan telah menyerahkan bot-bot perondanya bersama anggota kepada pihak APMM. Sehubungan itu, sehingga kini kemampuan pihak Jabatan Perikanan dalam menjalankan operasi penguatkuasaan menjadi amat terhad

the Fisheries Act 1985.

iv. The Absence of Enforcement on the Encroachment of Foreign Fishing Boats During the East Coast Monsoon Season.

The Fisheries Department stated that since the establishment of APMM, it had limited capacity and abilities.In general, the Fisheries Department did not conduct enforcement at distances exceeding 30 nautical miles to avoid risks at sea. The Fisheries Department conducted enforcement according to capability and ensured that priority was given to coastal fishing issues such as the encroachment of trawlers.

v. Encroachment of 'Kenka' Trawlers at Tanjung Piandang

The Fisheries Department was informed of the complaint received by EAIC regarding the encroachment of the kenka trawlers at Tanjung Piandang Beach, Kuala Kurau, Perak.

It was also informed that the number of arrests due to kenka trawlers' encroachments were drastically reduced since 2004 as the remaining patrol boats were dilapidated small boats and there was not enough budget for additional new boats. Upon the establishment of APMM, the Fisheries Department had surrended their patrol boats along with the officers-in-charge to APMM. As a result of that, even until now, the Fisheries Department has limited enforcement capabilities which include limitations in funding for patrol boat management and maintenance.

termasuklah dalam aspek peruntukan mengurus dan menyelenggara bot-bot peronda sedia ada.

Pihak Perikanan memaklumkan penambahbaikan yang berterusan sentiasa dijalankan untuk mengatasi masalah tersebut dari semasa ke semasa melalui dasar Strategi Lautan Biru Kebangsaan *(National Blue Ocean Strategy*) bersama agensi penguatkuasaan lain yang berkepentingan seperti APMM dan Pasukan Gerakan Marin.

The Department also stated that improvements were continuously being done to handle the problems above through the guidelines in the National Blue Ocean Strategy, together with other relevant enforcement agencies such as APMM and the Marine Police.

vi. Kerahsiaan Maklumat Pengadu

EAIC memandang serius terhadap identiti pengadu (berhubung pencerobohan bot kenka) yang dikatakan telah dibocorkan oleh pihak-pihak tertentu yang mengakibatkan ancaman keselamatan ke atas pengadu atau nelayan-nelayan pantai yang berkenaan.

Pihak Jabatan Perikanan memaklumkan pihak Jabatan sentiasa merahsiakan maklumat pengaduan yang diterima dan direkodkan secara bertulis sama ada di pengkalan negeri dan juga di Ibu Pejabat Jabatan Perikanan, Putrajaya.

vi. Informant Confidentiality

EAIC took a serious view of informant's confidentiality (in relation to the kenka boat encroachment matters) which appeared to have been leaked by certain parties resulting in threats on the safety of the informants or the fishermen involved.

The Fisheries Department said that all information regarding informants, whether verbal and written, were kept confidential at either state offices or at the Fisheries Department Headquarters, Putrajaya.

vii. Penguatkuasaan Akta Perikanan 1985 oleh Jabatan Perikanan Malaysia

EAIC berpandangan bahawa Jabatan Perikanan Malaysia perlu diberikan peranan yang lebih efektif dalam menguatkuasakan Akta Perikanan 1985. Ini kerana Jabatan Perikanan sebagai jabatan teknikal yang bertanggungjawab dalam pengurusan perikanan negara seperti yang diperuntukkan dalam Akta Perikanan 1985. Peranan ini perlu dijalankan oleh pihak Jabatan Perikanan sendiri dan bukannya diserahkan kepada agensi lain untuk dikuatkuasakan.

vii. Enforcement of Fisheries Act 1985 by the Fisheries Department

EAIC felt that the Malaysian Fisheries Department should be given a more effective role in enforcing the Fisheries Act 1985. This was because the Fisheries Department as a technical department, was responsible for managing the nation's fisheries as provided for in the Fisheries Act 1985. The role had to be performed and executed by the Fisheries Department themselves and not surrended to other agencies to be enforced.

Jabatan Perikanan perlu diperkasakan dari aspek keupayaan logistik dan keanggotaan dalam menguatkuasakan Akta Perikanan 1985 serta untuk menyelesaikan isu-isu perikanan di persisiran pantai seperti membanteras pencerobohan kawasan oleh pukat tunda, penggunaan peralatan yang dilarang (pukat apollo dan pukat surong) serta mencegah konflik antara nelayan.

Justeru, EAIC menyeru pihak Jabatan Perikanan agar mengambil tindakan susulan untuk mendapatkan kembali peranan ini dan memperkasakan penguatkuasaan Akta Perikanan 1985. EAIC juga bersedia memberi sokongan dalam perkara ini. Merujuk kepada kewujudan krisis di lapangan pada ketika ini (pencerobohan bot pukat kenka), EAIC melihat permohonan ini mempunyai justifikasi yang kukuh dan perlu dilaksanakan dengan kadar segera.

The Fisheries Department needed to be reinforced in terms of logistic capabilities and enforcement members in order to enforce the Fisheries Act 1985 as well as to solve fisheries issues on the coast such as eradicating the encroachment of the kenka trawlers and the use of prohibited equipment (apollo and surong nets), and preventing conflicts among the fishermen.

AS such, EAIC recommended that the Fisheries Department shall take the appropriate actions to regain its role and to reinforce the enforcement of the Fisheries Act 1985. EAIC was also ready to provide support in this matter. Referring to the current crisis (the encroachment of the kenka trawlers), EAIC felt that the proposal was thus justified and needed to be implemented soonest possible.





2. Sesi Dialog EAIC Bersama Pengurusan Tertinggi Jabatan Sukarelawan Malaysia (RELA)

EAIC telah dimaklumkan mengenai beberapa langkah pendekatan yang telah diambil oleh pihak RELA dalam menambahbaik mutu integriti perkhidmatannya seperti yang berikut:

2. EAIC's Dialogue Session with the Top Management of the Volunteers Department of Malaysia (RELA)

EAIC was told of the few steps/approaches which had been implemented by RELA to improve the quality of their service integrity, as follows:

i. Standard Operating Procedure (SOP) Penugasan

Pelancaran Standard Operating Procedure (SOP) Penugasan RELA pada 30 Januari 2016 telah menetapkan seperti yang berikut:

a. Agensi-agensi yang ingin membuat permohonan kawalan keselamatan perlulah mengetahui terlebih dahulu peraturan-peraturan yang ditetapkan oleh RELA;
b. Tanggungjawab pihak RELA dalam penetapan jumlah anggota yang akan bertugas untuk kawalan keselamatan dan bukannya agensi yang memohon menentukan jumlah anggota.
c. Pengeluaran waran oleh Jabatan / Agensi Kerajaan yang memerlukan khidmat RELA sebelum permohonan tersebut diluluskan.

ii. Program Pemutihan dan Saringan Anggota

EAIC dimaklumkan meskipun pihak RELA mempunyai hampir 3.1 juta anggota yang berdaftar, didapati hampir sejumlah 500,000 anggotanya tidak aktif dan juga tidak layak untuk meneruskan perkhidmatan atas faktor usia. Sehubungan ini, pihak RELA telah melaksanakan Program Pemutihan Anggota di mana anggota-anggota RELA yang dilihat tidak aktif, tidak kompeten dan tidak releven lagi akan ditamatkan perkhidmatan mereka.

EAIC menyambut baik usaha RELA dalam memperhalusi proses tapisan/ saringan terhadap anggotanya melalui kerjasama dengan Jabatan Pendaftaran Negara untuk menyemak pendaftaran dan melakukan pemeriksaan terhadap

i. Assignment Standard Operating Procedure (SOP)

The RELA Assignment Standard Operating Procedure (SOP) was launched on 30 January and has set out the following rules:

a. Agencies that wished to apply for security support need to first be aware of the rules set out by RELA;
b. The number of members to be delegated on security support duty was to be determined by RELA and not the agency requesting for the support.
c. A warrant had to be issued by the Government Department / Agency requesting for RELA services, before the application was duly approved.

ii. Member Screening Programme

EAIC was informed that although RELA had almost 3.1 million registered members, almost 500,000 of them were not active and should be discontinued from their services due to aging factor. In response to that, RELA conducted the Member Screening Programme during which the services of members that were not active or deemed incompetent and irrelevant would be terminated.

EAIC welcomed RELA's efforts in fine-tuning the screening process of its members by working with the National Registration Department (JPN) to check registrations and verify the citizenship status of its members, and also with

taraf kewarganegaraan anggotanya dan juga kerjasama dengan Agensi Anti Dadah Kebangsaan (AADK) dan Jabatan Penjara bagi memastikan anggotanya bebas daripada sebarang rekod penagihan dadah atau jenayah.

EAIC melihat langkah-langkah ini sebagai seiring dengan strategi pihak kepimpinan RELA dalam membanteras salah laku dalam kalangan anggotanya. Justeru, hanya anggota yang benar-benar berkelayakan dan mempunyai nilai jati diri yang tinggi serta berintegriti kekal dalam perkhidmatan.

the National Anti-Drug Agency (AADK) and the Malaysian Prison Department to ensure that its members were free of any drug-related or criminal records.

EAIC felt that the steps taken were in line with RELA's top management strategy to eradicate misconduct among its members. As such, only those who were truly qualified and possess strong values and high integrity shall remain in service.





3. Sesi Dialog EAIC Bersama Pengurusan Tertinggi Jabatan Alam Sekitar

i. Pindaan Akta Kualiti Alam Sekeliling (Akta 127)

EAIC dimaklumkan oleh pihak Kementerian Sumber Asli dan Alam Sekitar Malaysia (NRE) kini dalam proses meneliti kajian pindaan terhadap Akta Kualiti Alam Sekeliling 1974 (Akta 127) bagi mengadakan undang-undang yang lebih relevan dalam menangani isu alam sekitar yang semakin kompleks.

EAIC menyambut baik dan turut menggesa supaya lebih kuasa diberikan kepada JAS melalui pindaan akta ini untuk membawa pihak

3. EAIC's Dialogue Session with the Top Management of the Department of Environment

i. Environment Quality Act Amendment (Act 127)

EAIC was informed by the National Resources and Environment Ministry (NRE) that they were in the process of studying an amendment of the Environment Quality Act 1974 (Act 127) to produce laws which are more relevant in tackling environment issues which were becoming more complex.

EAIC welcomed the proposal and urged for more powers be given to JAS under the act amendment to ensure that parties responsible for the act of polluting the

bertanggungjawab mencemar alam sekitar ke muka pengadilan.

environment were brought to justice.

ii. Isu Pencemaran Alam

ii. Environment Pollution Issues

EAIC memandang serius isu-isu nasional pencemaran alam sekitar yang dilaporkan di dada-dada akhbar seperti perlombong ban bauksit di Kuantan serta pencerobohan hutan serta pembalakan haram di Cameron Highlands.

EAIC takes a very serious view upon issues of national environment pollution which were currently being reported in newspapers such as the bauxite mining ban in Kuantan as well as the forest encroachment and illegal logging in Cameron Highlands.

EAIC dimaklumkan pihak JAS tidak mempunyai kuasa untuk mengambil sebarang tindakan ke atas pelombong yang tidak didaftarkan di bawah Penilaian Impak Alam Sekitar (*Environment Impact Assesment-EIA)*. Pemantauan JAS juga hanya terhad kepada kawasan perlombongan yang didaftarkan melebihi daripada 250 hektar dan juga kawasan-kawasan yang dianggap sensitif. Kebanyakan pelombong-pelombong mengambil jalan mudah dengan mendaftarkan tanah mereka kurang daripada 250 hektar untuk mengelakkan daripada EIA.

EAIC was informed that JAS did not have the authority to take any action against the unregistered miners under the Environment Impact Assessment (EIA). The amount of monitoring that JAS conducted was also limited to the registered mining area of more that 250 hectares and also so-called sensitive areas. Most miners took the easy way out by registering less than 250 hectares of land to avoid the EIA.

Sehubungan ini EAIC berharap kelemahan-kelemahan di atas akan

As such EAIC hoped that the weaknesses stated above would be





turut diambil kira dalam pindaan Akta 127.

Dalam pada itu, EAIC turut menyambut baik arahan Kabinet menghentikan semua aktiviti perlombongan dan pengeksportan bauksit di negeri Pahang selama tiga bulan mulai 15 Januari bagi membolehkan satu pelan penyelesaian pencemaran dilaksanakan oleh pihak Kerajaan.

taken into consideration during the Act 127 Amendment process.

At the same time, EAIC also welcomed the Cabinet's Orders that all mining activities and bauxite exports in the state of Pahang be barred for three months from 15 January 2016 to enable the Government to come up with a solution for the pollution problems.

4. Jabatan Perlindungan Hidupan Liar dan Taman Negara (PERHILITAN) Semenanjung Malaysia

i. Akta Pemuliharaan Hidupan Liar 2010 dan perundangan berkaitan

EAIC dimaklumkan berkenaan menerusi penyediaan Jadual Kelima Akta Pemuliharaan Hidupan Liar 2010 [Akta 716], pihak PERHILITAN telah mengadakan perbincangan bersama Jabatan Kemajuan Orang Asli (JAKOA). Pihak PERHILITAN juga sering melaksanakan program kesedaran dan pendekatan bersama

4. Department of Wildlife and National Parks (PERHILITAN) Peninsular of Malaysia

i. The Wildlife Conservation Act 2010 and related laws

EAIC was informed that during the preparation of the Fifth Schedule of the Wildlife Conservation Act 2010 [Act 716], PERHILITAN held a discussion with the Department of Orang Asli Development (JAKOA). PERHILITAN also frequently conducted awareness programmes and getting-to-know sessions with the occupants of the Orang Asli settlements,

penduduk di penempatan orang asli terutamanya di kawasan perlindungan. Selain itu pihak PERHILITAN turut mengambil orang asli untuk bekerja sebagai kakitangan dalam membantu menerangkan kepada masyarakat orang asli tentang kepentingan mengekalkan biodiversiti kawasan perlindungan dan perundangan yang dikuatkuasakan. Dalam pada itu, pihak PERHILITAN juga tidak menafikan terdapat kemungkinan orang asli dipergunakan oleh pihak ketiga dalam mengeksploitasi sumber biodiversiti.

especially at the reservations. Apart from that, PERHILITAN also takes recruited Orang Asli to help explain to their community the importance of maintaining the biodiversity of the reservation and the laws that are being enforced. At the same time, PERHILITAN does not deny the possibility of the Orang Asli being used by third parties to exploit sources of biodiversity.

ii. Hukuman Penalti

EAIC mengambil maklum akan penjelasan PERHILITAN mengenai penalti yang diperuntukan dalam Akta Pemuliharaan Hidupan Liar *[Akta 716]* dan Akta Perdagangan Antarabangsa Mengenai Spesies Terancam 2008 *[Akta 686*]. Di bawah Akta 716, maksimum denda adalah sehingga RM 500 ribu dan penjara 10 tahun manakala di bawah Akta 686, maksimum denda adalah RM 1 juta dan penjara 7 tahun. EAIC turut dimaklumkan bahawa pihak Jabatan kini merangka pindaan bagi pengukuhan peruntukan-peruntukan dan hukuman bagi Akta 716.

ii. Penalty

EAIC accepted the explainations given by PERHILITAN regarding the penalty provided under the Wildlife Conservation Act [Act 716] and International Trade on Threatened Species 2008 Act [Act 686]. Under Act 716, the maximum fine of RM500,000 can be imposed and the maximum term of imprisonment is 10 years whereas under Act 686, the maximum fine of RM1 million can be imposed and the maximum term of imprisonment is 7 years. EAIC was also told that the Department was preparing a framework of amendment to reinforce the acts and the penalty under Act 716.

iii. Latihan

EAIC turut mencadangkan agar pihak PERHILITAN bekerjasama dengan pihak Institut Latihan Kehakiman dan Perundangan (ILKAP) bagi merangka modul khusus berkenaan Akta 716 dan Akta 686 kepada pengamal undang-undang negara. Sehubungan ini, EAIC turut mengesyorkan modul Integriti dan EAIC dimasukkan dalam silibus latihan di Institut Biodiversiti (IBD) dan pihak EAIC bersedia bekerjasama dalam menjayakan program latihan ini.

iii. Training

EAIC also recommended that PERHILITAN worked together with the Judicial and Legal Training Institute (ILKAP) to formulate a specific module of Act 716 and Act 686 for the country's legal practicioners. At the same time, EAIC also suggested that the Integrity module and EAIC be included in the training syllabus at the Biodiversity Institute and that EAIC was ready to work together in ensuring the success of the training programme.

iv. Penguatkuasaan

EAIC mencadangkan beberapa penambahbaikan dibuat oleh pihak penguat kuasa PERHILITAN:

i. Pemeriksaan dilakukan terhadap pengusaha restoran makanan eksotik hidupan liar yang menjual beberapa kategori haiwan di bawah kawalan jabatan;

ii. Selain berperanan mengeluarkan permit pengendalian zoo/pameran serta memantau pematuhannya, EAIC mencadangkan agar PERHILITIAN turut menganggotai Lembaga Pengarah sesuatu organisasi zoo/pameran bagi membolehkan pandangan PERHILITAN diperolehi. Walau bagaimanapun, pihak PERHILITAN memaklumkan mereka tidak terlibat dalam sesuatu organisasi zoo/pameran bagi mengelakkan sebarang konflik kepentingan kerana pada masa yang sama pihak PERHILITAN juga bertindak sebagai juruaudit dan penguat kuasa bagi pematuhan zoo/ pameran.

v. Jenayah Siber

EAIC turut dimaklumkan akan isu jenayah siber hidupan liar yang semakin berleluasa di Malaysia. Pihak Jabatan telah membuat pemantauan dan pengumpulan maklumat melalui *Wildlife Cyber Crime Unit.* Meskipun modus operandi aktiviti pemerdagangan hidupan liar melalui media sosial ini cepat berkembang namun isu ini masih dalam kawalan pihak Jabatan. Sehubungan itu, EAIC mencadangkan peruntukan berkenaan jenayah siber dimasukkan dalam Akta 716 dan

iv. Enforcement

EAIC gave a few suggestions on how the enforcement unit of PERHILITAN could improve:

i. Inspections should be done on owners of exotic wildlife restaurants that sell animals which are under the control of the department;

ii. Apart from being responsible for issuing permits to handle zoo/exhibitions, and monitoring them, EAIC also suggested that PERHILITAN shall be a member of the Board of Directors of a zoo/exhibition in order for PERHILITAN's voice to be heard. However, PERHILITAN informed EAIC that they would not get involved any zoo/exhibition to avoid conflicts of interest because at the same time, PERHILITAN was also the auditors and enforcers in ensuring zoo/ exhibition rules are adhered to.

v. Cyber Crimes

EAIC was informed about the wildlife cyber crimes which was becoming more rampant in Malaysia. The Department had monitored the situation and gathered information through the Wildlife Cyber Crime Unit. Although the modus operandi of the wildlife trade activities through the social media spreaded very fast, the situation is still under control. In line with that, EAIC suggested that the cyber crime budget be put into Act 176 and that further discussions be conducted with the Communication

perbincangan bersama Suruhanjaya Komunikasi dan Multimedia (SKMM) dibuat bagi mengekang jenayah siber melibatkan pemerdagangan hidupan liar ini.

vi. Isu pembalakan

EAIC mengambil maklum bahawa pihak PERHILITAN tidak terlibat dalam jawatankuasa pengeluaran permit pembalakan dan *environmental impact assessment* (EIA). Sehubungan ini EAIC mengesyorkan satu kertas kerja dimajukan kepada Majlis Tanah Negara agar pihak Jabatan dapat dilibatkan dalam memberikan pandangan berkenaan isu sumber biodiversiti khususnya hidupan liar.

and Multimedia Commission (SKMM) in order to stop the cyber crimes involving wildlife trade.

vi. Logging issues

EAIC was informed that PERHILITAN was not involved in either the logging permit issuance committee or the environment impact assessment (EIA). As such EAIC recommended that a working paper be forwarded to the National Land Council so that the Department may get involved and be allowed to give their opinions regarding the issue of biodiversity resources, specifically the wildlife.





5. Kementerian Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan (KPKT)

Penerangan yang terperinci telah disampaikan oleh enam agensi yang mempunyai elemen penguatkuasaan di bawah KPKT yang terdiri daripada Jabatan Bomba dan Penyelamat Malaysia, Jabatan Perumahan Negara (Bahagian Pelesenan, Penguatkuasaan, Pemantauan Perumahan Swasta, Bahagian Pemulihan Projek Terbengkalai dan Cawangan Siasatan dan Pemantauan, Bahagian Pemberi Pinjaman Wang dan Pemegang Pajak Gadai (BPWG), Jabatan Kerajaan Tempatan (JKT), Jabatan Pengurusan Sisa Pepejal Negara (JPSPN) dan SWCorp.

5. Ministry of Urban Wellbeing, Housing and Local Authority (KPKT)

A detailed explanation was given to six agencies under KPKT, which conducted enforcements. They were the Fire and Rescue Department of Malaysia, the National Housing Department, the National Housing Department (Licensing, Enforcement, Monitoring of Private Housing Division, Recovery of Abandoned Projects Division and Investigation and Monitoring Branch, Loan and Pawn Broker Division (BPWG)), the Department of Local Authority (JKT), National Solid Waste Management Department (JPSPN) and SWCorp.

Dalam perkembangan terbarunya berhubung usaha pemantapan integriti dalam kalangan pegawai dan kakitangannya, EAIC dimaklumkan akan langkah / pendekatan yang telah dijalankan oleh pihak Kementerian iaitu seperti berikut:

i. Penambahbaikan dan pemantauan SOP secara berterusan

- SOP permohonan lesen - hampir 90% jangkamasa proses pengeluaran lesen-lesen di bawah pihak Kementerian kini telah dipercepatkan daripada 6 bulan kepada tempoh 24 jam.
- Pertukaran proses permohonan lesen-lesen secara manual kepada sistem atas talian (*online*) - Pihak Kementerian percaya kepada proses mengoptimumkan penggunaan ICT dan meminimumkan *human-interaction*, agar ruang untuk berkompromi dan ketirisan integriti akan dapat dikurangkan.

ii. Jalinan *Smart-Partnership* dengan SPRM dalam membanteras amalan rasuah. Sehubungan ini YBhg. KSU turut mengalu-alukan *smart-partnership* dengan pihak EAIC dalam merencana strategi peningkatan integriti untuk diimplementasikan oleh pihak Kementerian.

iii. Penerbitan Pelan Transformasi Pihak Berkuasa Tempatan (PBT) yang kini di peringkat akhir untuk meningkatkan penguatkuasaan di PBT.

iv. Amalan penggiliran bekerja secara berkala di semua peringkat (kumpulan profesional dan pelaksana).

v. Tindakan tatatertib terhadap pegawai berdasarkan pembuktian fakta sentiasa dijalankan tanpa elemen kompromi

In the latest development, in relation to its efforts in strengthening integrity among its officers and staff, EAIC was informed of the steps/approach that had been taken by the Ministry are as follows:

i. Continuous SOP improvement and monitoring

- License application SOP – almost 90% of the process duration for the issuance of licenses under the ministry has now been shortened from 6 months to 24 hours.
- Changing the license application process from manual to online – the Ministry believes that with optimizing the use of ICT and minimizing human interaction, the space for compromise and integrity will be reduced.

ii. Forging Smart-Partnership wih SPRM to eliminate corruption. In line with this, YBhg. KSU also urged the formation of a smart-partnership with EAIC to draft out a strategy to enhance integrity to be applied and implemented by the Ministry.

iii. Publishing the Local Authority (PBT) Transformation Plan is now at the final stage of completion. The plan is hoped to increase PBT enforcement.

iv. Practising job-rotation for all levels regularly (professional and enforcement groups).

v. Disciplinary action towards officers based on factual evidence without compromisation guarantees the

dalam menjamin kredibiliti pihak Kementerian.

Government's credibility.

Isu utama yang menjadi perhatian dalam perbincangan kedua-kedua pihak ini adalah berhubung peminjam wang tidak berlesen. EAIC membangkitkan isu mengenai laporan media massa berhubung aktiviti peminjam wang tidak berlesen (ah long) yang masih berleluasa yang telah menimbulkan persoalan berhubung penguatkuasaan Akta Pemberi Pinjam Wang Berlesen 1951 oleh pihak KPKT atau PDRM.

The main issue which was the focus of the discussion was related to unlicensed money lenders. EAIC brought up the media report regarding the activities of unlicensed money lenders (ah long) which were still very much rampant, questioning the enforcement of the Moneylenders Act 1951 by either KPKT or PDRM

Pihak Kementerian memaklumkan siasatan terhadap aktiviti pemberi pinjaman wang yang tidak berlesen dijalankan oleh pihak Jabatan Siasatan Jenayah Komersial (JSJK) PDRM. Pihak Kementerian hanya menyiasat tentang aduan yang diadukan terhadap Pihak Pemberi Pinjam Wang (PPW) yang berlesen mengikut kehendak Akta Pemberi Pinjam Wang 1951.

The Ministry stated that investigations on the activities of those unlicensed money lenders were conducted by the Commercial Crime Investigation Department, PDRM. The Ministry only investigates complaints against licensed Moneylenders as provided for by the Moneylenders Act 1951.

EAIC seterusnya memberikan saranan supaya semakan yang sewajarnya dibuat ke atas Akta Pemberi Pinjam Wang 1951 dijalankan oleh pihak Kementerian bagi menambahbaik beberapa peruntukan dan undang-undang yang sedia ada.

EAIC then further recommended that a review shall be conducted on Moneylenders Act 1951 by the Ministry to improve the provisions and the existing laws.

Pihak Kementerian turut memaklumkan faktor kekurangan anggota turut menjadi kekangan utama pihak Kementerian dalam menjalankan pemeriksaan terhadap hampir 3000 premis pemberi pinjam wang.

The Ministry also stated that lack of manpower was its biggest problem when having to conduct inspections at almost 3000 money lender premises. In line with this, the Ministry appealed to EAIC to propose specific recommendations





Sehubungan ini, pihak Kementerian memohon supaya pengesyoran khusus dibuat oleh EAIC berhubung pengukuhan operasi dan kapasiti penguatkuasaan di BPWG.

6. Sesi Dialog EAIC Bersama Pengurusan Tertinggi Bahagian Penguatkuasaan Farmasi Kementerian Kesihatan Malaysia (KKM)

Pihak Farmasi telah mengutarakan dua isu utama yang menjadi perhatian dalam operasi penguatkuasaan oleh pihak Kementerian iaitu seperti yang berikut:

i. Kawalan produk-produk kesihatan yang dijual melalui sistem atas talian *(online)*

EAIC dimaklumkan bahawa penjualan produk-produk kesihatan secara online kini semakin berluasa. Aktiviti menjual beli secara atas talian ini telah menjadi pilihan utama pengguna pada masa kini selaras dengan perkembangan teknologi. Sehubungan ini, pihak Farmasi giat menjalankan pemantauan dan pengawalan yang ketat terhadap produk-produk supaya tidak melanggari Akta Racun 1952 dan Akta Jualan Dadah 1952.

Antara langkah yang diambil termasuklah melalui penubuhan Seksyen Farmaseutikal Cyber pada tahun 2014. Seksyen di bawah Cawangan Kawalan Farmaseutikal Dan Perlindungan Pengguna ini berfungsi untuk memantau laman-laman sesawang terhadap penjualan produk-produk tersebut. EAIC dimaklumkan sejak tahun 2014, sejumlah 658 laman sesawang dan media sosial dipantau dan diambil tindakan kerana menjual produk-produk terlarang.

regarding operation enhancement and capacity enforcement at BPWG.

6. EAIC's Dialogue Session with the Top Management of the Pharmacy Enforcement Division Ministry of Health Malaysia (KKM)

The Pharmacy Enforcement Division has put forward two main issues which are the focus of enforcement operations conducted by the Government as follows:

i. Control on Health products sold online

EAIC was informed that many health products sold online were becoming more popular. Buying and selling online was currently the top choice for consumers in line with today's technological advancements. As such the Pharmaceutical Services was constantly monitoring and conducting strict control over these products to ensure that they adhered to the Poison Act 1952 and the Sale of Drug Act 1952

Among the efforts taken included the formation of the Cyber Pharmaceutical Section in 2014. This section which was under the Phamacutical Control and Consumer Protection Branch, monitors relevant websites and observes the sales of the products. EAIC was informed that since 2014, a total of 658 websites and social websites had been monitored and been taken action against for selling prohibited products.

Selain itu, EAIC difahamkan bahawa Seksyen Farmaseutikal Cyber turut bekerjasama dengan beberapa buah agensi seperti Suruhanjaya Komunikasi dan Multimedia, Pihak Berkuasa Tempatan dan pihak media terutamanya Radio Televisyen Malaysia (RTM) bagi memastikan iklan yang dipamerkan melalui media massa dan media sosial oleh penjual produk-produk kesihatan tersebut dapat dikawal dan diselia.

Kempen Pastikan Semak Sebelum Klik (PSSK) turut diwujudkan dan dipromosikan melalui iklan TV dan Radio bagi memberi kesedaran kepada pengguna untuk menyemak terlebih dahulu produk-produk yang ingin dibeli di laman sesawang Bahagian Perkhidmatan Farmasi bagi memastikan ubat yang dibeli berdaftar dengan KKM dan mempunyai kelulusan lembaga iklan ubat.

Pengguna turut dinasihatkan untuk tidak membeli produk tanpa pengawasan dan nasihat doktor serta ahli farmasi membeli produk yang mempunyai premis perniagaan fizikal yang sah dan tidak mempercayai janji-janji manis penjual atau testimoni pengguna. Kempen ini akan mengelakkan pengguna dari terjebak dengan penipuan produk yang dibeli disamping memastikan pengguna terselamat daripada kesan akibat keracunan ubat.

ii. Kadar bayaran Penalti

Pengenaan bayaran penalti yang terlalu rendah bagi kesalahan-kesalahan yang dilakukan bukan sahaja tidak meninggalkan kesan malahan telah mendorong pengguna ke arah pengulangan kesalahan yang sama.

EAIC mencadangkan agar peruntukan Akta berkenaan bayaran penalti dikaji

Apart from that, EAIC was also told that the Cyber Phamaceutical Section were also working together with other agencies such as the Comunication and Multimedia Commission, the Local Authorites and the media, especially Radio Television Malaysia (RTM) to ensure that advertisements are screened through the mass media and social media by health product sellers are controlled and well-supervised.

The Check Before You Click Campaign (PSSK) was also held and promoted through the TV and radio to raise awareness among consumers so that they will first check any product they wish to purchase, at the Pharmacy Services Division website to ensure that the medication is registered with KKM and has the approval of the medicinal advertisement board.

Consumers were also advised to not buy any product without supervision and a doctor's or pharmacist'sadvice, apart from t purchasing products which have legitimate physical business premises and to not be deceived by sweet deals/ promises made by sellers or consumers' testimonies. The campaigns are aimed to prevent consumers from being cheated while at the same time, ensuring consumers are protected from medicinal poisoning.

ii. Penalty

The fines imposed are too low would not leave any impact, it may even encourage the consumers to repeat the offence.

EAIC suggested that the provision under the Act which calls for a penalty fee be

semula memandangkan Akta tersebut digubal pada tahun 1952. Selain itu, EAIC turut mencadangkan bagi kes-kes yang dibawa untuk pendakwaan, kadar minimum penalti perlu dinyatakan supaya pesalah dikenakan penalti setimpal dengan kesalahan yang dilakukan.

reviewed as the Act was formulated in 1952. Aside from that, EAIC also suggested that for cases that was charged, the minimum penalty rate should be told so that the offender was punished with a penalty that was in accordance to the offence.

iii. Cadangan Mewujudkan Bahagian Penguatkuasaan KKM (Mengintegrasikan Semua Entiti Penguatkuasaan sebagai Satu Bahagian)

iii. Recommendations to Create an Enforcement Division KKM (Integrating All Enforcement Entities into One Division)

EAIC mengambil maklum dan bersetuju agar Bahagian khas penguatkuasaan yang menggabungkan semua unit-unit penguatkuasaan di bawah KKM diwujudkan supaya aktviti-aktivti penguatkuasaan dapat dijalankan dengan efisien dan seragam.

EAIC took note and agreed that a special Division which would combine all enforcement units under KKM be formed under one division in order for all enforcement activities be performed efficiently and in uniformity.

Terdapat sembilan entiti penguatkuasaan yang diwujudkan di bawah KKM namun setiap entiti penguatkuasaan tersebut diletakkan di bawah bahagian masing-masing. Justeru, EAIC bersetuju agar Bahagian Penguatkuasaan diwujudkan dan diketuai oleh Timbalan Ketua Pengarah Kesihatan (Penguatkuasaan) bagi memastikan tadbir urus Bahagian lebih berkesan. Keperluan agar Bahagian Penguatkuasaan ditubuhkan adalah berdasarkan faktor-faktor berikut:

There were nine enforcement entities under KKM but each entity was placed under respective Divisions. As such, EAIC agreed that the Enforcement Division shall be formed and led by the Deputy Director General of Health (Enforcement) to ensure the administration of the Division is more effective. The reasons as to why the Enforcement Division was deemed necessary were based on the following factors:

- Memudahkan sistem tadbir urus;
- Mengurangkan birokrasi yang diakibatkan oleh arahan yang bercelaru dan kurang komunikasi;
- Mudah untuk memohon penjawatan dan peruntukan;
- Latihan boleh diseragamkan untuk penjimatan kos;
- Aktiviti penguatkuasaan akan lebih berkesan dan menyeluruh serta mengelakkan pertindihan aktiviti penguatkuasaan;

- Easier to manage;
- Reduces bureaucracy which resulted from confusing orders and limited communications;
- Makes it easier to apply for a position and funding;
- Training can be combined so as to reduce cost;
- Enforcement activities will be more effective and wholesome, and avoid overlapping activities;





- Agihan anggota yang mencukupi mudah diurus untuk melaksanakan tugas dengan gabungan semua penguatkuasa di bawah satu payung;
- Anggota cawangan/bahagian penguatkuasaan KKM diberi kuasa untuk menguatkuasakan semua undang-undang di bawah KKM.

- Distribution of members will be made easier with the combined enforcement offcers under one umbrella;
- Members of KKM Enforcement Branch / Division will be given full authority to enforce all laws under KKM.

7. Sesi Dialog EAIC bersama Pengurusan Tertinggi Jabatan Imigresen Malaysia

EAIC menyambut baik Pelan Strategik dan Kod Etika Jabatan Imigresen Malaysia yang telah dilancarkan pada 19 Disember 2015. Antara tindakan yang disambut baik oleh EAIC termasuklah penambahbaikan skim imigresen dan pemberian insentif penguatkuasaan sebanyak RM200 sebulan kepada semua anggota Imigresen yang melakukan tugas-tugas penguatkuasaan. Namun pihak Imigresen memaklumkan sehingga kini insentif tersebut masih belum dibayar kerana kekangan kewangan pada tahun ini.

EAIC turut mengalu-alukan penambahbaikan terhadap struktur organisasi Jabatan Imigresen dimantapkan dan diperkukuh dengan sewajarnya memandangkan agensi tersebut

7. EAIC's Dialogue Session with the Top Management of the Malaysian Immigration Department

EAIC responded well towards the Malaysian Immigration Department's Ethical Codes and Strategic Plans which were launched on 19 December 2015. Among the actions which were well-received by EAIC were the improvements on the immigration schemes and the enforcement incentive of monthly allowance of RM200 to all members of immigration officers involved in enforcement tasks. However, the Immigration Department stated that till now the incentive had not been implemented due to lack of budgetory fund this year.

EAIC also welcomed the improvements on the Immigration Department organizational structure which appeared stronger as the agency faces bigger and many challenges,

menghadapi pelbagai cabaran khususnya dalam menangani isu pendatang asing dan penguatkuasaan demi menjaga keselamatan negara.

Turut diutarakan oleh YA Datuk Yaacob bin Md Sam semasa sesi dialog ini adalah seperti berikut:

i. Dakwaan Kebocoran Maklumat Operasi Penguatkuasaan Membanteras Pendatang Asing Tanpa Izin (PATI) oleh Pegawai dan Kakitangan Imigresen dan Kelemahan Penguatkuasaan Imigresen dalam Menangani Kebanjiran PATI

Susulan isu kebocoran maklumat berkenaan tangkapan pendatang asing tanpa izin yang dilaporkan berlaku di Hospital Kusta Sungai Buloh pada tahun 2015, EAIC telah menyarankan supaya maklumat-maklumat berkenaan operasi penguatkuasaan diberikan kawalan dalaman yang lebih ketat dan sulit.

Pihak Imigresen memaklumkan antara modus operandi mereka bagi mengelakkan kebocoran maklumat operasi serbuan yang dijalankan hanya akan dimaklumkan kepada pegawai-pegawai pada saat akhir.

Sehubungan itu, EAIC juga dimaklumkan dalam usaha menangani kebanjiran PATI di dalam negara, Bahagian Operasi Imigresen telah melakukan operasi serbuan hampir setiap hari di rumah-rumah kediaman, premis perniagaan dan pusat pendidikan. Siri serbuan ini adalah hasil daripada maklumat orang ramai dan risikan-risikan yang dilakukan oleh anggota daripada unit '*intelligence*' dan risikan khas.

Usaha lain yang telah dilakukan oleh pihak Jabatan untuk mengatasi kebanjiran PATI di negara ini adalah

especially in tackling the issue of illegal immigrants and enforcement, in the name of national security.

During the dialogue session, YA Datuk Yaacob bin Md Sam also stated on the followings:

i. Allegation of Information on Combating Illegal Immigrants (PATI) Enforcement Operations being Leaked by Immigration Officers and the Immigration Enforcement's Weaknesses in Combating Ilegal Immigrants.

Following the issue of information leakages during the arrest of illegal immigrants at Hospital Kusta, Sungai Buloh in 2015, EAIC recommended that all information regarding enforcement operations shall be kept highly confidential.

The Immigration Department stated that among the modus operandi to prevent any information leakages, information on operations would only be revealed to the officers at the last minute.

In line with that, EAIC was also informed that to combat the influx of illegal immigrants into the country, the Immigration Operation Division had conducted raids at almost every house, business premises and learning centres. The raids were conducted as a result of public information given and the investigation conducted by members of the intelligence unit and special surveillances units.

Other efforts that were taken by the Department to combat the illegal immigrants in the country was the *Program Serah Diri 3+ 1* where the

dengan melaksanakan Program Serah Diri 3+1 di mana bayaran kompaun sebanyak RM300 dikenakan kepada PATI dan RM100 sebagai bayaran pas istimewa penghantaran pulang ke negara asal.

immigrants were asked to pay a RM300 compound fee and another RM100 as passage fee to be taken back to their original country.

ii. Keadaan Depot Tahanan Imigresen

EAIC turut membincangkan syor-syor penambahbaikan berdasarkan pemerhatian yang dijalankan sewaktu lawatan ke depot-depot Imigresen di Langkap, Semenyih dan Machap Umboo pada tahun ini. Laporan penambahbaikan ini telah dihantar secara rasmi kepada pengurusan Imigresen di mana EAIC telah menuntut supaya syor-syor penambahbaikan ini diberikan pertimbangan sewajarnya oleh pengurusan tertinggi Jabatan Imigresen. Antara syor penambahbaikan yang dibangkitkan oleh EAIC semasa sesi dialog ini adalah seperti yang berikut:

i. kekurangan kakitangan dan penugasan kakitangan tempoh bertugas yang panjang (dua syif dalam sehari);
ii. kamera litar tertutup (CCTV) tidak berfungsi;
iii. jumlah tahanan PATI di depot-depot tahanan yang melebihi kapasiti; dan
iv. pemantauan khusus ke atas pegawai-pegawai Imigresen yang kerap ke luar negara.

ii. The Condition of the Immigration Detention Depots

EAIC also raised recommendations to improve depots based on visits made to the Immigration Depots at Langkap, Semenyih and Machap, Umboo this year. The recommendations for improvements were officially sent to the Immigration Management and EAIC proposed that those recommendations be given proper and thorough consideration by the top management of the Immigration Department. Among the recommendations that were brought up by EAIC during the discussion are the following:

i. lack of staff and long working hours for staff on duty (two shifts in a day);
ii. the CCTV were not functioning;
iii. the number of illegal immigrant detainees exceeding the maximum capacity;
iv. Careful monitoring of officers who frequently travel overseas.

iii. Penelitian dan Kajian Semula Tatacara Prosedur Kerja (*Standard Operating Procedure* - SOP) Penggunaan Senjata Api

Mengambil contoh kejadian-kejadian tembakan secara tidak sengaja oleh anggota penguat kuasa, EAIC menggesa pihak Jabatan Imigresen

iii. Reviewing the Standard Operating Procedure on Firearms Usage

Looking at several incidents of accidental shootings by enforcement officers, EAC urged the Immigration Department to review and update the SOP regarding the use of firearms

supaya meneliti dan memperkemaskan lagi SOP berhubung penggunaan senjata api dan melepaskan tembakan.

Dalam menambah baik SOP ini, adalah disyorkan juga supaya amalan SOP lain-lain agensi seperti Jabatan Pengangkutan Jalan (JPJ) untuk mematuhi piawaian antarabangsa sepertimana dalam Kod Etika Pertubuhan Bangsa-Bangsa Bersatu bagi Anggota Penguat kuasa Undang-Undang 1979 dan Prinsip-prinsip Asas tentang Penggunaan Kuasa dan Senjata Api oleh Anggota Penguat kuasa Undang-Undang 1990 yang merangkumi beberapa prinsip utama iaitu *legality, necessity dan proportionality* dijadikan sumber rujukan.

and shootings.

It was also recommended that other SOPs from other agencies such as the Department of Road Transport (JPJ) which adhered to international standards as per the 1979 United Nations' Code of Ethics for Law Enforcement Officers and the 1990 Basic Principles of Fireams and Power Usage by Law Enforcement Officers which covered the main principles which are legality, necessity and proportionality, be used as sources of reference.





8. Sesi Dialog EAIC bersama Pengurusan Tertinggi Kementerian Perdagangan Dalam Negeri Koperasi dan Kepenggunaan (KPDNKK)

i. Isu Ketirisan Gas Petroleum Cecair / *Liquid Petroleum Gas* (LPG)

KPDNKK memaklumkan akan mengambil tindakan tegas ke atas mana-mana pegawai sekiranya dibuktikan terdapat penglibatan oleh pihak penguat kuasa KPDNKK dalam isu ketirisan ini. Dalam hal ini, KPDNKK telah melakukan banyak siri penangkapan

8. EAIC's Dialogue Session with the Top Management of the Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK)

i. Smuggling Issues of Liquid Petroleum Gas (LPG)

KPDNKK stated that they would be taking stern actions against any KPDNKK enforcement officer proven to be involved in the matter of the LPG smuggling. On that note, KPDNKK had made series of arrests in combating the smuggling of LPG. KPDNKK is

bagi membanteras penyeludupan LPG. Susulan itu, KPDNKK juga turut bekerjasama dengan Suruhanjaya Komunikasi dan Multimedia Malaysia (SKMM) bagi mendapatkan maklumat berkaitan siasatan. Selain itu, terdapat juga kumpulan risikan yang akan diperkuatkan dengan khidmat bantuan *informer* bagi mendapatkan maklumat yang dapat membantu siasatan.

also working together with the Malaysia Multimedia and Communication Commission (SKMM) to obtain information relevant to the investigation. Apart from that, an intelligence group would be reinforced with informers to obtain more information to help with the investigation.

Dalam menanagani hal ini, KPDNKK juga turut menghadkan peruncit dengan 10 tong gas LPG bagi penjualan kepada orang awam namun begitu tiada had kawal selia boleh dilakukan oleh KPDNKK terhadap pemborong pengeluar contohnya Petronas. Mekanisme yang baharu ini akan menghadkan kuota tertentu dan makluman kuota tersebut disebarkan kepada orang awam. Selain itu, pemantauan terhadap penjualan LPG juga akan dipantau secara lebih konsisten dan berterusan.

To further handle this matter, KPDNKK had also limited grocers to 10 LPG gas cylinders for sale to the public although no supervision can be done by KPDNKK on the wholesale manufacturer, like Petronas. This new mechanism limited the quota and the information on quota has been disclosed to the public. Apart from that, the sale of LPG was also monitored consistently and continuously.

KPDNKK juga memaklumkan bahawa terdapat banyak undang-undang lama yang sudah ketinggalan (*obsolete laws*) yang perlu dipinda mengikut kesesuaian dan keperluan semasa dan ini akan diusahakan oleh KPDNKK.

KPDNKK also stated that there were many obsolete laws which needed to be amended to cater the current needs and that the matter would be worked on by KPDNKK.

ii. Kaedah Pemantauan Dan Pengawalan Bagi Perniagaan Atas Talian (*On-Line Business)*

ii. Measures to Monitor and Supervise Online Businesses

Pihak KPDNKK menghadapi kesukaran dalam menjalankan pemantauan dan mengambil tindakan terhadap para peniaga online yang tidak menjalankan perniagaan mengikut undang-undang akibat ketiadaan maklumat mengenai alamat berdaftar kerana perniagaan online adalah *borderless*.

KPDNKK faced difficulties in monitoring and taking action against online businesses that did not conduct business in accordance to the law as there was usually no registered address as most online businesses were borderless.

Menerusi maklumat oleh SSM, kini terdapat 35,000 jumlah peniaga online yang telah berdaftar dengan

According to information by SSM, there were about 35,000 online businesses registered with SSM. As

pihak SSM. Justeru itu, KPDNKK juga turut bekerjasama dengan *Online Business Policy Unit* dan SKMM bagi memudahkan pertukaran maklumat mengenai aktiviti penipuan dalam perniagaan online. Tindakan KPDNKK ke atas peniaga yang didapati bersalah mengakibatkan penutupan perniagaan online mereka.

such, KPDNKK worked together with the Online Business Policy Unit, and SSM to facilitate information exchange regarding any cases of fraud in the online business. KPDNKK would take stern action against any entrepreneurs found guilty by closing their online businesses.

iii. Pelan Integriti Penguatkuasaan KPDNKK

EAIC telah mengusulkan kepada KPDNKK agar dapat diwujudkan satu Pelan Integriti khas bagi pegawai-pegawai penguatkuasaan secara spesifik mengikut tugasan masing-masing bagi membolehkan tahap integriti pegawai diukur/dikaji.

Ketua Setiausaha KPDNKK bersetuju dengan cadangan tersebut dan akan mengambil tindakan sewajarnya bagi mewujudkan Pelan Integriti tersebut.

iii. KPDNKK's Enforcement Integrity Plan

EAIC suggested that KPDNKK shall formulate a special and customized Integrity Plan for its enforcement officers specifically according to individual work tasks to enable the integrity level of the officer be measured/reviewed.

KPDNKK's Chief Secretary agreed with the suggestion and would take necessary steps in formulating the said Integrity Plan.





9. Sesi Dialog EAIC bersama Pengurusan Tertinggi Jabatan Penerbangan Awam

Isu-isu yang dibangkitkan sewaktu sesi dialog bersama pengurusan tertinggi Jabatan Penerbangan Awam (Department of Civil Aviation – DCA) adalah seperti berikut:

9. EAIC's Dialogue Session with the Top Management of the Department of Civil Aviation

The topics that were raised and discussed during the dialogue session with the top management of the Department of Civil Aviation are as follows:

i. Dana DCA

EAIC dimaklumkan berkenaan kewujudan *Civil Aviation Fund* dan usaha DCA untuk mengaktifkan dana tersebut bagi membantu DCA dalam mengendalikan aktiviti operasi. EAIC dimaklumkan akan bayaran dan caj DCA pada masa ini disalurkan kepada *Consolidated Fund* yang dimiliki Kerajaan. Sehubungan ini pihak DCA sedang memohon supaya *Civil Aviation Fund* diaktifkan bagi membolehkan DCA menjana pendapatan bagi menjalankan kerja-kerja operasi DCA.

Pada masa ini DCA tidak menjana hasil pendapatan yang tinggi kerana kebanyakan premis-premis di lapangan terbang seliaan DCA telah diberikan sewaan khas iaitu secara *default payment*. Sehubungan ini, DCA hanya memperoleh pendapatan melalui sewaan peralatan di kedai-kedai sahaja.

Selain itu, sewaan kedai di lapangan terbang turut dicarum oleh Malaysia Airport Holding Berhad (MAHB) melalui Majlis Perbandaran kepada Pihak Berkuasa Tempatan atas dasar hakmilik tanah oleh Kerajaan Persekutuan.

ii. Pengeluaran Lesen Penerbangan

Berikut adalah penjelasan berhubung perbezaan pengeluaran lesen dan pengesahan yang dilakukan DCA dan Malaysian Aviation Commission (MAVCOM). Pemberian lesen melibatkan caj ekonomi yang dikenakan terhadap pemilik kapal terbang manakala pengesahan pula melibatkan perkara-perkara teknikal.

Manakala bagi proses penyelenggaraan, kapal terbang akan diperiksa bagi memastikan setiap kapal terbang mengikut spesifikasi piawaian yang

i. DCA Funding

EAIC was informed of the Civil Aviation Fund and DCA's efforts to activate the fund to assist DCA in handling operation activities. EAIC was informed that DCA payments and charges at this time, were contributed to a Government-owned Consolidated Fund. As such, DCA was currently applying for the activation of the Civil Aviation Fund which would enable DCA to generate income for its daily DCA operations.

Currently, DCA was not generating high income as most of the premises at the airport under DCA supervision had been awarded special rental in the form of default payment. This means that DCA only maked income through the rental of equipment at its shops.

Apart from that, the rental of shops at the airpot was paid by Malaysia Airport Holdings Berhad (MAHB) through the City Council to Local Authorities on the basis of land ownership by the Federal Government.

ii. Issuance of Flying Licenses

An explanation was given on the difference between issuance of license and issuance of approval by the DCA and the Malaysia Aviation Com (MAVCOM). License issuance involved an economical charge which was imposed towards the owners of the planes wherelse approval involves technical matters.

Regarding maintenance, the planes were inspected to ensure that each plane is up to specification standards before the flying license is issued. The

ditetapkan sebelum permohonan lesen penerbangan boleh dikemukakan. Syarikat penerbangan atau pemilik kapal terbang juga perlu mahir dalam menerbangkan dan menyelenggara kapal terbang yang dimiliki.

DCA juga hanya meluluskan juruterbang dan memeriksa kapal terbang manakala kelulusan lesen syarikat berada di bawah tanggungjawab MAVCOM.

airline or the owner of the plane also has to be able to fly and maintain the planes.

DCA also only approved pilots and inspects the planes while the status of the company's license was the responsibility of MAVCOM.

iii. Kajian Semula Pembaharuan Pekeliling Berhubung Penggunaan Dron

DCA pada masa ini juga sedang mengkaji semula pembaharuan terhadap Pekeliling Maklumat Aeronautika (AIC) 4/2008 yang akan ditambah dengan peraturan baharu berkaitan penggunaan dron.

Inisitif ini dibuat susulan daripada kes foto dari udara dipercayai dirakam melalui penggunaan dron yang memaparkan dua pesawat menuju ke Lapangan Terbang Antarabangsa KL (KLIA) di Sepang yang telah menjadi viral di laman media sosial sehingga menimbulkan kebimbangan orang ramai dan netizen. Bertitik tolak daripada insiden tersebut, DCA telah mengeluarkan amaran dan larangan menerbangkan dron atau UAV di kawasan lapangan terbang kerana tindakan tersebut merupakan kesalahan mengikut Akta Penerbangan Awam 1969.

iii. Reviewing the Amended Circular Regarding the Use of Drones

Currently DCA was reviewing the amendment that had been made towards the Aeronautical Information Circular (AIC) 4/2008 which would have an additional of new rules to it regarding the use of drones.

This initiative was made as a follow-up to the case of photos, believed to have been captured by drones of two planes heading towards Kuala Lumpur International Airport which became viral on social media resulting in a widespread public concern. Following that, DCA has issued a warning, prohibiting drones or UAV within airport area as such action was in violation of the 1969 Civil Flight Act.

iv. Isu 'Laluan Tikus' di KLIA

EAIC membangkitkan isu kewujudan 'laluan tikus' di KLIA dan beberapa kelemahan aspek penguatkuasaan undang-undang berikutan kepincangan dan salah laku penguat kuasa yang telah bersekongkol dengan pihak-pihak yang tidak bertanggungjawab dalam

iv. "Rat Routes" Issue at KLIA

EAIC raised the issue of 'rat routes' at KLIA as well as some law enforcement weaknesses following the matter of misconduct of enforcement officers with suspects involved in the issue of bringing in/taking out foreign currency. The authorities estimated that there

isu keluar/masuk warga asing. Pihak berkuasa menganggarkan terdapat ratusan lorong tikus di seluruh negara yang menjadi tempat kemasukan pendatang asing ke negara ini dan KLIA tidak terkecuali. Antara taktik yang digunakan dalam memboloskan diri adalah dengan menyamar sebagai pelancong dan menyelinap masuk ke kedai-kedai bebas cukai sewaktu pertukaran syif oleh pegawai Kastam yang bertugas. Sehubungan ini EAIC mencadangkan agar DCA mempertingkatkan tahap kawalan keselamatan dengan menutup semua kedai di setiap *checkpoint* lapangan terbang.

were hundreds of 'rat routes' throughout the country which were made as entry points for illegal immigrants into the country and KLIA is no exception to this. Among the tactics used to slip through/ sneak in is by disguising themselves as tourists and slipping into the duty-free shops throughout the airport when the Customs officers changed shifts. As such, EAIC suggested that DCA shall increased their security level by shutting down all shops at each checkpoint change at the airport.

Dalam hal ini, DCA memaklumkan pihaknya turut bekerjasama dengan skuad anti-pengganas dan MAHB dalam menjalankan pemantauan (melalui CCTV yang terdapat di kawasan lapangan terbang) dan penangkapan pengganas termasuk warga asing yang mencurigakan.

In response, DCA stated that they were currently working with the anti-terrorist squad and MAHB in monitoring (through CCTVs located at the airport premises) and arresting terrorists including foreigners who look suspicious.

v. MH370 dan MH17

v. MH370 and MH7

EAIC dimaklumkan tentang perkembangan terkini berkaitan siasatan Pesawat MH370 di mana beberapa kawasan yang terletak di Lautan Hindi akan diteroka semula kerana permukaan bawah Lautan Hindi berbukit dan mempunyai kedalaman sejauh 6km serta mempunyai aliran laut yang sering berubah. Bagi tujuan ini, Australia akan mengetuai pencarian di Lautan Hindi kerana serpihan kapal terbang tersebut ditemui berdekatan dengan Australia. Walau bagaimanapun, kos pencarian akan ditanggung oleh Kerajaan Malaysia.

EAIC was informed of the latest progress of the MH370's investigation whereby few locations at the Hindi Ocean had been re-explored as the sea bed of the ocean was hilly and had a depth of about 6km and held an ever-changing current flow. For that purpose, Australia would take the lead in the search at the Hindi Ocean as pieces of the plane had been found within the waters of Australia. However, the costs of the search would be borne by the Government of Malaysia.

Mengenai perkembangan berkenaan Pesawat MH17, EAIC dimaklumkan bahawa Holland akan mengetuai

As for progress of MH17, EAIC was informed that Holland will be leading the discussions on the results of the

perbincangan hasil siasatan MH17 dan memutuskan mekanisme sama ada untuk mendraf undang-undang kepada sebuah tribunal antarabangsa ataupun untuk menyediakan dokumen analisis berkaitan dengan pendakwaan di peringkat nasional.

investigation and would decide on the mechanisms, whether to draft a law to an international tribunal or to prepare an analysis document regarding indictment at the national level.





10. Sesi Dialog EAIC bersama Pengurusan Tertinggi Jabatan Tenaga Kerja Semenanjung Malaysia (JTKSM)

Sesi dialog bersama JTKSM telah memfokuskan kepada isu berkenaan pekerja asing terutamanya pengurusan dan kebajikan pekerja asing, limitasi dan cabaran yang dihadapi oleh JTKSM dalam menjalankan peranannya.

i. Kebajikan Pekerja Asing

Dalam perkara yang melibatkan kebajikan pekerja asing, terdapat peruntukan di bawah Akta Standard-Standard Minimum Perumahan & Kemudahan Pekerja 1990 (Akta 446) yang memperuntukkan agar majikan menyediakan rumah yang bersesuaian, selamat dan selesa kepada pekerjanya. Walau bagaimanapun, peruntukan tersebut hanya terpakai kepada sektor perladangan sahaja manakala sektor-sektor lain seperti pembinaan dan perindustrian adalah terkecuali. Ini menimbulkan kebimbangan kepada EAIC apabila majikan daripada sektor-sektor lain tidak menitikberatkan pemberian kemudahan penginapan

10. EAIC's Dialogue Session with the Top Management of the Labour Department, Malaysia (JTKSM)

The dialogue session with JTKSM focused on foreign workers, especially the management and welfare of foreign workers, the limitations and challenges faced by JTKSM in fulfilling its responsibilities.

i. Foreign Worker Welfare

As for matters concerning the welfare of foreign workers, there were provisions under the Workers' Minimum Standards of Housing and Amenities Act 1990 which provided that the employee had to provide suitable place of accommodation which was safe and comfortable for the employees. However, the provision was only applicable to the agricultural sector whilst other sectors, such as the construction and the industrial sectors were exempted. This raised EAIC's concern as there were employers from other sectors that were not concerned with the issues of employees' accommodation matter but instead, arranged these workers to

kepada pekerjanya dengan menempatkan mereka dalam kontena yang bilangan penghuninya yang melebihi had tertentu. Keadaan bertambah buruk apabila majikan hanya menyediakan stor sebagai tempat tinggal kepada pekerja-pekerja mereka.

stay in containers which were beyond the maximum capacity limit. Worse still, there were employers that offered stores as homes/place of accommodation for their workers.

Dalam hal ini, JTKSM tidak mempunyai kuasa terhadap isu penginapan yang melibatkan sektor-sektor lain selain daripada sektor perladangan. Bagi sektor-sektor lain, ia berada di bawah bidang kuasa Pihak Berkuasa Tempatan (PBT). Walau bagaimanapun, masih terdapat kekurangan dalam skop penguatkuasaan apabila PBT hanya berkuasa mengawal selia jenis perumahan tetap *(permanent)* dan tidak mempunyai kuasa mengawal selia kebanyakan perumahan yang disediakan oleh majikan daripada sektor-sektor lain terutamanya sektor pembinaan yang terdiri daripada jenis perumahan sementara (*temporary*).

However, JTKSM had no authority on housing issues that involve other sectors apart from the agicultural sector. For the other sectors, the matter falls under the jurisdiction of the Local Authorithy (PBT). On the other hand, there were still issues with the enforcement scope as the PBT was only authorised to supervise permanent housing and had no authority over most of the housing provided by employers from the other sectors, especially the construction sector which usually provides temporary housing.

Sehubungan itu, JTKSM telah mengambil langkah dengan menetapkan Garis Panduan Penetapan Standard Minimum Penginapan Pekerja yang perlu diikuti oleh majikan dan ia meliputi semua sektor. Pindaan juga akan dibuat ke atas Akta 446 termasuk 9 lagi akta utama bagi menambahbaik akta-akta tersebut.

In line with that, JTKSM has taken definitive measures and created the Guidelines on Workers' Minimum Standards of Housing which must be adhered to by all employees and covering all sectors. Amendments would also be done to Act 446, and 9 other principle acts to improve the acts.

ii. Eksploitasi Kanak-Kanak

ii. Exploitation of Children

EAIC memandang berat akan isu eksploitasi terhadap individu, persatuan atau sindiket dalam mempergunakan kanak-kanak terutamanya kanak-kanak daripada golongan pendatang asing bagi meraih simpati masyarakat dengan meminta sumbangan wang/derma. Walau bagaimanapun, EAIC mengambil maklum bahawa perkara tersebut berada di luar bidang kuasa JTKSM

EAIC took a very serious view on issues of exploitation of individuals, associations or syndicate on children, especially children of illegal immigrants, to attract public sympathy and thus, get monetary gifts/donations. However, EAIC was informed that the matter was not under the jurisdiction of JTKSM and was more within the jurisdiction of the Welfare Department and the Malaysian

dan lebih kepada bidang kuasa Jabatan Kebajikan Masyarakat dan Jabatan Kemajuan Islam Malaysia (JAKIM).

Department of Islamic Development (JAKIM)

iii. Limitasi Kuasa JTKSM

Sistem bagi mengendalikan urusan pekerja asing di Semenanjung Malaysia telah dibahagikan kepada dua iaitu Kementerian Dalam Negeri (KDN) yang mengendalikan pengambilan dan penghantaran semula pekerja asing manakala Kementerian Sumber Manusia (KSM) menjaga urusan pekerjaan pekerja asing. Ini berbeza daripada amalan di negara-negara lain yang menetapkan hanya satu kementerian yang bertanggungjawab. Sistem yang digunapakai oleh negara luar turut digunapakai oleh JTK di Sabah dan Sarawak di mana pekerja asing yang berhasrat bekerja di negeri-negeri tersebut perlu mendapatkan lesen terlebih dahulu daripada JTK di negeri berkenaan. Bagi Semenanjung Malaysia, kuasa tersebut telah diserahkan kepada KDN dengan adanya pembatalan kepada Akta Sekatan Kerja 1968.

iii. JTKSM's Limited Authority

The system which handled the matters related to foreign workers had been divided into two parts: Ministry of Domestic Trade maages the arrival and delivery of all foreign workers whilst the Ministry of Human Resource (KSM) managed the work aspect of the workers. This practice was different from what was done in other countries where only one ministry was responsible/accountable. That system was currently being used by the JTK in Sabah and Sarawak where foreign workers who intended to work in those states would need to get licenses from the JTK in the respective states. In Peninsular Malaysia, the authority fell under KDN upon the repeal of the Employment Restriction Act 1968.

EAIC difahamkan masalah dapat dikesan apabila serbuan yang dilakukan oleh Imigresen dan agensi-agensi berkaitan hanya memberi implikasi kepada tangkapan terhadap pekerja manakala majikan yang melakukan kesalahan akan terlepas kerana mereka tidak dapat dikenalpasti.

EAIC was also informed that problems were only detected when raids were conducted by the Immigration and other agencies and the implications of the arrests only rests on the workers and not the employers who were also responsible for the offence but managed to get away scot free as they couldn't be identified.

Pada masa ini, pendatang asing tanpa izin (PATI) adalah di bawah kuasa Jabatan imigresen manakala pendatang asing dengan izin (PADI) pula adalah di bawah kuasa JTKSM. Limitasi kuasa oleh JTKSM juga dikesan dalam sistem Penyesuaian Pekerjaan / *Job Clearing System* (JCS)

Currently, illegal immigrants (PATI) were under the jurisdiction of the Immigration Department whilst legal immigrants (PADI) were under the jurisdiction of JTKSM. JTKSM's limited authority was also detected in the Job Clearing System which showed that JTKSM was only in charged of providing the number of





apabila pihak JTKSM hanya berkuasa dari segi menyokong jumlah pekerja yang diperlukan oleh majikan. Kuasa untuk membuat keputusan diberikan kepada KDN melalui One Stop Centre sedangkan JTKSM adalah lebih arif tentang isu kelayakan sesuatu majikan dan keperluan sebenar pekerja yang diperlukan.

workers as requested by the employers. The authority to make decisions was granted to KDN through the One Stop Centre while JTKSM was responsible for the qualifications of the employers and their actual needs in terms of workers.

Selain itu, EAIC juga dimaklumkan mengenai kekurangan tenaga kerja JTKSM yang mencukupi untuk menjalankan penguatkuasaan secara menyeluruh. Secara keseluruhannya, JTKSM hanya mempunyai 400 orang pengawai yang terdiri daripada gred 27 sehingga gred 44 yang ditugaskan untuk menjaga urusan pekerjaan bagi 11 juta pekerja termasuk 2.1 juta pekerja asing yang sah.

Apart from that, EAIC was also informed of JTKSM's limited workforce which would suffice for overall enforcement. In general, JTKSM had only 400 officers made up of grades 27 through 44 who were tasked with handling work matters for 11 million workers, including 1.2 legal foreign workers.

iv. Masalah Pemegang Kad United Nations High Commissioner for Refugees (UNHCR)

Pada masa ini, terdapat lebih kurang 160,000 pemegang kad UNHCR yang berada di Malaysia dan kebanyakan daripada jumlah tersebut didapati bekerja di negara ini. Ia merupakan satu kesalahan kerana di bawah undang-undang, hanya pendatang asing yang memiliki permit kerja sahaja dibenarkan bekerja di Malaysia. Walaupun begitu,

iv. The Problem of Refugees Holding the United Nations High Commisioner for Refugees Cards (UNHCR)

Currently there were approximately 160,000 holders of the UNHCR cards in Malaysia and most of them were found to be working in the country. This was an offence, because according to the law, only immigrant workers holding work permits were allowed to work in Malaysia. However, JTKSM was unable to take legal action on

JTKSM tidak boleh mengambil sebarang tindakan terhadap mereka yang terlibat kerana tanpa permit kerja mereka tidak dianggap sebagai pekerja dan oleh itu tidak berada di bawah bidang kuasa JTKSM untuk diambil tindakan.

those involved because without a work permit, they cannot be considered as workers and thus, they do not fall under the jurisdiction of JTKSM, making it impossible for them to take action.

11. Sesi Dialog EAIC bersama Pengurusan Tertinggi Jabatan Perhubungan Perusahaan (JPP)

i. Pengendalian Kes-kes Representasi Pemulihan Kerja

Pengendalian kes-kes representasi pemulihan kerja di bawah Seksyen 20 1967 [*Akta 177*] merupakan salah satu fungsi utama JPP. Dalam hal ini, JPP mengendalikan bilangan representasi berkenaan dalam bilangan yang tinggi di peringkat Jabatan pada setiap tahun. Pengurusan kes yang melibatkan representasi pemulihan kerja dilaksanakan di peringkat negeri / cawangan serta Bahagian Pemulihan Kerja dan Pengurusan Rundingan Damai (BPK&PRD) Ibu Pejabat JPP.

EAIC dimaklumkan, pada tahun 2016, JPP telah menerima hampir 5000 kes berbanding 8000 kes yang diterima pada tahun 2015. Antara kes tertinggi melibatkan seramai 6000 pekerja Malaysia Airlines System (MAS) yang telah diberhentikan dan hampir sebahagian daripada pekerja-pekerja ini telah memfailkan aduan kepada pihak JPP. Walaupun Akta MAS 2015 memberikan imuniti kepada Syarikat MAS daripada sebarang tindakan undang-undang bagi kes-kes sebegini, namun pihak Jabatan masih menerima dan mengendalikan kes tersebut.

Pihak JPP mengambil maklum bahawa terdapat aduan yang dihantar kepada EAIC di mana kes tersebut telah

11. EAIC's Dialogue Session with the Top Management of the Industrial Relations Department (JPP)

i. Handling Cases of Representation for Employee Reinstatement

Handling cases of representation for employee reinstatement under Section 20 1967 [Act 177] was one of JPP's primary functions. JPP handles high volumes of such representation cases at Department level each year. Management of cases that involves representation for employee reinstatement were conducted at state/ branch level as well as at the Appeal for Reinstatement and Conciliation Management Division (BPK&PRD) JPP Headquarters.

EAIC was informed that in 2016, JPP had received almost 5000 cases compared to the 8000 cases received in 2015. Among the highest case involved 6000 employees of the Malaysian Airlines System (MAS) who had been terminated; almost half of the workers filed complaints to JPP. Even though MAS Act 2015 provided MAS with immunity against such legal actions, JPPM still took on the cases and worked on them.

JPP was aware of the complaints that had been sent to EAIC regarding the case which had been remedied by the

mendapat remedi daripada Mahkamah Persekutuan. JPP selanjutnya menjelaskan meskipun Mahkamah Persekutuan telah menetapkan keputusan, kes yang sama telah dirujuk semula kepada pihak JPP kerana pengadu menuntut supaya pihak Jabatan membuat rundingan dengan pejabat Menteri untuk mengubah keputusan tersebut.

Federal Court. JPP further explained that even though the Federal Court had made its decision, the same case was re-sent to JPP as the complainant had requested the Department to conduct negotiations with the Minister's office to change the order.

EAIC turut dimaklumkan selain daripada tuntutan individu, terdapat banyak kes lain di bawah Seksyen 20 yang melibatkan pertikaian oleh pihak kesatuan sekerja khususnya dalam konteks hubungan mereka dengan majikan.

EAIC was also informed that apart from individual claims, there were also many cases under Section 20 which involved disputes with work associations especially in the context of their relationship with the employer.





ii. Pengisian Perjawatan

ii Filling of posts

EAIC dimaklumkan bahawa setakat pada 30 September 2016, terdapat 16 kekosongan perjawatan yang masih belum diisi iaitu 10 daripada Kumpulan Pengurusan dan 6 daripada Kumpulan Pelaksana. YA Datuk Yaacob Md Sam berpandangan bahawa pengisian jawatan-jawatan ini terutamanya Penasihat Undang-Undang perlu diisikan dengan segera memandangkan terdapat keperluan untuk kes-kes ini dirujuk dan diberikan perhatian secara khusus oleh PUU Jabatan itu sendiri berbanding PUU Kementerian.

EAIC was informed that up to 30 September 2016, there were still 16 vacancies waiting to be filled; 10 in the Management group and 7 in the Enforcement group. YA Datuk Yaacob bin Md Sam felt that the posts, especially the post of Legal Advisor needed to be filled urgently as there was a clear need for these cases to be referred to and be given special attention by the PUU of the Department as compared to the PUU of the Ministry.

SESI DIALOG EAIC BERSAMA AGENSI PENGUATKUASAAN

Pada tahun ini, EAIC telah melengkapkan pusingan dialog EAIC bersama agensi-agensi penguatkuasaan seliaannya di setiap zon. Mengambil kira lokasi EAIC yang hanya terdapat di Putrajaya, EAIC turut menjalankan sesi dialog bersama agensi-agensi penguatkuasaan seliaannya mengikut zon sebagai salah satu kaedah 'turun padang'. Ini merupakan salah satu daripada program *engagement* EAIC bersama agensi-agensi penguatkuasaan dalam memperkenal dan mengetengahkan fungsi dan peranannya sebagaimana diperuntukkan oleh Akta 700.

Sepanjang tahun 2016, EAIC telah menjalankan tiga siri dialog dengan menjemput wakil-wakil daripada agensi penguatkuasaan dengan memberi penekanan kepada kehadiran Ketua-ketua Jabatan selain pegawai dan anggota pelaksana. Tiga siri dialog yang telah diadakan adalah seperti yang berikut :

EAIC'S DIALOGUE SESSIONS WITH ENFORCEMENT AGENCIES

This year, EAIC made a complete rotation in conducting dialogue sessions with enforcement agencies under its supervision at each zone. As EAIC is currently located only in Putrajaya, it looked upon the dialogue sessions with enforcement agencies in other zones as part of its "fieldwork". The sessions were considered as engagement programmes with the enforcement agencies in order for EAIC to introduce and make-known of its role and functions as provided for by Act 700.

Throughout the year, EAIC conducted three dialogue sessions, inviting representatives from the enforcement agencies, emphasizing on the attendance of Heads of Departments aside from officers and enforcement officers. The three sessions are as follows:

TARIKH *DATE*	ZON *ZONE*	TEMPAT *VENUE*
25 Januari *25 January*	Utara *North* (Kedah, Perlis dan Pulau Pinang)	Hotel Seri Malaysia, Perlis
24 Mei *24 May*	Tengah *Central* (Perak, Selangor dan Wilayah Persekutuan Kuala Lumpur)	Hotel Bangi, Putrajaya
4 Oktober *4 October*	Sabah dan Sarawak	Hotel Hilton, Kuching, Sarawak

Program ini telah dimanfaatkan dengan baik sebagai platform perbincangan dua hala berhubung isu-isu berbangkit dan masalah yang dihadapi oleh anggota penguat kuasa dalam menguatkuasakan undang-undang.

Dalam ketiga-tiga siri dialog dan perbincangan meja bulat ini, Pengerusi EAIC YA Datuk Yaacob bin Hj Md Sam telah memberikan pandangan dan syor EAIC berhubung beberapa isu semasa dalam penguatkuasaan dan pentadbiran awam. Syor kepada peserta adalah seperti yang berikut:

These programmes had proved to be beneficial as a two-way platform to discuss rising issues and problems faced by enforcement officers in enforcing the law.

In all three dialogue and round-table discussions, EAIC's Chairman Datuk Yaacob Hj Md Sam, gave EAIC's views and recommendations regarding few issues in both enforcement and public administration. The recommendations were as follows:

i. EAIC menghargai konsistensi yang telah ditunjukkan oleh agensi-agensi penguatkuasaan dalam menjalankan operasi dan penguatkuasaan undang-undang. Namun begitu masih terdapat beberapa aspek penguatkuasaan undang-undang yang memerlukan percaturan dan strategi baharu dan tindakan segera agensi terlibat contohnya pembasmian sindiket judi haram, pencerobohan sempadan dan kepincangan / ketirisan tata laku pegawai Imigresen di KLIA dalam isu keluar/masuk warga asing.

Selain daripada perbincangan bersama pihak pengurusan tertinggi telah diadakan, EAIC sentiasa mengkaji semula mekanisme terbaik untuk menangani isu-isu ketirisan salah laku dan pemantapan integriti di kalangan anggota Imigresen.

EAIC turut menggesa supaya ciri-ciri keselamatan sempadan negara di Wang Kelian, Perlis dipertingkatkan melalui pemasangan CCTV di kompleks pos kawalan tersebut yang didapati tidak memiliki kemudahan kawalan sedemikian. Perkara ini telahpun dibangkitkan kepada Ketua Setiausaha Kementerian Dalam Negeri (KDN) secara bertulis pada 5 Februari 2016.

EAIC menyokong Pelan Strategik JIM 2015-2020 yang didasarkan kepada empat teras utama dalam meningkatkan keupayaan pihak Imigresen melalui; iaitu (i) keselamatan dan kawalan diutamakan, (ii) pemantapan sistem pengkomputeran (iii) merakyatkan perkhidmatan imigresen, dan (iv) perekayasaan imigresen.

ii. EAIC menyeru tindakan tegas diambil rentetan daripada penahanan pegawai penguat kuasa Jabatan Pengangkutan Jalan berkaitan isu pengeluaran lesen terbang dan kes-kes kenderaan klon sepertimana yang dilaporkan oleh akhbar Utusan Malaysia pada 18 Januari 2016.

i. EAIC appreciated the consistency shown by the enforcement agencies in operations and in enforcing the law. However, there were still few aspects of law enforcement that needed deep and thorough consideration, new strategies and the immediate action of the respective agency, for example in eradicating illegal gambling syndicates, border intrusion and the misconduct of a few immigration officers at KLIA in the matter of the entry/exit of foreigners.

Apart from the discussions between the top management, EAIC was constantly reviewing and studying the best mechanism(s) to overcome issues regarding misconduct and reinforcing integrity among Immigration officers.

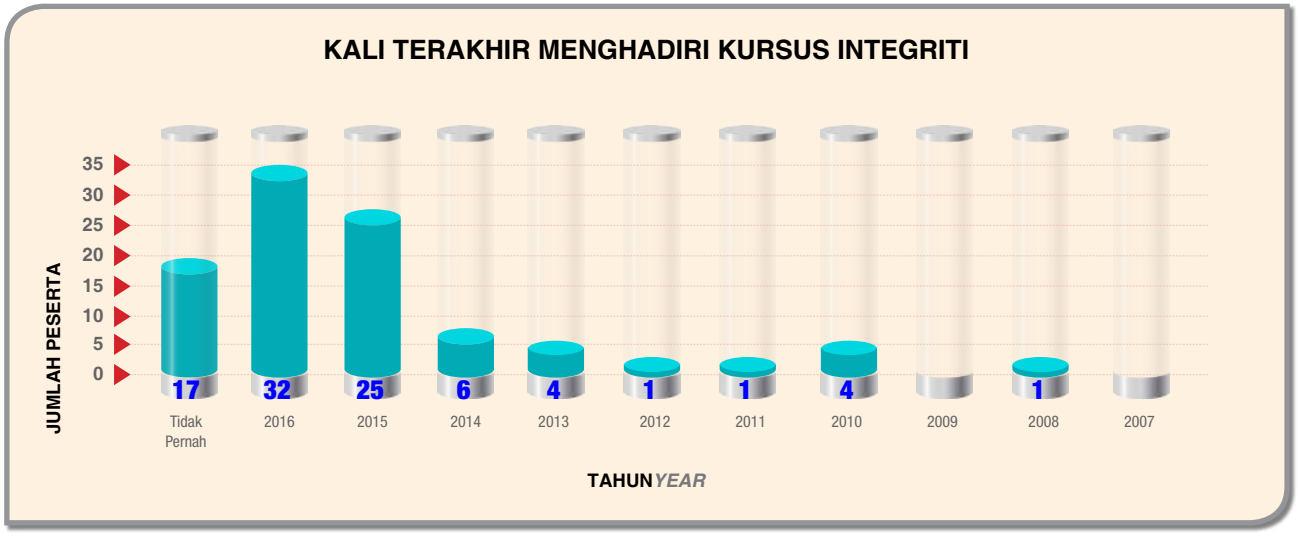
EAIC also urged for border security at Wang Kelian, Perlis to be thoroughly improved and tightened through the installation of CCTVs at the security complex which apparently did not have such security equipment. This matter was raised to the Chief Secretary, Minister of Home Affairs (KDN) in a formal letter of EAIC dated 5 February 2016.

EAIC supported the JIM 2015-2020 Strategic plan which was based on four main thrusts aimed to enhance Immigration officers abilities; through (i) prioritising security and control, (ii) consolidating computer systems, (iii) to create a public-friendly immigration service, and (iv) to instill the elements of immigration culture

ii. EAIC asked for strict actions to be taken following the arrest of an enforcement officer from the Department of Road Transport regarding the issue of issuance of fake license and cloned vehicles as reported in the Utusan Malaysia on the 18 January 2016.

iii. EAIC menyeru ketua-ketua jabatan memberikan perhatian kepada Buku Perkhidmatan (buku hijau) pegawai di bawahnya dalam memastikan pegawai wajib menjalani kursus-kursus bersifat pengukuhan integriti selain daripada mewujudkan persekitaran tempat kerja yang kondusif serta pengawasan yang efektif dan mewujudkan hubungan kemanusiaan yang baik (*human touch/compassionate*). Syor ini adalah berdasarkan kaji selidik yang telah EAIC jalankan menerusi keseluruhan sesi dialog mengikut bersama agensi-agensi penguatkuasaan seliaannya, adalah didapati sejumlah 27% pegawai penguat kuasa yang telah berkhidmat tidak kurang daripada 3 tahun tidak pernah dihantar mengikuti kursus yang berkaitan dengan pemantapan integriti. Kaji selidik ini dapat dilihat melalui carta berikut:

iii. EAIC then asked all Heads of Departments to pay serious attention to the Administrative Book (green book) of the officer under them to ensure the officers attended integrity enhancement courses and also to create a more conducive working environment and effective and compassionate monitoring. The recommendations were based on the research and survey that EAIC had done on all the dialogue sessions with the enforcement agencies under its supervision; it was discovered that 27% of the enforcement officers that had been in service for less than 3 years had never been sent to attend any courses related to integrity. The survey can be seen in the following chart:



iv. EAIC berpandangan bahawa *job rotation* yang melibatkan pertukaran lokasi bertugas yang kerap sebagai penghalang untuk anggota atau pegawai terlibat dengan salah laku bukanlah merupakan jalan penyelesaian yang efektif ke atas ketirisan integriti (Pekeliling Perkhidmatan Bilangan 3 Tahun 2004). Pemindahan masalah dari satu tempat ke tempat yang lain yang melibatkan pegawai yang sama, selain daripada pertambahan beban kos perpindahan dan menambah masalah baharu yang mungkin melibatkan keluarga dan kebajikan pegawai bukan sahaja memberi implikasi kepada kualiti kerja malahan juga mendatangkan akibat buruk terhadap produktiviti sesebuah agensi itu sendiri.

iv. EAIC felt that regular job rotation in the hopes of preventing officers from getting involved with misconduct, was not an effective solution to the issue of decreasing integrity (Administrative Circular No 3 Year 2004). In fact, transferring a problem from one place to another, involving the same officer, aside from adding the burden of transfer cost and additional new problems which may involve his family and his welfare, did not only leave an implication on the quality but also the productivity of the agency itself.

Sehubungan ini suatu mekanisme yang seimbang perlu dikenalpasti, antaranya ialah melalui kaedah penyeliaan dan pemantauan konsisten dibuat terhadap pegawai dan diberikan latihan serta kursus *refresher course* berkaitan tanggungjawab, amanah dan integriti yang jauh lebih efisien dan mudah untuk dilaksanakan.

As such, there needs to be a balanced mechanism was needed and parts of which would include the officer being constantly monitored or supervised and given refresher courses related to responsibility, honour and integrity which are far more efficient and easier to conduct.

v. EAIC bersetuju dengan arahan Pelaksanaan Dasar Pemisah (*Exit Policy)* yang telah dikuatkuasakan pada 19 November 2015 melalui Pekeliling Perkhidmatan Bil. 7 Tahun 2015 yang berperanan sebagai jalan terakhir sekiranya pegawai-pegawai yang bermasalah yang tidak boleh dipulihkan atau yang "tenat" prestasinya akan "direhatkan secara terus" daripada perkhidmatan melalui tatacara yang ada.

v. EAIC agreed with the Exit Policy orders which were impromented on 19 November 2015 through Administrative Circular No 7 Year 2015 which acted as the final option for problematic officers who had no intention to change for the better or incurable. They will be made to "barred permanently" from service according to the current protocol.

vi. EAIC bersetuju dengan gesaan CUEPACS terhadap pengisian perjawatan dalam perkhidmatan awam khususnya dalam bidang penguatkuasaan bagi memastikan kesinambungan operasi penguatkuasaan undang-undang secara konsisten seiring dengan pertambahan beban tugas yang perlu dipikul akibat kekurangan kakitangan.

vi. EAIC agreed with CUEPACS's recommendation regarding the recruitment of enforcement officers in the public sector to ensure consistent law enforcement operation continuity, in line with the additional burden of work due to lack of manpower.

Kekurangan pegawai penguatkuasa yang belum diisi kekosongan sepenuhnya oleh agensi penguatkuasaan telah menimbulkan kekangan kepada sesetengah agensi untuk beroperasi pada tahap optimum seperti yang dirancang, lebih-lebih lagi apabila sesetengah agensi mengalami tahap persaraan anggota yang berpengalaman dan berkemahiran tinggi pada jumlah yang besar berbanding dengan jumlah pengambilan baru.

The lack of enforcement officers, the posts of which had yet to be filled by the enforcement agency, had made it difficult for some of these agencies to act at optimal level as planned, especially so when half of these agencies had a high pension rate for officers who were highly experienced and skilled, compared to the number of new intakes.

EAIC menyokong penuh tindakan bersepadu yang telah dilaksanakan oleh JPJ dengan bantuan pihak berkuasa lain dalam usaha menangani fenomena kegiatan "tonto" yang secara terang-terangan bertindak menjadi pelindung dan " pengintip" kepada pengusaha-pengusaha pengangkutan perdagangan khasnya lori-lori dari tindakan penguatkuasaan undang-undang oleh JPJ.

EAIC was also totally supportive of the joint action which was undertaken by JPJ with other authorities in its efforts to battle the "tonto" phenomenon which act clearly as protector and the "eyes and ears" of the trade transport entrepreuners, especially lorries, keeping them safe from JPJ's law enforcement action.

EAIC berharap tindakan oleh JPJ tersebut akan dijalankan dengan konsisten dan tahap siap siaga JPJ akan dipertingkatkan selari dengan peranan mereka sebagai peneraju utama dalam mentadbir dan menguatkuasakan Akta 9 Pengangkutan Jalan 1987 (Akta 333).

EAIC hoped that JPJ's actions would be consistent and for it to be on constant alert to enhance its performance in line with its role as primary administrator and enforcer of 1987 Road Transport Act 9 (Act 333).

EAIC turut membuat saranan supaya perjawatan utama berkaitan penguatkuasaan di JPJ sewajarnya diisikan oleh pegawai dalam perkhidmatan JPJ sendiri bagi mempertingkatkan lagi keberkesanan penguatkuasaan undang-undang dan kesinambungan polisi dalam perancangan dan penguatkuasaan undang-undang di bawah Akta 333.

EAIC also recommended that the highest posts relating to enforcement at JPJ be filled by JPJ's own administrative officers to enhance the effectiveness of the law enforcement process and the smooth merging of both the policies being planned and law enforcement under Act 333.

EAIC turut menekankan agar perhatian serius diberikan terhadap kes-kes kematian tahanan dalam lokap PDRM yang telah meruntuh dan mencalar imej dan reputasi agensi penguat kuasa.

EAIC also stressed on the need to pay serious attention to cases of death while in PDRM lockups which had tarnished the image and reputation of the enforcement agency.

Fenomena kerapuhan integriti berdasarkan kes-kes kematian tahanan PDRM termasuklah kes Syed Mohd Azlan bin Syed Mohamed Nur di Kota Tinggi, Johor, N. Dharmendran di Lokap D9, IPK, Kuala Lumpur dan Kugan a/l Ananthan di lokap Balai Polis Taipan, Subang Jaya, Selangor.

The disintegration of the integrity phenomenon was the result of sudden death cases while being under PDRM's detention as in the cases of Syed Mohd Azlan bin Syed Mohamed Nur at Kota Tinggi, Johor, N. Dharmendran at Lokap D9, IPK, Kuala Lumpur and Kugan a/l Ananthan at lokap Balai Polis Taipan, Subang Jaya, Selangor.

EAIC difahamkan bahawa PDRM Bukit Aman telah mengeluarkan versi yang telah dikemaskini *Standard Operating Procedure* (SOP) Pengurusan Lokap PDRM 2014 untuk dipatuhi dan diamalkan oleh semua lokap-lokap PDRM di seluruh 11 negari. Sehubungan ini EAIC mengalu-alukan SOP yang sangat komprehensif itu dan berharap setiap anggota dan pegawai PDRM yang terlibat dalam jagaan/ kawalan ke atas orang tahanan dan soal-siasat ke atas orang tahanan dapat menghayati dan mengambil berat panduan yang diberikan oleh SOP tersebut, yang bertujuan untuk menguruskan orang tahanan secara yang lebih baik dan bertanggungjawab dan bagi membasmi kejadian kematian tahanan dari berulang akibat perlakuan serangan fizikal semasa berada dalam tahanan PDRM.

EAIC was informed that PDRM Bukit Aman had released the latest version of their 2014 PDRM Lockup Management Standard Operating Procedure (SOP) for the adherence and practice of its officers throughout all 11 states. EAIC applauded the very comprehensive SOP and hoped that all PDRM officers involved in the handling/supervising of detainees be attentive to the SOP which was meant to manage the detainees in a better and responsible manner, and to make sure the matter of detainee deaths due to physical assault while being under the custody of PDRM does not occur again.

EAIC melihat secara amnya masih terdapat ruang penambahbaikan dan pengukuhan integriti yang perlu dilakukan oleh agensi-agensi penguatkuasaan

In general, EAIC was of the opinion that there was still room for integrity improvement and fortification that needed to be done by the enforcement agencies,

termasuk program "*monitoring*" ke atas pematuhan undang-undang dan peraturan dalam memperkasa aktiviti-aktiviti penguatkuasaan undang-undang.

which included monitoring programmes on rules and regulation adherence in further reinforcing law enforcement activities.

EAIC turut menzahirkan rasa terkilannya terhadap hukuman-hukuman yang terlalu ringan oleh Pihak Berkuasa Tatatertib agensi yang sangat ketara perbezaannya dengan apa yang diperakukan oleh EAIC yang mana hukuman yang ringan tersebut dilihat tidak mampu membentuk disiplin dan pengajaran ke atas pelakunya.

EAIC also expressed its disappointment of the penalties imposed which were too light, as imposed by the Discipliniary Authorities of the agencies which was clearly different from what had been recommended by EAIC, the penalty being too light was insufficient to discipline and punish.

YBhg. Dato Muhammad Bukhari bin Ab Hamid (Pengarah Bahagian Operasi EAIC), melalui sesi Taklimat Akta 700 telah memberikan penerangan terperinci mengenai pengurusan aduan dan siasatan oleh EAIC. Beberapa kajian kes serta contoh-contoh aduan dan salah laku melibatkan pegawai-pegawai penguat kuasa turut dikongsikan dalam sesi-sesi dialog ini berdasarkan kepada paparan beberapa klip video salah laku yang dimuat naik oleh orang awam di laman sosial. Peserta juga turut didedahkan mengenai cabaran yang dihadapi dan ekspektasi EAIC terhadap agensi-agensi penguatkuasaan dalam menguatkuasakan undang-undang.

YBhg. Dato Muhammad Bukhari bin Ab Hamid (Director, EAIC Operations Division) in the Act 700 briefing session, gave a detailed explanation on EAIC's complaint and investigation management. A few study cases as well as examples of complaints and misconduct involving enforcement officers were also shared during the dialogue session, using video clips of misconduct that had been uploaded by the public on social networks. The participants were also told of EAIC's challenges and expectations of the enforcement agencies in enforcing the law.

Sepanjang program berlangsung, EAIC turut memperuntukkan sesi khas untuk tujuan berdialog dengan para peserta dan bagi membolehkan pandangan, input dan maklum balas diperolehi daripada para peserta dan seterusnya membolehkan tindakan susulan dibuat. Sesi interaktif ini juga bertindak sebagai platform untuk bertukar-tukar pandangan, mengutarakan aduan mahupun soalan, komen serta cadangan membina khusus berkenaan aspek integriti di kalangan agensi penguatkuasaan sebagai usaha memartabatkan mutu perkhidmatan sedia ada.

During the programme, EAIC also allocated a special session for dialogue with the participants to enable them to present their views, input and feedback and consequently take follow-up action. The interactive session also acts as a platform to exchange views, forward compaints or questions, comment or suggest on the aspect of integrity amongst enforcement agencies, as part of its efforts to enhance the standard of service quality.





SESI DIALOG EAIC BERSAMA KESATUAN SEKERJA AGENSI SELIAAN

Sepanjang tahun 2016, EAIC telah mengadakan tiga siri dialog bersama kesatuan sekerja agensi-agensi seliaan. Kesemua siri dialog tersebut telah dipengerusikan oleh Pengerusi EAIC, YA Datuk Yaacob bin Hj Md Sam disertai oleh ahli-ahli EXCO Kesatuan, Setiausaha EAIC, Pengarah-Pengarah Bahagian serta pegawai-pegawai Bahagian Operasi EAIC.

Objektif utama sesi dialog ini adalah untuk memperoleh maklum balas mengenai fungsi dan peranan penyampaian perkhidmatan di peringkat pelaksana serta isu kebajikan di lapangan. Menerusi sesi dialog ini, EAIC dan kesatuan sekerja dapat bertukar-tukar pandangan serta maklumat tentang isu berbangkit dan aktiviti penguatkuasaan bagi meningkatkan tahap kerjasama EAIC dan kesatuan sekerja agensi seliaa.

Senarai sesi dialog yang telah diadakan serta isu-isu perbincangan adalah seperti yang berikut:

EAIC'S DIALOGUE SESSION WITH THE TRADE UNION OF AGENCY UNDER EAIC'S SUPERVISION

In 2016, EAIC held three dialogue sessions with the trade unions of agencies under its supervision. The dialogue sessions were chaired by EAIC's Chairman, YA Datuk Yaacob Hj Md Sam and attended by Association EXCO members, EAIC's Secretary, Division Directors and EAIC's Operations Division officers.

The main objective of the dialogue session was to get the feedback on the functions and role of the service delivery at the enforcement level as well as issues of their welfare working in the field. In the dialogue session, EAIC and the trade unions also managed to exchange opinions and information regarding enforcement issues and activities to further enhance EAIC's cooperation wth the trade unions under the agencies under EAIC's supervision.

The list of dialogue sessions and discussed topics that were are as follows:

Jadual 16: Senarai Sesi Dialog Eaic Bersama Kesatuan Sekerja Agensi Seliaan
Schedule 15: List of EAIC's Dialogue Session With The Trade Union Of Agency Under EAIC's Supervision

Bil *No*	Tarikh *Date*	Agensi *Agency*	Tempat *Venue*
1	28 Julai *28 July*	Kesatuan Perkhidmatan Imigresen Semenanjung Malaysia (KPISM) *Immigration Services Union Peninsular Malaysia (KPISM)*	Putrajaya
2	25 Ogos *25 August*	Kesatuan Pegawai Kastam Semenanjung Malaysia (KPKSM) *Customs Officers Union Peninsular Malaysia (KPKSM)*	Putrajaya
3	20 September *30 September*	Kesatuan Pegawai Pengangkutan Jalan Semenanjung Malaysia (KPPJSM) *Road Transport Officers Union Peninsular Malaysia (KPPOJSM)*	Putrajaya

Dialog EAIC Bersama Kesatuan Perkhidmatan Imigresen Semenanjung Malaysia (KPISM)

Kesatuan Perkhidmatan Imigresen Semenanjung Malaysia (KPISM) merupakan salah satu daripada kesatuan kekerja yang aktif dan mempunyai bilangan ahli yang ramai. EXCO Kesatuan dalam sesi dialog ini diketuai oleh En. Ajeet Singh a/l Gubah Singh selaku Pengerusi Kesatuan. Antara isu-isu yang telah dibincangkan adalah seperti yang berikut:

EAIC'S Dialogue With Immigration Services Union Peninsular MalaysiA (KPISM)

The Immigration Services Union Peninsular Malaysia (KPISM) is one of the more active Workers Union and represented by a large number of members. The Union EXCOs in the dialogue session were led by En Ajeet Singh a/l Gubah Singh as Union Chairman. Some of the issues discussed were as follows:





(a) Pemulihan Imej dan Reputasi Jabatan Imigresen Malaysia;
(b) Isu Kawalan Pemeriksaan di Pintu-Pintu Masuk Negara;
(c) Kelengkapan Peralatan dan Aset;
(d) Perjawatan Skim Perkhidmatan Imigresen.

(a) Repairing the Image and Reputation of the Immigration Department of Malaysia;
(b) Inspection Control Issues at Entry Points;
(c) Equipments and Assets;
(d) Immigration Service Employment Scheme.

Dialog EAIC Bersama Kesatuan Pegawai Kastam Semenanjung Malaysia (KPKSM)

Sesi dialog ini telah diadakan pada 25 Ogos 2016 bertempat di Menara Usahawan, Putrajaya dan dipengerusikan oleh Pengerusi EAIC, YA Datuk Yaacob bin Haji Md Sam. Delegasi Kesatuan Pegawai Kastam Semenanjung Malaysia (KPKSM) telah diketuai oleh En. Mukhtar bin Md Saman selaku Presiden KPKSM. Isu-isu yang dibincangkan semasa sesi dialog adalah seperti berikut:

(a) Penstrukturan Jabatan Kastam Diraja Malaysia (JKDM);

EAIC's Dialogue With Customs Officers Union Peninsular Malaysia (KPKSM)

The dialogue session was held on 25 August 2016 at Menara Usahawan, Putrajaya and was chaired by EAIC Chairman YA Datuk Yaacob bin Hj Md Sam. The Customs Officers Union Peninsular Malaysia (KPKSM) delegation was led by En Mukhtar bin Saman as KPKSM President. The issues that were raised and discussed during the dialogue session were as follows:

(a) Structuring the Royal Customs Department of Malaysia (JKDM);



(b) Akademi Kastam Diraja Malaysia (AKMAL);
(c) Langkah Pengkorporatan Jabatan Kastam Diraja Malaysia;
(d) Penempatan Pegawai Kastam;
(e) Aktiviti Penyeludupan;
(f) Pemakaian Standard Operating Procedure (SOP).

(b) Royal Customs of Malaysia Academy (AKMAL);
(c) Corporatising the Royal Customs Department of Malaysia;
(d) Placements of Customs Oficers;
(e) Contraband Activities;
(f) Application of Standard Operating Procedure (SOP).

Dialog EAIC Bersama Kesatuan Pegawai Pengangkutan Jalan Semenanjung Malaysia (KPPJSM)

Sesi dialog ini telah diadakan pada 20 September 2016 bertempat di Menara Usahawan, Putrajaya dan dipengerusikan oleh Pengerusi Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC), YA Datuk Yaacob bin Haji Md Sam. Isu-isu yang dibincangkan semasa sesi dialog adalah seperti berikut:

(a) Kenderaan Klon;
(b) Lesen Terbang;
(c) Warga Asing Memandu Tanpa Lesen;
(d) Akademi JPJ;
(e) Standard Operating Procedure (SOP);
(f) Institut Memandu.

Susulan daripada perbincangan yang telah diadakan, EAIC dapat mengenalpasti beberapa isu yang perlu diberi perhatian serius oleh kerajaan dan jabatan-jabatan yang terlibat terutama dari aspek kebajikan pegawai dan anggota yang menjalankan tugas-tugas penguatkuasaan di lapangan. Sehubungan itu, EAIC telah membuat perbincangan dan pengesyoran kepada ketua- ketua jabatan menerusi surat EAIC dan juga menerusi sesi-sesi dialog pengurusan tertinggi yang telah diadakan meliputi aspek-aspek antaranya seperti cadangan penambahbaikan skim

EAIC's Dialogue With Road Transport Officers Union Peninsular Malaysia (KPPJSM)

The dialogue session was held on 20 September 2016 at Menara Usahawan, Putrajaya and was chaired by EAIC Chairman, YA Datuk Yaacob bin Haji Md Sam. The issues discussed during the diaogue session were as follows:

(a) Cloned Vehicles;
(b) Flying License;
(c) Foreigners Driving without Licenses;
(d) JPJ Academy;
(e) Standard Operating Procedure (SOP);
(f) Driving Institute.

Following those discussions, EAIC identified few related issues that needed to be paid attention to by the Government and the relevant departments especially those involving the welfare of the enforcement officers working in the field. In line with that, EAIC held series of discussions with the heads of departments and made written recommendations. EAIC also spoke of the recommendations during top management dialogue sessions which covered many aspects including suggestions on how to improve their service (salary) scheme including allowances/





perkhidmatan (gaji) termasuk perkara berkaitan isu elaun/insentif kepada pegawai dan anggota, gred perjawatan dan isu kebajikan pegawai dan anggota yang ditempatkan di lokap-lokap dan depot-depot tahanan serta semakan kadar gaji atau gred perjawatan bagi tujuan perkembangan kerjaya pegawai dan anggota.

incentives designation grade, and welfare of officers who are posted at lockups and detention depots. Other aspects discussed included salary increment rate or designation grade for the purpose of the officers' career development.

Selain itu, EAIC menerusi surat bertarikh 17 Oktober 2016 kepada YBhg. Tan Sri Dr Ali bin Hamsa, Ketua Setiausaha Negara telah mengemukakan cadangan dan usul EAIC mengenai keperluan untuk mewujudkan pelan/skim perlindungan insurans keselamatan diri berkelompok bagi pegawai-pegawai penguat kuasa agensi penguatkuasaan persekutuan.

Aside from that, in a formal letter dated 17 October 2016 to Ybhg. Tan Sri Dr Ali bin Hamsa, Chief Secretary of State, EAIC presented its recommendations and proposal regarding the need to create a group insurance protection plan/scheme for the enforcement officers from federal enforcement agencies.

Pengesyoran ini dibuat dengan mengambilkira bahawa terdapat keperluan yang mendesak bagi kerajaan untuk memberi perhatian dan pertimbangan terhadap aspek keselamatan dan kebajikan pegawai-pegawai penguat kuasa. Pertimbangan dari sudut menyediakan perlindungan insurans berkelompok selari dengan beban tugas dan tanggungjawab serta risiko yang dihadapi oleh pegawai-pegawai penguat kuasa dalam menjalankan tugas penguatkuasaan undang-undang sebagaimana ditetapkan adalah sangat dituntut. Selain itu, insiden-insiden yang berlaku kebelakangan ini sehingga meragut nyawa dan mengakibatkan cedera parah pegawai-pegawai penguat kuasa semasa menjalankan tugas memperlihatkan betapa pentingnya bagi kemudahan perlindungan insurans berkelompok diwujudkan sebagai membentuk suatu skim perlindungan faedah pegawai-pegawai penguat kuasa atau apa-apa skim lain yang seumpamanya. Kemudahan seperti ini akan dapat menyemai dan meningkatkan rasa keyakinan terhadap elemen pembelaan disamping mengekalkan komitmen dan semangat tinggi pegawai-pegawai dalam menjalankan tugasan-tugasan berisiko.

The suggestion was made, after taking into consideration the fact that, the Government should pay more attention and consideration to the enforcement officers' safety and welfare by creating a group protection insurance parallel to the burden of their jobs and the responsibilities and risks that enforcement officers face while performing their law enforcement duties as due. In fact, lately, many unwanted incidents have happened, including those which led to the loss of lives and critical injuries of enforcement officers while on the job. These incidents demostrated how important it was to have a group protection insurance scheme as it would act as a beneficial protection scheme for these enforcement officers. In fact, any other similar schemes, which would create their sense of security aside from reinforcing commitment to their work in a highly risky and dangerous field, would be recommended.

Menerusi surat yang sama, EAIC telah menunutut agar satu kajian dan pertimbangan sewajarnya dapat diberikan kepada syor untuk mewujudkan pelan perlindungan insurans berkelompok dalam usaha membina keyakinan dan semangat yang tinggi dalam kalangan anggota dan pegawai dalam menguatkuasakan undang-undang.

In the same correspondence, EAIC urged that consideration shall be given to its recommendation to create a group protection insurance plan in order to instill more confidence and commitment in the law enforcement officers.

TAKLIMAT/MESYUARAT KHAS EAIC BERSAMA AGENSI DAN PIHAK BERKEPENTINGAN

Mesyuarat Mengenai Program Perlindungan Saksi (AKTA 696)

Mesyuarat ini telah diadakan pada 7 Januari 2016 bertempat di Menara Usahawan, Putrajaya. Mesyuarat ini diadakan bertujuan membincangkan pelaksanaan dan penguatkuasaan Akta 696. Mesyuarat ini telah dipengerusikan oleh Pengerusi EAIC dan turut dihadiri oleh Timbalan Ketua Polis Negara, barisan Pengurusan Tertinggi PDRM, JIM, Kastam,JPN,JPJ,KPDNKK serta Setiausaha dan Pengarah-pengarah Bahagian EAIC. EAIC juga telah menjemput Bahagian Perlindungan Saksi bagi membentangkan kaedah-kaedah pemakaian Akta 696 serta penguatkuasaanya kepada agensi-agensi yang terlibat. Taklimat ringkas telah disampaikan oleh Ketua Pengarah Badan Perlindungan dan diikuti dengan sesi perbincangan.

EAIC'S BRIEFING/SPECIAL MEETING WITH AGENCIES AND RELEVANT PARTIES

Meeting On Witness Protection Programme (Act 696)

The meeting was held on 7 January 2016 at Menara Usahawan, Putrajaya. The meeting aimed to discuss the implementation and enforcement of Act 696. The meeting was chaired by EAIC Chairman and was attended by the Deputy Chief of Police, the top management of PDRM, JIM, KASTAM, JPN, JPJ, KPDNKK as well as EAIC Secretary and Directors of Divisions. EAIC had also invited the Witness Protection Division to present the means of applying Act 696 as well as its enforcement to relevant agencies. The briefing was presented by the Director General of the Protection Body and was followed by a discussion.





Mesyuarat EAIC Bersama Perunding Kajian Plan Nasional Hak Asasi Manusia, Malaysia (NHRAP)

Mesyuarat ini telah diadakan pada 21 Januari 2016 dan dipengerusikan oleh Pengerusi EAIC, dan dihadiri oleh barisan penyelidik NHRAP serta pegawai-pegawai kanan EAIC. Tujuan perbincangan ini diadakan adalah bagi memberikan input-input kepada penyelidik NHRAP berkaitan fungsi, aktiviti dan pencapaian EAIC serta laporan-laporan

EAIC'S Meeting with National Human Rights Plan Researcher, Malaysia (NHRAP)

The meeting which was held on 21 January 2016 was chaired by EAIC Chairman and attended by NHRAP researchers as well as senior EAIC officers. The objective of the discussion was to provide the NHRAP researcers with input regarding EAIC's functions, activities and achievements as well as public exposure reports which was done on the





pendedahan awam yang telah dibuat bagi kes-kes kematian dalam tahanan.

cases of the sudden deaths of detainees.

Sesi Dialog EAIC bersama Persatuan Pengguna Islam Malaysia (PPIM)

Mesyuarat EAIC bersama PPIM telah diadakan pada 11 Februari 2016 bertujuan bagi mewujudkan kefahaman dan jalinan kerjasama antara EAIC dengan PPIM. Sebagai salah satu NGO yang banyak menerima aduan orang awam tentang permasalahan kepenggunaan yang melibatkan salah laku integriti oleh agensi penguatkuasaan, EAIC mengambil pendekatan mewujudkan jalinan pintar bagi membolehkan aduan-aduan melibatkan agensi-agensi penguatkuasaan di bawah seliaan EAIC disalurkan kepada EAIC sebagai badan yang bertanggungjawab. Harapan EAIC agar kerjasama seumpama ini akan dapat meluaskan lagi pengetahuan orang awam berkenaan dengan fungsi dan peranan EAIC dalam menangani isu salah laku tatatertib/ integriti oleh agensi/pegawai penguatkuasaan.

EAIC'S Dialogue Session with Islamic Consumer Association Malaysia (PPIM)

EAIC's meeting with PPIM was held on 11 February 2016. It aimed to create a better working relation with PPIM, an NGO that received the most public complaint regarding misconduct involving lact of integrity by an enforcement agency, EAIC decided to create a channel/ shortcut to allow these complaints involving enforcement agencies under EAIC's supervision to be channeled directly to EAIC as the responsible body. EAIC hoped that such cooperation would expand public awareness regarding the functions and role of EAIC in battling issues of misconduct of ethics/ integrity by enforcement agency/officer.

Mesyuarat EAIC Bersama Jabatan Pengangkutan Jalan (JPJ) Mengenai Kesiapsiagaan JPJ Terhadap Penguatkuasaan Akta Pengangkutan Jalan 1987 [Akta 333] Dan Isu-Isu Integriti

Suatu Mesyuarat EAIC Bersama Jabatan Pengangkutan Jalan (JPJ) Mengenai Kesiapsiagaan JPJ Terhadap Penguatkuasaan Akta Pengangkutan Jalan 1987 [Akta 333] Dan Isu-Isu Integriti telah diadakan pada 17 Mei 2016 bertempat di Bilik Gerakan, Bangunan Menara Usahawan, Putrajaya. Mesyuarat ini telah dipengerusikan oleh Pengerusi EAIC, YA Datuk Yaacob bin Hj Md Sam dan turut dihadiri oleh pegawai-pegawai kanan JPJ dan EAIC. Perkara- perkara yang telah dibincangkan antaranya adalah mengenai tindakan JPJ dalam menguatkuasakan Akta 333, cabaran menangani isu-isu penguatkuasaan termasuk masalah tonto, kenderaan klon, serta isu-isu integriti yang lain.

EAIC's Meeting with Road Transport Department (RTD) on JPJ's Preparation for the Enforcement of the 1987 Road Transport Act [Act 333] and Integrity Issues

EAIC held a meeting with the Road Transport Department (RTD) on JPJ's preparation for the enforcement of the 1987 Road Transport Act [Act 333] and integrity issues, on 17 May 2016 at Bilik Gerakan, Menara Usahawan, Putrajaya. The meeting was chaired by EAIC Chairman YA Datuk Yaacob bin Hj Md Sam and was attended by senior JPJ and EAIC officers. The issues that were discussed included JPJ's efforts in enforcing Act 333, challenges in enforcment, including tonto problems, cloned vehicles and other matters involving integrity. At the same session, the Department's pro-active steps as well as EAIC's views were discussed.

Dalam sesi yang sama, langkah-langkah proaktif Jabatan serta pandangan EAIC turut dibincangkan.

Mesyuarat EAIC Bersama Pengarah Jabatan Integriti dan Pematuhan Standard (JIPS) PDRM

Lawatan Kerja yang diadakan pada 13 Mei 2016 telah dihadiri oleh barisan Pesuruhjaya dan pegawai-pegawai kanan EAIC dan Pengarah JIPS, Timbalan Pengarah JIPS dan lima (5) orang pegawai kanan JIPS. Antara isu-isu yang dibangkitkan dalam lawatan tersebut termasuklah:-

(i) kewujudan Pelan Integriti PDRM 2016-2020 yang dilihat sebagai langkah positif oleh PDRM di dalam menumpukan usaha meningkatkan tahap kepercayaan orang awam terhadap perkhidmatan PDRM;

(ii) pemakluman PBT PDRM kepada EAIC berkenaan tindakan dan ulasan PBT PDRM berhubung keputusan salah laku tata tertib pegawai PDRM dalam tempoh 14 hari (menurut seksyen 30(2) Akta 700); dan

(iii) kenyataan balas oleh Yang Berhormat Ketua Polis Negara berhubung kenyataan media berkenaan Laporan Kes Kematian Tahanan Dalam Lokap, N. Dharmendran.

Selain itu, lawatan tersebut bertujuan bagi menggalakkan lagi kerjasama dan persefahaman yang kukuh antara EAIC dan JIPS PDRM bagi membolehkan proses aduan orang awam berhubung

EAIC'S Meeting with Director, Integrity and Standard Compliance Department (JIPS) PDRM

The Working Visit which was held on 13 May 2016 was attended by EAIC Commissioners and senior EAIC officers, JIPS Director, JIPS Deputy Director and five (5) senior JIPS officers. Some of the issues that were discussed during the visit are as follows:

(i) the 2016-2020 PDRM Integrity Plan which was seen as a positive step by PDRM in focusing their efforts to increase public trust in PDRM services;

(ii) PBT PDRM's actions and feedback on the misconduct of PDRM officer within 14 days (according to Section 30(2) Act 700); and

(iii) feedback by YB Chief of Police regarding the media statement on the Case Report of the Death in Lockup, N. Dharmendran.

Apart from that, the visit also served to strengthen cooperation and understanding between EAIC and JIPS PDRM to enable the public complaint process regarding the misconduct of an enforcement officer



salah laku pegawai penguatkuasaan seperti PDRM ditangani dengan sebaik dan efisien yang mungkin.

such as a PDRM officer be handed in the best, most efficient manner.

Taklimat Khas Jabatan Imigresen Malaysia (Bahagian Pekerja Asing) Berkenaan Peranan MyEG

Taklimat tersebut telah diadakan pada 1 September 2016 oleh Jabatan Imigresen Malaysia (Bahagian Pekerja Asing) terhadap delegasi Pesuruhjaya dan pegawai-pegawai kanan EAIC. Taklimat tersebut antara lain bertujuan untuk memberi pendedahan dan kefahaman kepada EAIC tentang peranan MyEG sebagai vendor menguruskan lanjutan pas lawatan kerja sementara (PLKS). Antara pendedahan yang diberikan oleh MyEG termasuklah perkara-perkara yang berikut:-

(i) Aliran Proses Pembaharuan PLKS Online;
(ii) Pengambilan dan Cetakan Stok Pelekat (PLKS);
(iii) Penghantaran Pelekat (PLKS);
(iv) Lokasi dan Penempatan Pegawai; dan
(v) Maklumbalas pelanggan dan Inisiatif melicinkan pelaksanaan.

Pendedahan serta pertukaran maklumat oleh EAIC dan pihak MyEG adalah sangat bermanfaat dan diharapkan akan dapat memberi pemahaman mengenai keseluruhan proses pembaharuan lanjutan pas lawatan kerja sementara yang telah dilaksanakan sepenuhnya secara atas talian (*online*) bermula Mei 2015.

Special Briefing by the Department of Immigration Malaysia (Foreign Workers Division) On The Role of MyEG

The briefing was held on 1 September 2016 by the Department of Immigration Malaysia (Foreign Workers Division) for EAIC delegation comprising the Commissioners and senior EAIC officers. The briefing aimed to raise awareness regarding the role of MyEG as vendor to manage temporary work visit pass (PLKS) extensions. Some of the information on MyEG that was given are as follows:

(i) PLKS Online Renewal Process Flow;
(ii) PLKS Sticker Supply Collection and Printing;
(iii) PLKS Sticker Delivery;
(iv) Officer Location and Placement; and
(v) Customer feedback and initiative to smooothen the execution.

This kind of exposure and information exchange between EAIC and MyEG was proved highly beneficial and it was hoped that all had gained a better understanding of the process of renewing the temporary work visit pass which will be fully online effective from May 2015.





KUNJUNGAN HORMAT DAN LAWATAN KERJA

COURTESY CALLS AND WORKING VISITS

Sepanjang tahun 2016, EAIC telah mengadakan beberapa kunjungan hormat dan lawatan kerja bagi membentuk dan memperkukuh jalinan kerjasama dan juga sebagai penghormatan kepada pihak-pihak berkepentingan. Antara kunjungan hormat dan lawatan kerja yang telah diadakan adalah seperti berikut:

Throughout 2016, EAIC had conducted several courtesy calls and working visits to create stronger cooperation ties and also as a sign of respect to relevant parties. The courtesy calls and working visits that were conducted included:

Jadual 17: Senarai Kunjungan Hormat dan Lawatan Kerja
Schedule 17: List of Courtesy Calls and Working Visits

BIL	PERKARA	TARIKH
1.	Majlis Menghadap Pesuruhjaya EAIC Ke bawah Duli Yang Maha Mulia Raja Perlis bersempena Dialog EAIC Zon Utara *An Audience Ceremony by EAIC's Commissioners towards by His Majesty Raja Perlis In Conjunction with EAIC's Northern Zone Dialogue*	29 Januari 2016
2.	Lawatan Kerja EAIC ke Institut Integriti Malaysia (INTEGRITI) *EAIC's Working Visit to the Malaysian Institute of Integrity (INTEGRITI)*	19 Mei 2016
3.	Lawatan Kerja oleh Pelajar Fakulti Sains Sukan Universiti Teknologi Mara (UiTM) ke EAIC *Working Visit by Students of Sports Science Faculty, University Technology MARA (UiTM) to EAIC*	27 Mei 2016
4.	Lawatan Kerja EAIC ke Suruhanjaya Hak Asasi Manusia (SUHAKAM) *EAIC's Working Visit to SUHAKAM*	21 September 2016
5.	Kunjungan Hormat Pesuruhjaya EAIC kepada Tuan Yang Terutama Yang DiPertua Negeri Sarawak *EAIC's Commissioners Courtesy Call to Tuan Yang Terutama Yang Di-Pertua Negeri Sarawak*	4 Oktober 2016

MAJLIS MENGHADAP PESURUHJAYA EAIC KE BAWAH DULI YANG MAHA MULIA RAJA PERLIS BERSEMPENA DIALOG EAIC ZON UTARA

AN AUDIENCE CEREMONY BY EAIC'S COMMISSIONERS TOWARDS BY HIS MAJESTY RAJA PERLIS IN CONJUNCTION WITH EAIC'S NORTHERN ZONE DIALOGUE





Majlis Menghadap Pesuruhjaya EAIC kepada ke bawah Duli Yang Maha Mulia Raja Perlis, Tuanku Syed Sirajuddin Jamalullail, telah diadakan pada 29 Januari 2016 di Istana Arau, Perlis. Majlis Mengadap ini diadakan bersempena dengan sesi Dialog EAIC Bersama Agensi Penguatkuasaan Zon Utara yang merangkumi negeri Perlis, Kedah dan Pulau Pinang yang juga merupakan program pembuka tirai EAIC pada tahun 2016.

His Majesty Raja Perlis, Tuanku Syed Sirajuddin Jamalullail, received in audience, the EAIC Commissioner during an Audience Ceremony on 29 January 2016 at Istana Arau, Perlis. The ceremony was held in conjunction with the EAIC's Dialogue Session with Northern Zone Enforcement Agencies which cover the states of Perlis, Kedah and Pulau Pinang. The programme also happened to be EAIC's first act of 2016.

LAWATAN KERJA EAIC KE INSTITUT INTEGRITI MALAYSIA (INTEGRITI)

Lawatan Kerja EAIC ke Institut Integriti Malaysia (INTEGRITI) telah diadakan pada 19 Mei 2016 di Menara Integriti, Jalan Duta, Kuala Lumpur. Delegasi EAIC yang diketuai oleh Pengerusi EAIC telah disambut oleh Presiden INTEGRITI iaitu YBhg. Datuk Dr. Anis Yusal Bin Yusoff. Kunjungan hormat EAIC ke INTEGRITI merupakan salah satu platform kerjasama terutama dalam hal-hal yang melibatkan pembudayaan integriti.

EAIC'S WORKING VISIT TO THE MALAYSIAN INSTITUTE OF INTEGRITY (INTEGRITI)

The Working Visit to the Malaysian Institute of Integrity (INTEGRITI) was held on 19 May 2016 at the Integriti Tower, Jln Duta, Kuala Lumpur. The EAIC's delegation which was led by the EAIC's Chairman was welcomed by INTEGRITI President, YBhg. Datuk Dr. Anis Yusal bin Yusoff. EAIC's courtesy call to INTEGRITI was a significant collaborative platform in matters involved in making integrity part of the Malaysian culture.





LAWATAN KERJA EAIC KE SUHAKAM

Lawatan Kerja EAIC ke SUHAKAM telah diadakan di Pejabat SUHAKAM, Kuala Lumpur. Delegasi EAIC yang diketuai oleh YA Datuk Yaacob bin Hj Md Sam, Pengerusi EAIC dan disertai oleh pegawai-pegawai EAIC telah disambut oleh Pengerusi SUHAKAM, YBhg. Tan Sri Razali Bin Ismail. Objektif lawatan ini diadakan bertujuan untuk membincangkan kerjasama yang boleh dijalinkan antara EAIC

EAIC'S WORKING VISIT TO SUHAKAM

EAIC's Working Visit to SUHAKAM was held at the SUHAKAM Office in Kuala Lumpur. EAIC's delegation, led by EAIC's Chairman, YA Datuk Yaacob bin Hj Md Sam, along with EAIC officers, were welcomed by SUHAKAM's Chairman, YBhg. Tan Sri Razali bin Ismail. The objective of the visit was to discuss the level of cooperation between EAIC and SUHAKAM on matters that have mutual importance, especially





dengan SUHAKAM memandangkan terdapat isu-isu yang mempunyai kepentingan bersama terutama melibatkan penyampaian perkhidmatan oleh agensi penguatkuasaan.

KUNJUNGAN HORMAT PESURUHJAYA EAIC KEPADA TUAN YANG TERUTAMA YANG DI-PERTUA NEGERI SARAWAK

Bersempena Sesi Dialog EAIC bersama tujuh (7) Agensi Penguatkuasaan Utama Zon Sabah dan Sarawak, EAIC turut berkesempatan mengadakan kunjungan hormat kepada Tuan Yang Terutama Yang Di-Pertua Negeri Sarawak, Tun Pehin Sri Haji Abdul Taib Mahmud yang sudi menerima kunjungan delegasi EAIC yang diketuai oleh YA Datuk Yaacob bin Hj Md. Sam, Pengerusi EAIC bersama barisan Pesuruhajaya dan pegawai. Kunjungan hormat ini telah diadakan pada 4 Oktober 2016 di Astana, Kuching Sarawak.

those that involve service delivery by enforcement agencies.

EAIC'S COMMISSIONER'S COURTESY CALL TO TUAN YANG TERUTAMA YANG DI-PERTUA NEGERI SARAWAK

In conjunction with EAIC's Dialogue Session with Seven (7) Main Enforcement Agencies in the Sabah and Sarawak Zones, EAIC also managed to conduct a courtesy call to the Tuan Yang Terutama Yang Di-Pertua Negeri Sarawak, Tun Pehin Sri Haji Abdul Taib Mahmud, who welcomed the EAIC delegation led by YA Datuk Yaacob bin Hj Md Sam, as the EAIC Chairman that comprised of EAIC Commissioners and officers. The courtesy call was held on 4 October 2016, at Astana, Kuching, Sarawak.





LAWATAN KERJA OLEH PELAJAR FAKULTI SAINS SUKAN UNIVERSITI TEKNOLOGI MARA (UITM) KE EAIC

EAIC telah menerima lawatan oleh Pelajar Fakulti Sains Sukan Universiti Teknologi Mara (UiTM) pada 27 Mei 2016. Seramai lebih kurang 25 orang pelajar dan seorang Pensyarah telah diberi taklimat oleh EAIC mengenai peranan dan bidang kuasa EAIC. Selain itu, para pelajar juga turut dibawa melawat sekitar pejabat, bilik siasatan dan kaunter aduan EAIC.

WORKING VISIT BY STUDENTS OF SPORTS SCIENCE FACULTY, UNIVERSITY TECHNOLOGY MARA (UITM) TO EAIC

EAIC received a visit by the students from the Sports Science Faculty, University Technology MARA (UiTM), on 27 May 2016. About 25 students and a lecturer were given a briefing session by EAIC on its roles and jurisdiction. The students were also taken around for a tour at EAIC's office, the investigation room and its complaint counter.





LAWATAN BELAJAR SURUHANJAYA HAK ASASI MANUSIA MYANMAR (MNHRC)

EAIC turut menerima lawatan kerja daripada delegasi antarabangsa *Myanmar Human Rights Commission* (MNHRC) pada 22 November 2016 yang diketuai oleh Pesuruhjayanya Dr.Myint Kyi serta 4 wakil daripada suruhanjaya tersebut. Turut mengiringi lawatan ini adalah Cik Emily Hanna (Pegawai Penyelaras) daripada *Raoul Wallenberg Institute of Human Rights and Humanitarian Law* (Sweden) dan Dr. Nik Salida Nik Salleh (Pesuruhjaya) daripada SUHAKAM.

Lawatan ini bertujuan untuk mempelajari serta bertukar pandangan dan pengalaman berkenaan peranan Institut Hak Asasi Manusia Kebangsaan serta kerjasama agensi-agensi Kerajaan dan bukan Kerajaan dalam melindungi hak asasi di negara ini. Selain daripada penerangan mengenai bidang kuasa dan peranan EAIC kepada Suruhanjaya ini,

STUDY VISIT BY MYANMAR HUMAN RIGHTS COMMISSION (MNHRC)

EAIC received a study visit from an international delegation from Myanmar Human Right Commission (MNHRC) on 22 November 2016 which was led by Commissioner Dr. Myint Kyi and comprised 4 representatives of the commission. Also in the group was Ms Emily Hanna (Cordinator) from *Raoul Wallenberg Institute of Human Rights and Humanitarian Law* (Sweden) and Dr. Nik Salida Nik Salleh (Commissioner) from SUHAKAM.

The visit aimed to study and exchange views, and experience the role of the National Institute of Human Rights as well as the cooperation between Government and Non-Government agencies in protecting huan rights in the country. Aside from the briefing on its jurisdiction and functions to the Commission, EAIC also talked about its customer

delegasi ini turut diberikan taklimat mengenai operasi di kaunter aduan dan khidmat pelanggan EAIC, kemudahan bilik rakaman / siasatan EAIC serta bilik pendengaran awam EAIC.

service and complaint counter, the facilities in the recording/investigation room as well as the EAIC public listening room.

EAIC menyambut baik usaha Suruhanjaya tersebut untuk menjalin hubungan kerjasama pada masa akan datang dalam memelihara integriti dan prinsip-prinsip hak asasi manusia dengan baik.

EAIC welcomed the efforts of the Commision in forging good relations in the future while holding on to integrity and the principles of human rights.

PERBINCANGAN DAN PEMBENTANGAN KERTAS KERJA OLEH PESURUHJAYA EAIC

DISCUSSION AND PRESENTATION OF WORKING PAPER BY EAIC COMMISSIONER

Jadual 18: Perbincangan dan Pembentangan Kertas Kerja Kerja oleh Pesuruhjaya EAIC
Schedule 18: Discussion and Presentation of Working Paper by EAIC Commissioner

Bil *No*	Perkara *Subject*	Tarikh *Date*	Anjuran *Organiser*
1	Pembentangan Kertas Kerja oleh YA Datuk Yaacob bin Hj Md Sam (Pengerusi EAIC) dalam Seminar Kelestarian Integriti Siri 2/2016 *Working Paper Presentation by YA Datuk Yaacon bin Hj Md Sam (EAIC Chairman) in the Lifelong Integrity Seminar Session 2/2016*	9 Ogos 2016 9 August 2016	*Malaysia Anti-Corruption Academy* (MACA) dan Unit Integriti Kementerian Perdagangan Antarabangsa dan Industri (MITI) *Malaysia Anti-Corruption Academy* (MACA) *and Integrity Unit, Ministry of International Trade and Industry (MITI)*
2	Pembentangan Kertas Kerja YA Datuk Yaacob bin Hj Md Sam (Pengerusi EAIC) dalam Seminar Hak Asasi Manusia Kebangsaan 2016 (SeHAM 2016) *Working Paper Presentation by YA Datuk Yaacob bin Hj Md Sam (EAIC Chairman) at the National Human Rights Seminar 2016 (SeHAM 2016)*	7 September 2016 7 September 2016	Universiti Kebangsaan Malaysia (UKM) dan Firma Tetuan Azizah & Co. *Universiti Kebangsaan Malaysia (UKM) and Azizah and Co. Mrss Law Firm.*

PEMBENTANGAN KERTAS KERJA OLEH YA DATUK YAACOB BIN HJ MD SAM (PENGERUSI EAIC) DALAM SEMINAR KELESTARIAN INTEGRITI SIRI 2/2016

MACA dengan kerjasama Unit Integriti, MITI telah menganjurkan Seminar Kelestarian Integriti (Program Pegawai Integriti Bertauliah) yang diadakan di Dewan Perdana MITI Kuala Lumpur. Seminar bertajuk "Integriti Penguatkuasa, Nadi Pembangunan Negara" memfokuskan integriti dan penguatkuasaan undang-undang oleh agensi penguatkuasaan. Penganjuran Seminar ini adalah juga bersempena dengan Majlis Penutup Program CeIO siri 14 bil 3/2016 dan siri 15 bil 4/2016. Dalam seminar ini, Pengerusi EAIC, YA Datuk Yaacob bin Hj. Md. Sam telah dijemput untuk memberikan ucapan sebagai salah seorang ahli panel

WORKING PAPER PRESENTATION BY YA DATUK YAACON BIN HJ MD SAM (EAIC CHAIRMAN) IN THE LIFELONG INTEGRITY SEMINAR SESSION 2/2016

MACA, with the cooperation of the Integrity Unit, MITI, organised the Lifelong Integrity Seminar (Certified Integrity Officers' Programme) which was held at the Dewan Perdana MITI, Kuala Lumpur. The Seminar, entitled "The Enforcement's Integrity, the Pulse of the Nation's Development" focused on integrity and enforcement of the law by enforcement agencies. The Seminar was organised in conjunction with the Closing Ceremony of the CeIO Programme Session 14 No 3/2016 and Session 15 No 4/2016. In the Seminar, YA Datuk Yaacob bin Hj Md Sam was invited to give a speech as one of the panelists, along





bersama-sama 2 orang panel lagi iaitu YBhg. Tan Sri Ahmad Phesal bin Talib (Mantan Datuk Bandar Kuala Lumpur) dan YBhg. Dato' V. Valuvan Veloo (Pengarah Penguatkuasa JPJ). Majlis Perasmian telah disempurnakan oleh YB. Datuk Hj. Ahmad Bin Hj. Maslan, Timbalan Menteri Perdagangan Antarabangsa dan Industri.

with 2 other panelists, Ybhg. Tan Sri Ahmad Phesal bin Talib (Former Datuk Bandar Kuala Lumpur) and YBhg. Dato' V. Valuvan Veloo (JPJ Enforcement Director). The Ceremony was officiated by YB. Datuk Hj. Ahmad bin Hj. Maslan, Deputy Minister International Trade and Industry.

PEMBENTANGAN KERTAS KERJA OLEH YA DATUK YAACOB BIN HJ MD SAM (PENGERUSI EAIC) DALAM SEMINAR HAK ASASI MANUSIA KEBANGSAAN 2016 (SEHAM 2016)

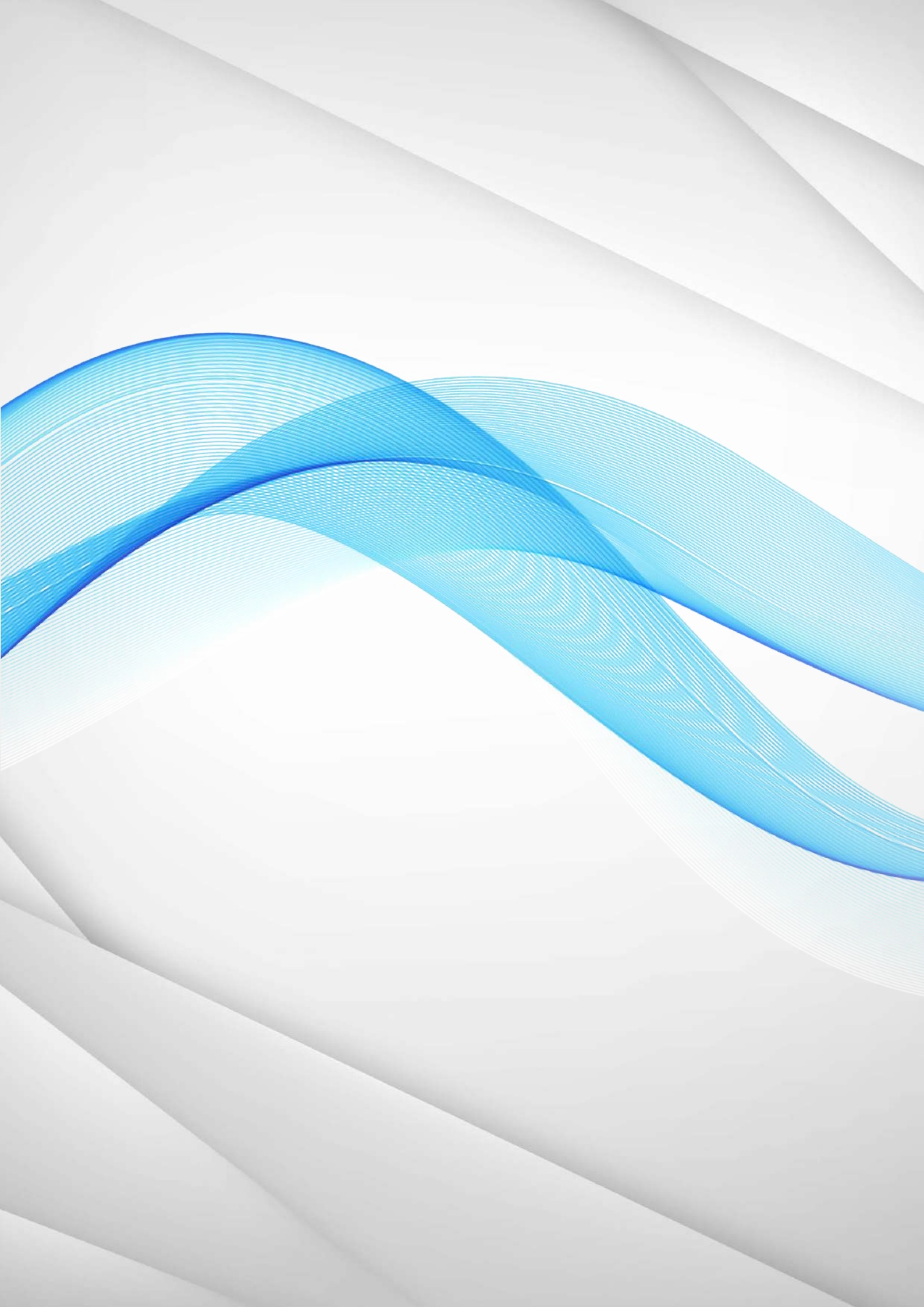
SeHAM 2016 telah dianjurkan oleh UKM dan Firma Tetuan Azizah & Co. bertempat di UKM. YA Datuk Yaacob bin Hj. Md. Sam selaku Pengerusi EAIC telah dijemput untuk membentangkan suatu kertas kerja bertajuk *"Hak Asasi Manusia : Teori, Realiti Dan Penghayatan Semula".* Antara perkara yang disentuh oleh YA Datuk Pengerusi EAIC adalah mengenai hak-hak asasi manusia dari aspek Perlembagaan Persekutuan, perundangan dan perkembangan antarabangsa. Edisi penuh Kertas Kerja tersebut telah dimuat naik di www.eaic.gov.my dan boleh diakses oleh orang ramai.

WORKING PAPER PRESENTATION BY YA DATUK YAACOB BIN HJ MD SAM (EAIC CHAIRMAN) AT THE NATIONAL HUMAN RIGHTS SEMINAR 2016 (SEHAM 2016)

SeHAM 2016 was organised by UKM and Azizah & Co. Mrss Law Firm, located at UKM. YA Datuk Yaacob bin Hj Md Sam, EAIC Chairman was invited to present a working paper entitled "Human Rights: Theory, Reality and Re-immersion". Among the things touched on by YA Datuk Chairman were human rights in the aspects of the constitution, law and international development. The complete Working Paper can be uploaded from www.eaic.gov.my







KOLABORASI BERSAMA MEDIA

MEDIA COLLABORATION

EAIC terus konsisten dengan usahanya meningkatkan kesedaran umum melalui jalinan kerjasama yang berterusan dengan pihak media. Pada tahun ini, EAIC telah meluaskan lagi kerjasama sedia ada dengan matlamat untuk membina jaringan kolaborasi bersama pihak media melalui beberapa siri kunjungan hormat ke pejabat editorial media-media arus perdana seperti berikut:

EAIC remained consistent in its efforts to increase public awareness through a continuous working relationship with the media. This year, EAIC expanded its current cooperation effort to further build a collaborative network with the media through a series of courtesy visits to the Arus Perdana media editorial offices, as follows:

BIL	TARIKH	ORGANISASI MEDIA
1.	14 April	BERNAMA
2.	28 Julai	New Straits Times Press Group / Media Prima
3.	19 Ogos	Jabatan Penerangan Malaysia (RTM)
4.	6 September	Utusan Melayu Berhad

Kunjungan ini juga antara lain adalah sebahagian daripada rangkaian jalinan *smart-partnership* oleh EAIC yang bertujuan membina kolaborasi yang lebih rapat dengan rakan-rakan media massa dalam usaha meningkatkan keyakinan dan persepsi umum berhubung peranan EAIC.

The visit was part of EAIC's smart-partnership networking efforts aimed at building closer collaborations with its mass media partners to increase public confidence and perception towards EAIC's role.

EAIC melihat kerjasama media amat signifikan dan memberi impak yang besar dalam membanteras

EAIC understoods that media cooperation was of great significance and played a big role in preventing



salah laku dalam kalangan penguat kuasa dan menggalakkan pembabitan aktif masyarakat khususnya dalam menyalurkan maklumat berkaitan salah laku kepada EAIC.

misconduct and encouraging the active participation of the community, especially in giving information relating to misconduct to EAIC.

Sehubungan ini EAIC akan terus memanfaatkan jalinan hubungan ini selaras dengan matlamat yang telah diperuntukkan dalam seksyen 4(1) (a) Akta 700 iaitu untuk menerima aduan salah laku daripada orang ramai terhadap pegawai penguat kuasa dan agensi penguatkuasaan seliaannya serta 4(e) Akta 700 iaitu untuk menggalakkan kesedaran dan pendidikan berhubung integriti serta mengurangkan salah laku dalam kalangan penguat kuasa.

In relation to this, EAIC would continue to strengthen this relationship, in line with the functions provided in Section 4(1)(a) Act 700 which is to receive complaints of misconduct from the public against an enforcement officer or against an enforcement agency under its supervision, as well as 4(e) Act 700 which is to promote awareness and education in relation to integrity and to reduce misconduct amongst enforcement officers.





PENGURUSAN PELANGGAN

CUSTOMER MANAGEMENT

PERASMIAN KAUNTER ADUAN DAN PUSAT KHIDMAT PELANGGAN EAIC

Dalam membina pengurusan perhubungan pelanggan yang cekap, berkesan dan responsif, EAIC mengorak satu lagi langkah dengan memberikan kemudahan kepada orang awam melalui pembukaan kaunter aduan dan pusat khidmat pelanggan. Pada 21 Julai 2016 perasmian pembukaan Kaunter Aduan dan Pusat Khidmat Pelanggan EAIC telah disempurnakan oleh Pengerusi EAIC, YA Datuk Yaacob Bin Hj Md Sam yang juga merupakan Hakim Mahkamah Rayuan.

Pembukaan kaunter ini bertujuan memudahkan orang awam yang berurusan dengan EAIC untuk membuat aduan secara bersemuka atau mendapatkan maklumat yang tepat dan perkhidmatan yang cepat. Kaunter ini akan turut menjalankan fungsi perkhidmatan *helpdesk* kepada pelanggan termasuk mengurus dan memantau semua urusan pelanggan, membuat kajian dan pengukuran tahap kepuasan pelanggan serta mengemukakan cadangan penambahbaikan serta menjalinkan hubungan yang baik antara organisasi dengan pelanggan.

Kaunter Aduan yang terletak di Aras G, Blok Menara, Bangunan Menara Usahawan, Putrajaya ini beroperasi dari pada pukul 8.00 pagi sehingga 5.00 petang pada setiap hari bekerja dalam mana pegawai-pegawai EAIC ditugaskan secara penggiliran bagi mengendalikannya.

Turut ditempatkan di kaunter ini adalah galeri pameran yang mempamerkan koleksi info maklumat korporat EAIC.

THE LAUNCH OF THE EAIC COMPLAINT AND CUSTOMER SERVICE COUNTERCUSTOMER FEEDBACK

In order to build an efficient, effective and responsive customer service management system, EAIC had taken another step forward by providing the public with a complaint and customer service counter. Effective from 21 July 2016, the counter was launched by EAIC Chairman, YA Datuk Yaacob Bin Hj Md Sam.

The counter was set up to allow the public to deal with EAIC easily whether it was to issue complaints personally or to obtain correct information and efficient service. The counter would also provide helpdesk services to the public which include managing and monitoring all customer matters, conducting surveys to measure the levels of customer satisfaction while establishing good relations between the organisation and customers.

The counter is located at Level G, Blok Menara Usahawan, Putrajaya. The counter is operational from 8am to 5pm, on weekdays.

Also placed around the counter is the exhibition gallery which showcases EAIC's corporate information collection.





MAKLUM BALAS PELANGGAN

Trend dan Maklum Balas Pelanggan

Pada tahun ini EAIC telah menggiatkan lagi promosi dengan memperbanyakkan program-program bertemu pelanggan yang dikenali dengan "EAIC & Anda". Beberapa kerjasama telah dijalankan dalam penganjuran program-proram ini iaitu bersama Biro Pengaduan Awam melalui Program Mesra Rakyat, SUK Negeri Selangor melalui Program Karnival Jelajah GeMS, Akademi Pencegahan Rasuah Malaysia melalui Program Seminar Kelestarian Integriti dan Jabatan Peguam Negara melalui Program Hari Integriti Jabatan Peguam Negara 2016. Ini adalah sejajar dengan saranan kerajaan agar sektor kerajaan mengadakan kolaborasi di antara kementerian, jabatan dan agensi dengan mengamalkan Strategi Lautan Biru Kebangsaan / *National Blue Ocean Strategy (NBOS).*

Pada tahun ini juga EAIC telah mengambil inisiatif untuk bertemu pelanggan yang lebih khusus iaitu golongan yang terdiri daripada pelajar dan masyarakat luar bandar. Program EAIC & Anda telah dijalankan di Universiti Teknologi Mara (UiTM) Dengkil dan Universiti Kebangsaan Malaysia (UKM) Bangi. Selain itu, EAIC turut memperkenalkan Program EAIC & Komuniti yang dikhususkan kepada golongan masyarakat luar bandar bagi menyahut permintaan orang ramai agar EAIC turun padang dan melakukan lebih promosi di kawasan tersebut.

Program-program bertemu pelanggan yang diadakan ini bukan setakat bertujuan untuk mempromosikan EAIC malah melalui borang maklum balas pelanggan yang diberikan kepada pengunjung yang hadir ke booth EAIC, EAIC dapat membuat analisa terhadap biodata pengunjung, pengetahuan mereka mengenai kewujudan EAIC dan tahap keberkesanan EAIC. Melalui sasaran pelanggan yang lebih khusus, maklumat yang diterima adalah lebih sekata dan menyeluruh kepada semua golongan.

Carta di bawah menunjukkan *trend* pelanggan yang telah memberikan maklum balas berkenaan perkhidmatan EAIC.

CUSTOMER FEEDBACK

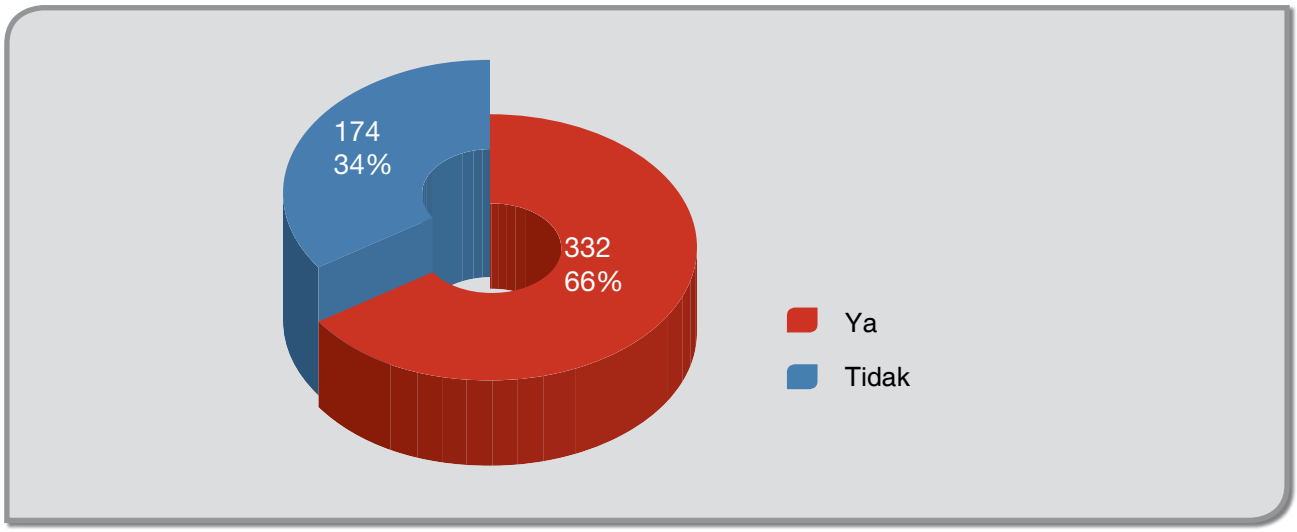
Trends and Customer Feedback

This year, EAIC was even more aggressive in promoting its meet-the-client programme, "*EAIC & Anda*". A few collaborations were also held: with the Public Complaint Bureau through "*Program Mesra Rakyat*", with SUK Negeri Selangor through "*Program Karnival jelajah GeMS*", with Malaysia Anti-Corruption Academy through "*Program Seminar Kelestarian Integriti"* and finally with the Attorney General's Chambers through "*Program Hati Integriti Jabatan Peguam Negara 2016".* This was in line with the government's call for the public sector to hold collaborations with ministries, departments and agencies in applying the National Blue Ocean Strategy.

This year also, EAIC took the initiative to meet the customers, more specifically, students and the rural community. The "*EAIC & Anda"* Programme was held at Universiti Teknologi Mara (UiTM) Dengkil and Universiti Kebangsaan (UKM) Bangi. Apart from that, EAIC also introduced "*EAIC & Komuniti"* which was specifically designed for the rural community in answer to the public's request that EAIC conduct more promotions in the rural areas.

These meet-the-customer programmes were not merely to promote EAIC. In fact, through the feedback forms that were filled by the visitors to the EAIC booth, EAIC will be able to do an analysis of the biodata of the visitors, their knowldge of EAIC and the level of EAIC's effectiveness. By targeting a more specific range of customers, the information received was more uniformed and presented an overview of the whole community's perspective.

The chart below shows the trend of the customers who gave feedback on EAIC's service.



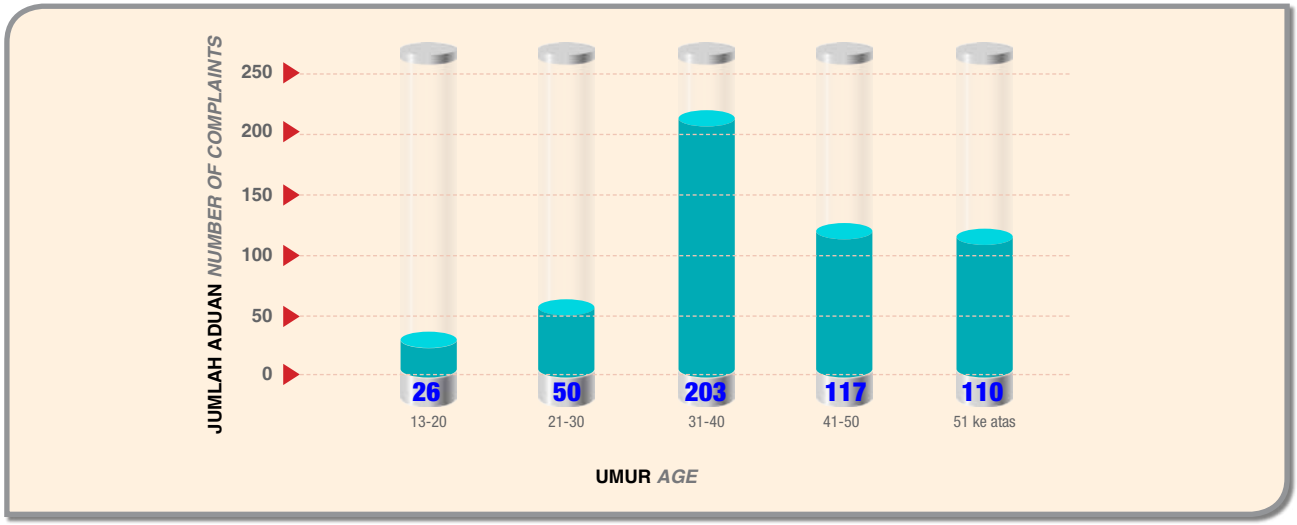
Carta 1: Pecahan Maklum Balas Pelanggan EAIC Mengikut Jantina

Chart 1: Breakdown of EAIC's Customer Feedback Based on Gender

Berdasarkan keseluruhan bilangan maklum balas yang diterima iaitu 506, carta pecahan peratusan mengikut jantina iaitu 66% (332 orang) lelaki dan 34% (174 orang) perempuan.

Based on all the feedback received 506 in total, the breakdown chart percentage according to gender shows 66% (332) were men and 34% (174) were women.



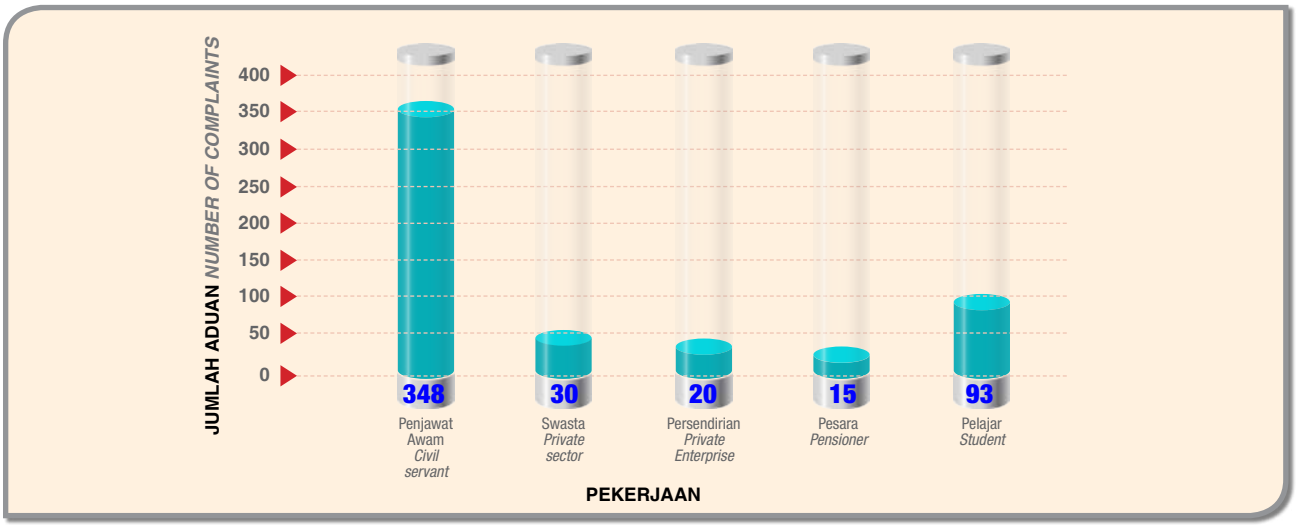


Carta 2. Perbandingan Maklum Balas Pelanggan EAIC Mengikut Umur

Chart 2: Comparison of EAIC Customer Feedback According to Age

Carta di atas menunjukkan perbandingan pelanggan EAIC mengikut kategori umur di mana jumlah tertinggi dicatatkan oleh pelanggan dalam lingkungan 31 – 40 tahun diikuti dengan pelanggan yang berumur dalam lingkungan 41-50 tahun ke atas.

The chart above shows a comparison of EAIC's customers according to age whereby the highest number was recorded by customers in the age group of 31- 40, followed by customers aged between 41 – 50 and above.

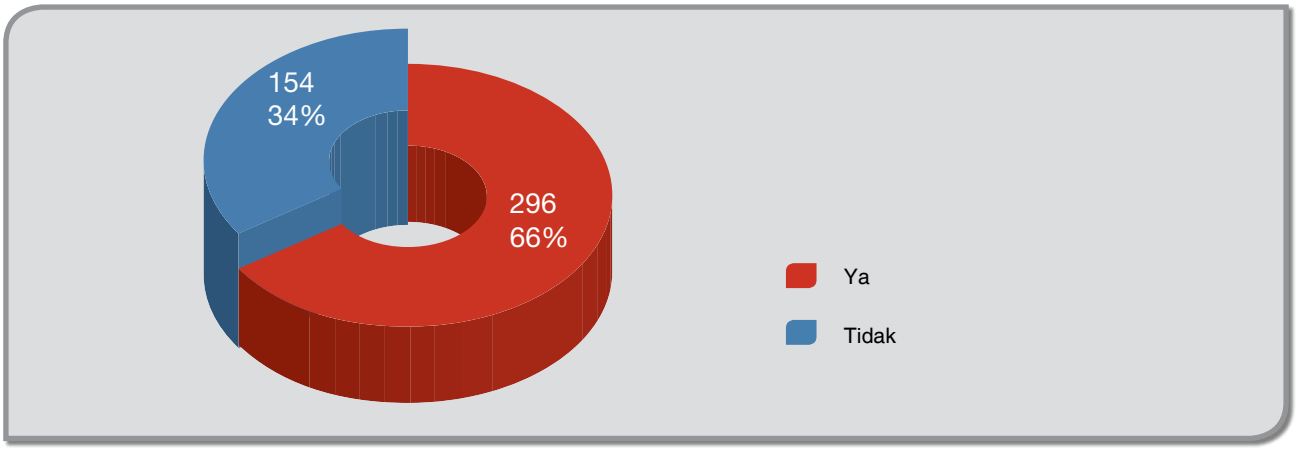


Carta 3: Perbandingan Maklum Balas Pelanggan EAIC Mengikut Pekerjaan

Chart 3: Comparison of EAIC Customer Feedback Acccording to Occupation

Berdasarkan carta perbandingan pelanggan mengikut kategori pekerjaan, majoriti pelanggan adalah golongan penjawat awam iaitu sebanyak 348 orang diikuti golongan pelajar 93 orang, swasta 30, persendirian 20 dan pesara 15. Melalui graf tersebut, didapati penjawat awam merupakan golongan terbanyak yang menghadiri program-program yang dianjurkan oleh EAIC. Peningkatan bilangan pelajar pula adalah disebabkan oleh penglibatan EAIC dalam mempromosikan EAIC kepada golongan pelajar melalui programnya di universiti-universiti.

Based on the customer comparison chart according to occupation, the majority of customers, 348 of them, were civil servants, followed by 93 students, 30 from the private sector, 20 from private enterprises and 15 pensioners. In the graph, civil servants were the group that most attends EAIC's programmes. The increase in the number of students was mainly due to EAIC's efforts at promoting itself at the universities

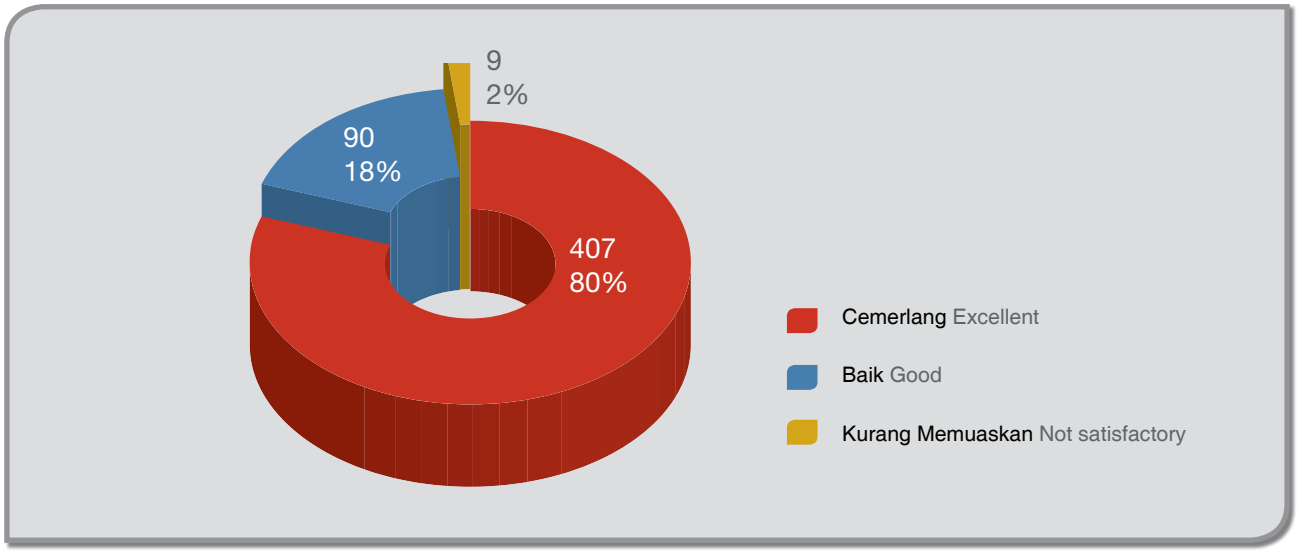


Carta 4: Peratusan Pelanggan EAIC Mengenali EAIC melalui program yang dijalankan oleh EAIC

Chart 4: Percentage of EAIC's Customers that Knew about EAIC through its Programme

Daripada 450 pelanggan yang menjawab ditemui, sebanyak 296 orang iaitu 66 peratus mengenali EAIC manakala sebanyak 154 orang iaitu 34 peratus pula adalah sebaliknya. Rata-rata pelanggan mengenali EAIC melalui beberapa mekanisme iaitu laman sosial, laman sesawang, iklan di radio dan television dan program-program EAIC seperti EAIC & Anda dan sebagainya. Penyumbang kepada peratusan tidak mengenali EAIC adalah daripada golongan masyarakat luar bandar di mana pengetahuan mereka terhadap kewujudan dan peranan EAIC adalah kurang berbanding golongan lain.

From the 450 customers who answered, 296 of them (66%) knew about EAIC while 154 customers (34%) did not. Clearly, the customers who did, knew about EAIC from social networks, websites, and radio and television advertisement, and even EAIC programmes such as “EAIC & Anda”. The ones who did not know EAIC were mainly from the rural areas where their knowledge on the existance and functions of EAIC was much less compared to the other groups.



Carta 5. Peratusan Tahap Kepuasan Pelanggan Secara Keseluruhan Mengenai Perkhidmatan EAIC
Chart 5: Percentage of Customer Overall Satisfaction Towards EAIC's Services

Bagi kategori tahap kepuasan pelanggan, sebanyak 407 orang iaitu 80 peratus memberikan penilaian cemerlang kepada perkhidmatan EAIC dan 90 orang iaitu 18 peratus pula memberikan penilaian baik. Hanya 9 orang iaitu sebanyak 2 peratus berpendapat EAIC berada di tahap kurang memuaskan.

For the overall customer satisfaction category, as many as 407 customers (80%), assessed EAIC's service as excellent and 90 (18%) assessed it as good. Only 9 customers (2%) felt that EAIC service were unsatisfactory.

Perkembangan Komunikasi Strategik

Strategic Communication Development

EAIC telah mengoptimumkan penggunaan media sosialnya sebagai salah satu akses utama kepada rakyat untuk mendapatkan maklumat yang tepat berkaitan EAIC selaras dengan perkembangan pesat teknologi komunikasi.

EAIC had optimised the use of social media as one the primary means of access to public knowledge to gain accurate information related to EAIC matters in line with the fast evolving communication technology.

Akses ini juga adalah salah satu platform kepada orang awam untuk menyalurkan atau mengetengahkan isu-isu semasa berhubung penambahbaikan

This access is also a platform for the public to forward any issues they might have regarding any weaknesses in the public service, accusations of lack of integ-

perkhidmatan awam, dakwaan ketirisan integriti serta analisis isu-isu berkaitan dasar negara.

rity and analyses of issues regarding the constitution.

Facebook

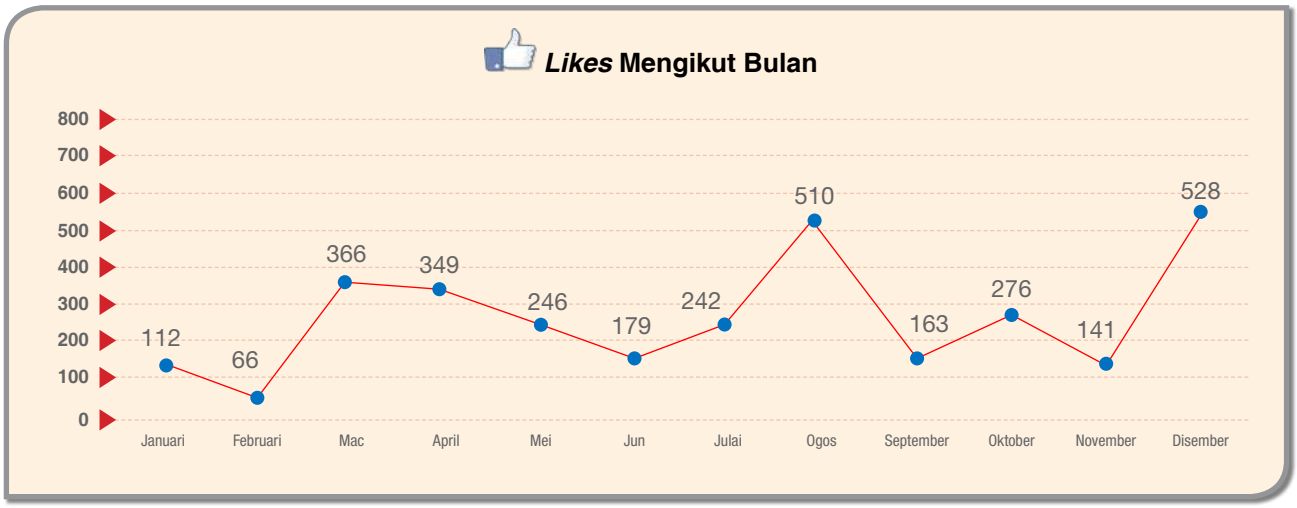
Facebook

Paparan statistik di bawah menunjukkan peningkatan *likes* yang diterima di laman *Facebook* EAIC bermula dari awal tahun ini. Peningkatan *likes* ketara dapat dilihat pada bulan April berikutan hebahan perkembangan dan aktiviti EAIC seperti pendedahan salah laku PDRM berhubung kematian N. Dharmendran dalam lokap serta seterusnya pada bulan September susulan hebahan poster saluran aduan salah laku penguat kuasa kepada EAIC.

The statistics displayed below shows an increase of likes on the EAC Facebook starting early this year. The increase of likes was clearly seen in April following a surge of EAIC development and activities such as the exposure of PDRM's misconduct regarding the death of N. Dharmendran in the lockup as well as in September following the outcry and accusations of misconduct of enforcement officers to EAIC.

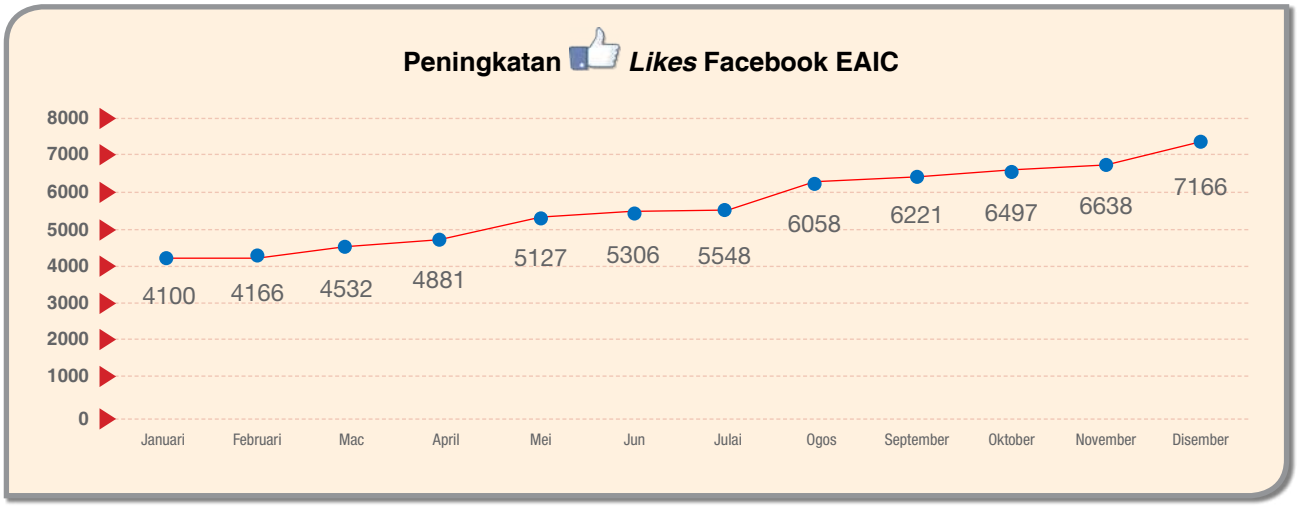
Berikut merupakan tiga *post* yang mendapat capaian pembaca / dilihat (*reached/viewed*) tertinggi

The following are three posts which peaked for 10 months on the EAIC Facebook; with 41,304 clicks



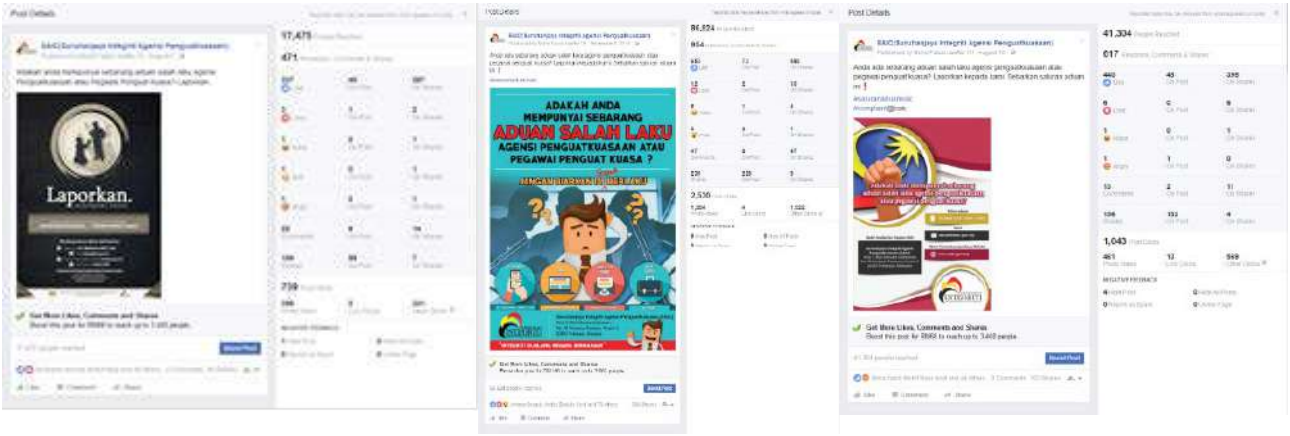
Carta 6: *Likes* mengikut Bulan

Chart 6: Likes according months



Graf 7: Peningkatan *Likes* Facebook EAIC

Graph 7: Increased EAIC's Facebook Likes



sepanjang tahun 2016 di laman *Facebook* EAIC iaitu dengan capaian sebanyak 86,824 , 41,304 dan 17,475 capaian bagi hebahan poster aduan salah laku penguat kuasa. Capaian yang tinggi ini adalah kerana *posting-posting* ini turut dikongsi-semula oleh pelbagai agensi/ Kementerian serta individu di halaman facebook rasmi mereka. Pencapaian ini wajar dilihat sebagai progresif dalam usaha menyebarluas saluran aduan orang awam kepada EAIC.

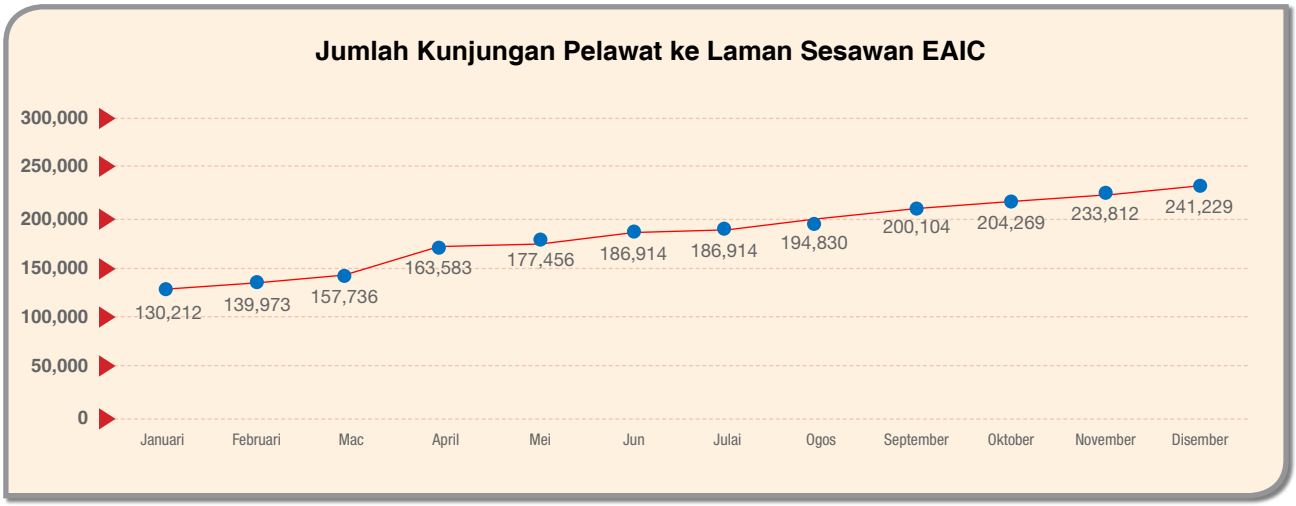
and 17,475 clicks on the publicity regarding the misconduct of an enforcement offcer plus 9,404 clicks following the publicity created by the media statements on the Death While in Lockup Case at the Juru Immigration Detainee Depot, Pulau Pinang.

Laman Sesawang

Graf di atas menunjukkan jumlah pengunjung yang melayari laman sesawang EAIC pada tahun ini. Jumlah pengunjung yang dicatatkan sehingga 31 Disember 2016 adalah sebanyak 241,229. Daripada jumlah ini purata yang dicatatkan pada setiap bulan adalah sebanyak 8,251.

WEBSITE

The above graph shows the total number of visitors to the EAIC website from January to December 2016. The number of visitors was noted to have increased as much as 241,229 this year. There was an average of about 8,151 visitors each month.



Graf 8: Jumlah Kunjungan Pelawat Ke Laman Sesawang EAIC

Graph 8: Total Number of Visitors to the EAIC Website

PROMOSI
PROMOTION

Dalam usaha EAIC menyebarkan maklumat mengenai bidang kuasa dan peranannya kepada orang ramai, EAIC telah mempergiatkan usaha melalui program seperti temu bual di media massa, hebahan kenyataan media dan pengemaskinian aktiviti dan berita-berita mengenai agensi-agensi seliaan EAIC di media sosial. Selain itu, EAIC turut mengadakan program EAIC & Anda serta EAIC & Komuniti. Program ini lebih menjurus kepada penerangan secara terus kepada orang awam melalui pembukaan *booth* di karnival-karnival anjuran Kerajaan.

In pursuing its aim to spread public awareness regarding its role, functions and jurisdiction, EAIC had expanded its exposure through its involvement in mass media interviews, press releases and updating activities and news on agencies under EAIC's supervision, on the social media. A partfrom that, EAIC had also conducted programmes such as "EAIC & Anda" and EAIC & Komuniti. These programmes focused on direct communication with the public through booths opened at government-sponsored carnivals.

TEMUBUAL TV / RADIO / AKHBAR

TV/RADIO/NEWSPAPER INTERVIEWS

Inisiatif yang berterusan dibuat bagi memperkenalkan fungsi dan peranan EAIC serta memaklumkan perkembangan terkini mengenai laporan-laporan siasatan kepada orang awam melalui temubual di radio, liputan akhbar, serta pengiklanan di stesen-stesen TV dan radio.

This initiative demonstrated EAIC's continuous effort in introducing its roles and functions, together with updates of the latest development of its investigation reports to the public through radio interviews, press coverages and TV/ radio station advertisements.

Senarai temubual TV/Radio dan Akhbar yang telah dijalankan sepanjang tahun ini adalah seperti berikut:

The list of TV/Radio interviews and press articles throughout the year are as follows:

Jadual 19: Senarai Temubual TV/Radio/Akhbar/ oleh Pesuruhjaya dan Pegawai EAIC
Schedule 19: The list of TV/Radio interviews and press articles by EAIC 's Commissoners and Officers

BIL	TARIKH	TAJUK
1	6 Januari 2016	Temubual Harakah Daily bersama Pengerusi EAIC
2.	22 Januari 2016	Temubual Pengarah Komunikasi Korporat EAIC di Slot Mesra Rakyat Radio Perlis FM
3.	17 Februari 2016	Temubual Pengerusi EAIC bersama Utusan Malaysia
4.	22 Februari 2016	Temubual Pengarah Komunikasi Korporat EAIC dalam Slot Warna Pagi di Radio IKIM FM
5.	15 Mac 2016	Temubual Pengarah Komunikasi Korporat EAIC dalam Rancangan Selamat Pagi Malaysia TV1
6.	22 Mac 2016	Temubual Setiausaha EAIC di Radio Nasional FM
7.	29 Mac 2016	Temubual Pengerusi EAIC bersama Akhbar Sinchew Daily
8.	27 April 2016	Temubual bersama Pesuruhjaya EAIC di Radio Ai FM
9.	29 April 2016	Temubual Pengerusi EAIC bersama *The Star*
10.	4 Mei 2016	Temubual Pengarah Komunikasi Korporat di Slot Suara Putra Radio Putra FM
11.	10 Mei 2016	Temubual Tamil bersama Pegawai Aduan EAIC di Slot *Makkal Naduve* di Radio Minnal FM
12.	30 Mei 2016	Temubual Pengarah Komunikasi Korporat EAIC di Slot Tetamu Khas MACC FM
13.	3 Jun 2016	Temubual Pengarah Komunikasi Korporat EAIC dalam Rancangan *Bernama Today* di Astro 502





BIL	TARIKH	TAJUK
14.	13 Jun 2016	Temubual *New Straits Times* bersama Pengerusi EAIC
15.	15 Jun 2016	Temubual Mandarin bersama Pesuruhjaya EAIC di Slot Tetamu Khas Radio MACC FM
16.	20 Jun 2016	Temubual Harian Metro bersama Pengerusi EAIC
17.	25 Jun 2016	Temubual BERNAMA bersama Pengerusi EAIC
18.	14 Julai 2016	Temubual EAIC bersama MACC FM (Slot Tamil)
19.	20 Julai 2016	Temubual MACC FM Bersama Pengarah Komunikasi Korporat EAIC (English)
20.	31 Julai 2016	Temubual Rancangan Nasi Lemak Kopi O Bersama Setiausaha EAIC di TV9
21.	5 Ogos 2016	Temubual Pengerusi EAIC bersama Malaysian *Nanban*
22.	12 Ogos 2016	Temubual Pengerusi EAIC bersama *Oriental Daily*
23.	9 September 2016	Temubual Pengerusi EAIC bersama Mingguan Malaysia
24.	2 Oktober 2016	Temubual Ketua Pegawai Eksekutif EAIC bersama Radio Sarawak FM
25.	11 Oktober 2016	Temubual Pengerusi EAIC bersama Meja Rencana Kosmo*!*
26.	3 November 2016	Temubual Pengarah Komunikasi Korporat Bersama Selangor FM





KENYATAAN MEDIA

Senarai kenyataan media yang telah dikeluarkan oleh EAIC pada tahun ini adalah seperti berikut:

LIST OF MEDIA STATEMENTS

The list of EAIC media statements and news coverage of news related to EAIC during the year are as follows:

Jadual 20: Senarai Kenyataan Media oleh EAIC
Schedule 20: The List of EAIC Media Statements

BIL	TARIKH	TAJUK
1.	29 Februari 2016	Makluman Dapatan Siasatan EAIC Ke Atas Aduan Terhadap Agensi Penguatkuasaan Maritim Malaysia (APMM) Dan Jabatan Perikanan Malaysia Berkaitan Kejadian Pencerobohan Bot-Bot Pukat Kenka Di Tanjung Piandang, Kuala Kurau, Perak
2.	28 April 2016	Makluman Dapatan Siasatan EAIC Ke Atas Kematian N. Dharmendran Semasa Dalam Tahanan Polis
3.	14 Jun 2016	Pewartaan Lokap Agensi Anti-Dadah Kebangsaan (AADK) dan Isu Penyelewengan Gas Petroleum Cecair (LPG)
4.	12 Julai 2016	EAIC: Ops Selamat 9/2016 Capai Matlamat
5.	22 Julai 2016	EAIC Mulakan Operasi Kaunter Aduan Dan Perkhidmatan Pelanggan Di Menara Usahawan, Putrajaya
6.	18 Ogos 2016	EAIC Sambut Baik Pendakwaan Oleh Jabatan Peguam Negara Ke Atas Anggota Polis Berhubung Kematian Syed Mohd Azlan Bin Syed Mohamed Nur Semasa Dalam Tahanan PDRM
7.	26 Ogos 2016	Tiada kes tahanan didera hingga mati di pusat tahanan imigresen Juru, Pulau Pinang
8.	9 September 2016	Kenyataan Media EAIC Berhubung Dakwaan Lokap Bayan Baru 'Teruk' Oleh Namewee Tidak Berasas

Pemantauan Media

Pemantauan terhadap isu-isu serta laporan mengenai dakwaan kes salah laku melalui semua medium (media sosial, elektronik dan bercetak) dijalankan secara konsisten selaras dengan fungsi EAIC sebagaimana yang dinyatakan di dalam Akta 700 iaitu mengadakan mekanisme mengesan, menyiasat dan mencegah salah laku seseorang pegawai penguat kuasa.

Selain daripada mengesan laporan kes / dakwaan salah laku penguat kuasa dan menyalur kes-kes tersebut kepada Seksyen Aduan EAIC, paparan-paparan berita ini turut dikongsikan dan dimuatnaik setiap hari di laman sesawang dan laman sosial EAIC. Ini antara lain bertujuan untuk memberi mesej kesedaran dan pencegahan salah laku dalam kalangan pengikut (*followers)* dan pengunjung laman-laman ini.

Media Monitoring

Monitoring reports and related issues on cases of misconduct on all mediums (social media, electronic and print) were consistently monitored according to EAIC's functions as stated in Act 700, i.e. to conduct detection, investigation and prevention of misconduct of an enforcement officer.

Apart from detecting case reports/claims of misconduct of an enforcement officer and forwarding the cases to the EAIC Complaints' Section, news broadcasts were also shared and uploaded on daily basis on EAIC's website and social network. This, among others, aimed to relay a message of awareness and prevention of misconduct to the likers and visitors to the networks.

SENARAI LIPUTAN BERITA EAIC

Hasil daripada usaha pro aktif yang berterusan oleh EAIC dalam menyebarluas perkembangan aktiviti dan berita-berita semasanya, berikut adalah liputan-liputan berita yang telah dilaporkan oleh semua media arus perdana dan juga media alternatif sepanjang tahun 2016.

Ini dilihat sebagai pencapaian terbaik dan amat memberansangkan berdasarkan nilai *PR Value* yang dihasilkan daripada liputan-liputan (174 artikel / berita) yang telah diterbitkan/disiarkan iaitu anggaran sebanyak RM 2.6 juta secara keseluruhan.

EAIC PRESS COVERAGE LIST

As a result of EAIC's proactive efforts in promoting its activities and current issues, the following lists the news reported by the mainstream as well as alternative media throughout 2016.

This was clearly an impressive and encouraging achievement based on its PR Value which, accumulated from the coverage (174 articles/news) that were published/broadcast, amounted to RM2.6 million in total.

Jadual 21: Senarai Liputan Berita EAIC
Schedule 21: List of EAIC Press Coverage

BIL	TARIKH	AKHBAR / TV / RADIO	TAJUK ARTIKEL
1.	13 Januari	The Sun	EAIC Explains Time Taken To Investigate Complaints
2.	18 Januari	Harakah	EAIC Buka Pintu Kerjasama, Pendekatan Muhibah
3.	23 Januari	China Press	SUHAKAM Urged To Probe Alleged Torture Of Sosma Detainees
4.	26 Januari	The Edge Financial Daily	Suhakam Prates Detainees Torture Allegation
5.	26 Januari	China Press	More Complaints On Enforcer's Mistakes
6.	26 Januari	Borneo Post (KK)	Commission Received 2,435 Complaints Against Errant Enforcers In 2015
7.	26 Januari	New Sabah Times English (KK)	EAIC Received 2,435 Complaints On Errant Enforcers In 2015
8.	27 Januari	Utusan Malaysia	Bergambar Bersama Anggota Eaic
9.	10 Januari	Nanyang Siang Pau	The Need To Protect To The Whistleblower
10.	18 Febuari	Utusan Malaysia	EAIC Jalankan Siasatan Terperinci Kes Polis Pukul Guru
11.	01 Mac	Oriental Daily News	Weakness In 3 Organisations' Enforcement
12.	07 Mac	The Edge Financial Daily	EAIC Recommends MMEA To Establish Monitoring Centre
13.	07 Mac	Berita Harian	Syor Bina Pusat Pantau Kuala Sungai Burung
14.	08 Mac	Harian Metro	APMM Kenal Pasti Lokasi Baru
15.	08 Mac	Utusan Malaysia	Maritim Malaysia Kenal Pasti Lokasi Pangkalan Baharu
16.	31 Mac	Utusan Malaysia	EAIC Bukan Hanya Cari Salah Penguat Kuasa
17.	22 April	Malay Mail	IGP Cops Not To Blame For Death Of Sickly Detainees
18.	29 April	Oriental Daily News	Eaic Urges To Sued Nine Polices
19.	29 April	Oriental Daily News	Did Not Take Sides With The Police
20.	29 April	The Edge Financial Daily	Detainees Death Caused By Police EAIC
21.	29 April	New Straits Times	Detainee Died Due To Use Of Force By Cops, Says Panel
22.	29 April	Berita Harian	Polis Tak Lindungi Pegawai Salah: KPN
23.	29 April	Guang Ming Daily	Police Needs To Bear The Responsibility
24.	29 April	Harian Metro	Dawai Kokot Tertanam Di Telinga
25.	29 April	China Press	Amended Record For Causing The Death Of A Prisoner
26.	29 April	China Press	Police Clarifies That They Had Never Cover Up Police Involved In Crimes
27.	29 April	The Star	Cops Tried To Cover Up Death
28.	29 April	The Star	DPM Probe Those Who Caused Death Of Detainee

BIL	TARIKH	AKHBAR / TV / RADIO	TAJUK ARTIKEL
29.	29 April	Malay Mail	Govt To Review Death In Custody Case
30.	29 April	Sin Chew Daily	Police Need To Responsible
31.	29 April	Nanyang Siang Pau	Police Tortured Detainee
32.	29 April	Tamil Nesan	EAIC: Police Officers Beat Dharmendran To Death During Violent Interrogation
33.	29 April	New Sarawak Tribune	EAIC Finds Detainee Dharmendran Died From Police Use Of Physical Force
34.	29 April	New Straits Times (Sabah)	Detainee Died Due To Use Of Force By Cops, Says Panel
35.	29 April	New Straits Times (North)	Detainee Died Due To Use Of Force By Cops, Says Panel
36.	29 April	Borneo Post (Kuching)	EAIC Finds Detainee Dharmendran Died Due To Use Of Physical Force
37.	29 April	New Sabah Times Bahasa (KK)	Laporan EAIC Dapati Dharmendran Mati Akibat Kekerasan Fizikal Di Lokap
38.	29 April	Daily Express (KK)	Cops' Excessive Use Of Force Caused Death: EAIC
39.	29 April	New Sabah Times English (KK)	EAIC Finds Dharmendran Died From Use Of Physical Force While In Police Custody
40.	29 April	See Hua Daily News (Kuching)	Probe Into The Detention Death Case
41.	29 April	International Times	Police Cause Death Of Detainee
42.	30 April	Malay Mail	EAIC Can Probe Death Of Dharmendran In Custody
43.	30 April	Guang Ming Daily	IGP Urges Eaic To Be Patient
44.	30 April	Sin Chew Daily	Eaic Should Patient
45.	30 April	Makkal Osai	EAIC Report Not Sub Judice, Dharmendran's Family Lawyer Tells IGP
46.	30 April	Borneo Post (Kuching)	Dharmendran Case Should Not Be Discussed Outside Court - IGP
47.	30 April	See Hua Daily News Sabah	Court's Ruling Not Affected
48.	01 Mei	China Press	IPCMC Should Be Established
49.	01 Mei	China Press (East Coast)	Eric Paulsen: Should Establish IPCMC
50.	01 Mei	China Press (Johor)	Should Set Up IPCMC
51.	03 Mei	Suara Keadilan	EAIC Mahu Polis Didakwa Kerana Tutup Kematian Tahanan
52.	04 Mei	Malay Mail	EAIC Rocks
53.	04 Mei	Nanyang Siang Pau	The Shock Of EAIC
54.	05 Mei	The Sun	Act Against Cops
55.	05 Mei	Sinar Harian	Tahanan Mati EAIC Pertahan Laporan
56.	05 Mei	The Star	EAIC Agencies Must Answer For Custodial Deaths
57.	05 Mei	Guang Ming Daily	Setting Up Ipcmc To Investigate Doubts
58.	05 Mei	Sin Chew Daily	EAIC Is More Practical Than IPCMC
59.	05 Mei	Sin Chew Daily	IPCMC May Probe Over Conflict Of Interest
60.	05 Mei	China Press	People Are Still Doubtful
61.	09 Mei	Guang Ming Daily	Enforcement Unit Violated The Standard Operating Procedures
62.	09 Mei	Daily Express (KK)	Bulk Of Comlaints About Police: EAIC
63.	09 Mei	Daily Express (KK)	Recommendations Not Always Followed
64.	19 Mei	TV9	Enforcement Agency Integrity Commission (EAIC) Misconduct Enforcement Needs To Be Improved
65.	20 Mei	Berita Harian	Aspek Pematuhan SOP Imigresen, JSPT Bukit Aman Miliki Kelemahan
66.	20 Mei	Utusan Malaysia	Jabatan Imigresen Perlu Perbaiki SOP EAIC
67.	20 Mei	New Straits Times (Sabah)	Enforcement Agencies Urged To Review Sops
68.	20 Mei	Utusan Malaysia (Utara)	Jabatan Imigresen Perlu Perbaiki SOP - EAIC

BIL	TARIKH	AKHBAR / TV / RADIO	TAJUK ARTIKEL
69.	21 Mei	Malay Mail	Dharmendrans Widow Sues IGP And Government
70.	21 Mei	Borneo Post (Kuching)	Dharmendran S Widow Files Suit Against Police And Government
71.	21 Mei	New Straits Times (Sabah)	Widow Files Suit Against Police, Govt
72.	21 Mei	New Straits Times (Sabah)	Integrity Tests For Civil Servants?
73.	21 Mei	New Straits Times	Widow Files Suit Against Police, Govt
74.	21 Mei	New Straits Times	Integrity Tests For Civil Servants?
75.	21 Mei	Daily Express (KK)	Dharmendran's Widow Files Suit Against Police And Government
76.	21 Mei	Guang Ming Daily	The Wife Sue Government
77.	21 Mei	Nanyang Siang Pau	Detainee's Wife To Sue Police And Govt
78.	25 Mei	Harian Metro	PDRM Terima Aduan Salah Laku Tertinggi
79.	25 Mei	Harian Metro	Perkukuh Integriti, Kualiti Budaya Kerja
80.	25 Mei	Utusan Malaysia	EAIC Buka 351 Kertas Siasatan Salah Laku Penguat Kuasa
81.	25 Mei	Utusan Borneo Sarawak	Sistem Komputer Jabatan Kjaan Perlu Integriti Tinggi
82.	25 Mei	Borneo Post (KK)	We Did Not Plan Or Intend To Hurt Or Kill Detainee — Inspector
83.	25 Mei	Borneo Post (KK)	Govt Computer Systems Must Have High Integrity To Prevent Sabotage
84.	25 Mei	Borneo Post (Kuching)	Government Computer Systems Must Have High Intergrity To Prevent Sabotage — EAIC
85.	25 Mei	Daily Express (KK)	Govt Computer Systems Must Have High Integrity
86.	26 Mei	New Sarawak Tribune	Hare Krishnan Not At KL Police HQ On The Day Dharmendran Died, Court Told
87.	27 Mei	Oriental Daily News	Eaic Probe Over Teoh Beng Hock Case
88.	27 Mei	China Press	Establish Special Panel Probe Over Capability Of Police Force
89.	27 Mei	Makkal Osai	TBH Trust Files Complaint With EAIC, Wants Police Probed
90.	27 Mei	Kwong Wah Yit Poh	Urge To Set Up A Team To Investigate Teoh Beng Hock Case
91.	27 Mei	International Times	Special Task Force Urged To Investigate On Beng Hock Case
92.	01 Jun	Utusan Malaysia	Tangani Salah Laku Penguat Kuasa
93.	15 Jun	China Press	Eaic Supports It
94.	15 Jun	TV3	Eaic Calls For Info On Enforcement Officers Involved In Lpg Fraud
95.	15 Jun	New Sabah Times English (KK)	EAIC Calls For Info On Enforcement Officers Involved In LPG Fraud
96.	16 Jun	Sin Chew Daily	Lodge Report To Eaic If Found Any Malpractice Of Enforcement Operation
97.	30 Jun	Berita Harian	Inspektor, 3 Anggota Polis Bebas Tuduhan Bunuh Tahanan
98.	30 Jun	The Sun	Cops Acquitted In Custodial Death Trial
99.	30 Jun	Malay Mail	Cops Accused Of Killing Dharmendran Acquitted Again
100.	30 Jun	Berita Harian (Sabah)	Inspektor, 3 Anggota Polis Bebas Tuduhan Bunuh Tahanan
101.	30 Jun	China Press	4 Police Released As There Wasn't Enough Evidence
102.	30 Jun	Nanyang Siang Pau	Four Police Have Been Released
103.	30 Jun	Utusan Borneo Sarawak	Inspektor, 3 Anggota Polis Bebas Tuduhan Bunuh Dharmendran
104.	30 Jun	Daily Express (KK)	Death Of Detainee: Four Policemen Acquitted
105.	02 Julai	Malaysian Nanban	Justice For Dharmendran Must Be Pursued
106.	12 Julai	Suara Keadilan	Keluarga N Dharmendran Akan Terus Cari Keadilan
107.	13 Julai	The Edge Financial Daily	EAIC Wants More Frequent Checks On Heavy Vehicle Drivers
108.	13 Julai	Utusan Borneo Sabah	EAIC Saran Semak Lebih Kerap Identiti Pemandu Kenderaan Berat
109.	13 Julai	Borneo Post (Kuching)	EAIC Wants More Frequent Checks On Identities Of Heavy Vehicle Drivers
110.	25 Julai	New Straits Times	Deaf To Complaints

BIL	TARIKH	AKHBAR / TV / RADIO	TAJUK ARTIKEL
111.	25 Julai	New Straits Times	Transferring Errant Personnel Just Transfers Problems To Another Place
112.	25 Julai	New Straits Times	Enforcement Agencies Integrity Commission
113.	25 Julai	New Straits Times (Sabah)	Enforcers Deaf To Complain
114.	25 Julai	New Straits Times (Sabah)	Transferring Errant Personnel Just Transfers Problems To Another Place
115.	26 Julai	Guang Ming Daily	Eaic Hopes To Rectify The Act
116.	26 Julai	China Press	EAIC Urges To Amend Act And Taking Action To Officers
117.	26 Julai	Tamil Nesan	90 Percent Of Complaints To Enforcers Go Unheeded, Says EAIC
118.	28 Julai	New Straits Times	More Bite For Commission
119.	29 Julai	New Straits Times	Sack Defiant Enforcement Officers
120.	29 Julai	Harian Metro	Ambil Alih Siasatan Tatatertib
121.	29 Julai	Berita Harian	Pindaan Akta 700 Dijangka Dibentang Oktober
122.	29 Julai	New Straits Times (North)	Sack Defiant Enforcement Officers
123.	29 Julai	New Straits Times (Sabah)	Sack Defiant Enforcement Officers
124.	31 Julai	Metro Ahad	Tak Puas Hati Dengan Polis
125.	31 Julai	Metro Ahad	Kukuh Keyakinan Terhadap Penguat Kuasa
126.	19 Ogos	China Press	Suggest To Equip Cctv Cameras In Detention Unit
127.	20 Ogos	TV1	Enforcement Agency Integrity Commission (EAIC) 174 Complaints Received Involving Police Officers
128.	23 Ogos	Oriental Daily News	The Law Enforcement Organization Is Hard To Promote Integrity
129.	23 Ogos	See Hua Daily News (Kuching)	Challenge Of Integrity In Enforcement
130.	23 Ogos	See Hua Daily News Sabah	70 Per Cent Complaints Are Against Police
131.	25 Ogos	Borneo Post (KK)	EAIC An Agency To Be Reckoned With
132.	25 Ogos	Daily Express (KK)	Enforcement Integrity Commission An Agency To Be Reckoned With
133.	27 Ogos	Oriental Daily News	Eaic Said That Rumours Are Baseless
134.	27 Ogos	Harian Metro	Tiada Tahanan Didera
135.	27 Ogos	China Press	No Detainee Was Tortured To Death
136.	28 Ogos	Mingguan Sarawak	EAIC Agensi Yang Disegani
137.	01 September	The Star	Cops Rubbish Lock-Up Claims By Namewee
138.	07 September	Utusan Malaysia	EAIC Tegur Masalah Integriti Tiga Agensi Penguatkuasaan
139.	07 September	Kosmo	EAIC Lawat Pejabar Kosmo!
140.	10 September	China Press	The Accusation Is Not Evidence
141.	10 September	Utusan Malaysia	Isu Lokap Dakwaan Namewee Tidak Benar, Tanpa Asas
142.	10 September	Utusan Malaysia	JPJ Budayakan Nilai Murni Dalam Pelan Integriti Jabatan
143.	September	Sin Chew Daily	JPJ: Focus On Integrity
144.	10 September	Sin Chew Daily	Eaic Criticized Namewee For Talking Nonsense
145.	10 September	Utusan Borneo Sarawak	Dakwaan Namewee Mengenai Lokap Bayan Baru Tidak Benar
146.	10 September	Sin Chew Daily (Northern)	Eaic Criticises On Namewee
147.	10 September	Daily Express (KK)	Namewee's Allegations Untrue: Panel
148.	11 September	Mingguan Malaysia	Sampai Bila Pengua Kuasa Berleluasa
149.	21 September	Utusan Borneo Sarawak	Suruhanjaya Integriti Agensi Penguatkuasaan Agensi Yang Disegani
151.	05 Oktober	New Straits Times	Integrity Tests For Front Liners?
152.	05 Oktober	Utusan Malaysia	EAIC Cadang Pindaan, Hukuman Lebih Berat
153.	05 Oktober	Utusan Borneo Sarawak	Kekosongan Di Agensi Penguatkuasaan Perlu Segera Diisi
154.	05 Oktober	Utusan Borneo Sarawak	Setiap Agensi Penguatkuasaan Perlu Memiliki Lokap

BIL	TARIKH	AKHBAR / TV / RADIO	TAJUK ARTIKEL
155.	05 Oktober	Borneo Post (KK)	Job Vacancies In Enforcement Agencies Need To Be Filled, Says EAIC Chief
156.	05 Oktober	Utusan Borneo Sabah	EAIC Saran Badan Tatatert B Wajib Maklumkan Setiap Tindakan Yang Diambil
157.	05 Oktober	Borneo Post (Kuching)	EAIC Wants To Be Informed Of Disciplinary Actions Taken
158.	05 Oktober	Daily Express (KK)	EAIC's Proposal To Disciplinary Bodies
159.	05 Oktober	New Straits Times (Sabah)	Integrity Tests For Front Liners?
160.	05 Oktober	New Sarawak Tribune	EAIC Holds Special Dialogue With Enforcement Agencies
161.	06 Oktober	Malaysian Nanban	EAIC Laments Errant Public Officers Are Getting Off Easy
162.	06 Oktober	Utusan Borneo Sabah	Setiap Agensi Penguatkuasaan Perlu Memiliki Lokap
163.	06 Oktober	Borneo Post (Kuching)	Ensuring Integrity
164.	06 Oktober	Utusan Sarawak	TYT Terima Kunjungan Rombongan EAIC
165.	06 Oktober	New Sarawak Tribune	EAIC Delegates Call On TYT
166.	01 November	Borneo Post (KK)	Sultan Nazrin Lauds Abdullah's Role In Enhancing Integrity
167.	01 November	New Sabah Times English (KK)	Sultan Of Perak Lauds Pak Lah's Role In Enhancing Integrity
168.	01 November	Borneo Post (Kuching)	Perak Sultan Lauds Abdullahs Role In Enhancing Integrity
169.	05 November	New Sarawak Tribune	All Agencies Ready For Floods
170.	07 November	The Edge	All Can Learn Lessons On Integrity From Mr Clean
171.	08 November	Kosmo	EAIC Selia 21 Agensi Penguatkuasaan
172.	22 November	Harian Metro	Syor Miliki Lokap Sendiri
173.	22 November	The Star	Raising Level Of Trust In The Police
174.	01 Disember	Daily Express (KK)	New Namewee Video On Lokap Experience

EAIC & ANDA / EAIC & KOMUNITI

Usaha merakyatkan peranan dan perkhidmatan EAIC kepada semua lapisan masyarakat (bandar dan luar bandar) diteruskan melalui dua (2) aktiviti outreach utamanya iaitu EAIC & Anda serta yang terbaru diperkenalkan pada tahun ini ialah EAIC & Komuniti. Matlamat utama EAIC & Komuniti adalah untuk memperkenalkan EAIC kepada komuniti luar bandar, penjawat awam dan badan-badan bukan kerajaan (NGO) yang bertugas di luar bandar.

Antara objektif utama program, termasuk memupuk kesedaran mengenai isu-isu salah laku dalam kalangan pegawai penguat kuasa dan tanggungjawab sebagai ahli komuniti serta membina usaha dan kerjasama secara konstruktif dalam membanteras salah laku. Di samping itu, progam sebegini bertujuan merakyatkan EAIC serta membina keyakinan komuniti setempat mengenai peranan dan fungsi EAIC.

EAIC & ANDA / EAIC & KOMUNITI

To reach the member of society of all levels, be it in urban or rural areas, EAIC had continued its efforts through two outreach activities namely, EAIC & Anda as well as the one newly introduced this year, EAIC & Komuniti. The main objective of EAIC & Komuniti is to introduce EAIC to the rural communities, including civil servants and non-governmental organisations (NGO) on duty in the rural areas.

The main objective of the programme was to instill awareness with regards to issues of misconduct amidst enforcement officers and their responsibilities as members of the community as well as ensuring constructive cooperation in preventing misconduct. Furthermore, these programmes were aimed to bring EAIC closer to the community and enhance the confidence of the local community in line with EAIC's roles and functions.

Berikut adalah lokasi-lokasi EAIC & Anda / EAIC & Komuniti yang telah dijalankan pada tahun ini:

The following are the locations where the EAIC & Anda and EAIC & Komuniti programmes were held this year:

Jadual 22: Senarai Program EAIC & Anda dan EAIC & Komuniti
Schedule 21: List of EAIC & Anda and EAIC & Community Programmes

BIL	TARIKH	PROGRAM	NEGERI
		EAIC & ANDA	
1.	26 Januari	Pusat Transformasi Bandar (UTC)	Alor Setar, Kedah
2.	26 Januari	Pasaraya *The Store*	Kangar, Perlis
3.	11-13 Feb	Pesta Belon Panas	Putrajaya
4.	19 April	Program Mesra dan Kaunter Aduan Bergerak Bersepadu anjuran Biro Pengaduan Awam Negeri Terengganu	Kemaman, Terengganu
5.	22 April	Program Mesra dan Kaunter Aduan Bergerak Bersepadu anjuran Biro Pengaduan Awam Negeri Johor	Johor Bharu, Johor
6.	1 Jun	Universiti Kebangsaan Malaysia	Bangi, Selangor
7.	16 Julai	Program Mesra dan Kaunter Aduan Bergerak Bersepadu anjuran Biro Pengaduan Awam Negeri Selangor	Shah Alam, Selangor
8.	9 Ogos	Seminar Kelestarian Integriti	Kuala Lumpur
9.	18 Ogos	Universiti Teknologi Mara	Dengkil, Selangor
10.	2 September	Generasi Idaman Selangor (GeMS)	Morib, Selangor
11.	23 September	Rompin Fest	Rompin, Pahang
12.	15–16 Okt	*Portweek* 2016 Anjuran Lembaga Pelabuhan Johor	Permas Jaya, Johor
13.	21-23 Okt	Generasi Idaman Selangor (GeMS)	Kuala Selangor
14.	29 November	Sambutan Bulan Integriti oleh Jabatan Peguam Negara	Putrajaya
15.	30-31 Disember	Generasi Idaman Selangor (GeMS)	Shah Alam
		EAIC & KOMUNITI	
1.	24 September	Dewan Terbuka Klian Intan, Pengkalan Hulu, Perak	





Program-program di atas telah dijayakan dengan kerjasama daripada Jabatan Penerangan Negeri (JaPEN), Biro Pengaduan Awam serta Jabatan/ Agensi Kerajaan yang lain.

Berdasarkan maklum balas yang diterima daripada pengunjung yang hadir, secara umumnya kesedaran mengenai kewujudan EAIC dan fungsinya masih tidak diketahui dan difahami dalam kalangan komuniti luar bandar. Isu-isu kesedaran orang awam mengenai tanggungjawab mereka dalam membanteras salah laku pegawai penguat kuasa juga masih perlu diwar-warkan memandangkan kurangnya kesedaran dan kepekaan terhadap isu-isu berkaitan. Dengan adanya penganjuran program seperti ini, ia dapat sekaligus menyemai nilai-nilai dan amalan integriti dalam menjalankan amanah dan tugas yang diberikan.

The programmes above were conducted with co-operation from the State's Department of Information (JaPEN), Public Complaints Bureau as well as other Departments/Governmental Agencies.

Based on the feedback from the visitors, in general, there were still limited awareness regarding EAIC and its functions which was still not known nor fully understood by the rural community. Issues related to public awareness, i.e. their responsibilities in actively preventing misconduct among enforcement officers also needed to be addressed. With such programmes being conducted, both integrity values and practices could be cultivated towards fulfilling work tasks and responsibilities.



PERTANDINGAN MENCIPTA POSTER EAIC DAN EDARAN POSTER

Pada tahun ini EAIC telah melancarkan Pertandingan Mencipta Poster bertemakan '*Integriti Dijulang Negara Bermaruah*'. Objektif utama pertandingan ini adalah memupuk dan memantapkan tahap kesedaran umum mengenai peranan EAIC. Pertandingan ini telah dilancarkan pada 1 April 2016 sehingga 30 Jun 2016 dan telah menerima penyertaan yang menggalakkan terutama daripada kalangan penjawat awam dan pelajar institusi pengajian tinggi.

EAIC POSTER COMPETITION AND POSTER DISTRIBUTION

This year, EAIC launched its first Poster Competition with the theme *Integriti Dijulang Negara Bermaruah'.* The main objective of the competition was to create and strengthen public's awareness regarding EAIC's role. The competition was launched on 1 April 2016 and ended on 30 June 2016. The response was excellent/encouraging, especially those received from civil servants and students of higher learning institutions.



Poster & Nama Pemenang

Para pemenang (3 pemenang pertama, kedua dan ketiga serta 3 pemenang saguhati) menerima hadiah wang tunai, trofi, sijil penyertaan serta cenderamata EAIC.

Edaran Poster

Poster pertama telah dicetak, diedar dan dipamerkan di premis-premis awam terutama di agensi-agensi penguatkuasaan sebagai hebahan kepada orang awam mengenai kaedah dan saluran dalam membuat aduan.

Edaran poster telah dilakukan secara berperingkat bermula dengan agensi-agensi penguatkuasaan di bawah seliaan EAIC terutama agensi-agensi yang mempunyai kaunter khidmat pelanggan dan berurusan dengan orang awam seperti PDRM, JKDM, JIM, JPJ dan lain-lain agensi. Seterusnya edaran poster turut dijalankan di tempat-tempat tumpuan awam seperti di kaunter-kaunter Pos Malaysia seluruh negara, kaunter-kaunter informasi di lapangan terbang, pusat-pusat hub pengangkutan awam seperti KL Sentral, Putrajaya Sentral, Terminal Bersepadu Selatan.

Poster & Winners

The top three winners along with the three consolation prize recipients, received cash, trophies, certificates and token of appreciation from EAIC.

Poster Distribution

The first poster was printed, distributed and exhibited at enforcement agencies' public premises as a way to promote the proper channel in lodging a complaint with EAIC to the public.

The poster distribution was done in stages beginning with enforcement agencies under EAIC's supervision, especially those that are customer-oriented (front-liners) and those dealing with the public, such as the PDRM, KDKM, JIM, and JPJ. Poster distribution was also done at popular public spots such as Pos Malaysia counters throughout Malaysia, information counters at airports, and public transport hubs such as KL Sentral, Putrajaya Sentral and Terminal Bersepadu Selatan.



Kompilasi lokasi-lokasi edaran poster

PENGUKUHAN EAIC

REINFORCEMENT OF EAIC

PENAMBAHBAIKAN SISTEM KERJA

Prosedur Tetap Penubuhan Pasukan Petugas dan Prosedur Tetap Pendengaran Awam

Mesyuarat Suruhanjaya Bilangan 11 Tahun 2016 telah mengarahkan agar satu SOP berkaitan Pasukan Petugas diadakan bagi memudah dan melancarkan tatacara kerja Pasukan Petugas Suruhanjaya pada masa akan datang.

Sehubungan dengan itu, satu jawatankuasa untuk mendraf SOP Pasukan Petugas telah memulakan perbincangan dengan dianggotai oleh pegawai-pegawai daripada Bahagian Operasi, Bahagian Dasar, Penyelidikan Inovasi dan Urus Setia, Bahagian Komunikasi Korporat, Bahagian Keselamatan dan Bahagian Undang-undang. Jawatankuasa ini telah mengadakan beberapa kali mesyuarat untuk tujuan tersebut dan telah membentangkan dua (2) SOP yang berkaitan dengan Pasukan Petugas.

SOP Pasukan Petugas yang dicadangkan ini akan memberikan garis panduan kepada anggota Pasukan Petugas berkenaan prosedur siasatan yang perlu dilaksanakan apabila sesuatu Pasukan Petugas ditubuhkan oleh Suruhanjaya.

SOP Pendengaran Awam pula menerangkan berkenaan garis panduan sebelum, semasa dan sesudah Pendengaran Awam untuk panduan anggota Pasukan Petugas bila mana Suruhanjaya mengarahkan agar siasatan dilakukan secara Pendengaran Awam.

Garis Panduan Pengurusan Aduan Integriti EAIC

Garis panduan ini disediakan sebagai panduan dalam menguruskan aduan yang diterima daripada orang awam atau warga EAIC terhadap pegawai dan kakitangan EAIC bagi memastikan sesuatu aduan dapat diuruskan dengan adil, cekap dan teratur.

Secara asasnya, semua aduan integriti yang diterima akan dibawa kepada Jawatankuasa Pengurusan

IMPROVING THE WORKING SYSTEM

The Fixed Procedure for the Establishment of Task Forces and the Fixed Procedure for Public Hearings

The 11th Commission Meeting, year 2016 had ordered that an SOP for the Task Force be created in order to clarify and outline the work procedures of the Commission Task Force in the future.

Accordingly, the committee set up to draft the Task Force's SOP and started discussions with officers from the Operation Division, the Policy Division, Research and Innovation, the Corporate Communications Division, the Security Division and the Legal Division. The Committee had carried out several meetings for that purpose and had presented two (2) SOP related to the Task Force.

The proposed Task Force SOP would provide guidelines for the Task Force members concerning investigation procedures that needed to be adhered to when the Task Force is formed by the Commission.

The SOP for Public Hearing on the other hand, prescribes the guidelines for before, during and after the Public Hearing to guide members of the Task Force as to when the Commission shall instruct for an investigation to be carried via Public Hearing.

EAIC Integrity Complaint Management Guidelines

These guidelines are provided to act as a manual in dealing with complaints received from either the public or the personnel of EAIC against EAIC officers and staff to ensure that a complaint is dealt with in a fair, efficient and orderly manner.

Essentially, the integrity of all complaints received will be taken to EAIC Integrity Complaints Management

Aduan Integriti EAIC yang dibentuk selaras dengan kehendak Pekeliling Perkhidmatan Bilangan 6 Tahun 2013 : Penubuhan Unit Integriti Di Semua Agensi Awam.

Committee that was formed in accordance with the requirements of Administrative Circular No 6 Year 2016: Establishment of Integrity Units In All Public Agencies.

Garis Panduan Mengenai Kebenaran Khas Untuk Meninggalkan Pejabat Dalam Waktu Bekerja Warga EAIC

Garis Panduan ini diwujudkan sebagai salah satu mekanisme kawalan dalaman terhadap warga EAIC berkenaan kepentingan Mematuhi Waktu Bekerja. Peraturan 5 Bab G Perintah-perintah Am menggariskan "semua pegawai, termasuk Ketua-ketua Jabatan sendiri, hendaklah mematuhi waktu-waktu bekerja dan hadir di pejabat-pejabat dalam masa yang ditetapkan. Seseorang pegawai yang hendak meninggalkan pejabatnya di waktu bekerja hendaklah terlebih dahulu mendapatkan kebenaran daripada pegawai yang menjaganya sebelum berbuat demikian".

Guidelines for EAIC Staff regarding Special Permission To Leave Office During Working Hours

These guidelines were established as one of the internal control mechanisms to raise the awareness of EAIC employees concerning the importance of Adhering to the Working Hours. Regulation 5 in Chapter G of the General Orders highlights that "all officials, including the heads of departments, must comply with the working hours and be present in the office at the designated time. An officer who wishes to leave the office during working hours should first obtain permission from the officer in charge before doing so.

Pelaksanaan garis panduan ini bertujuan untuk memastikan warga EAIC mematuhi peraturan di atas di samping melahirkan pekerja yang berintegriti.

The implementation of these guidelines are to ensure that all EIAC personnel comply with the regulation stated above in addition to producing workers with integrity.

Garis Panduan Pegawai Bertugas di Kaunter

Garis Panduan ini diwujudkan selaras dengan Pekeliling Kemajuan Pentadbiran Awam Bil 10. 1991: Panduan Mengenai Peningkatan Kualiti Perkhidmatan Kaunter dan disesuaikan dengan keperluan EAIC. Garis panduan ini merupakan rujukan dalam membantu pegawai EAIC memberikan perkhidmatan kaunter selaras dengan standard dan kualiti yang dikehendaki.

Guidelines for the Duty Officer at the Counter

These guidelines were created in accordance with the Administration Development Circular No 10, year 1991: Guidelines on Improving Counter Service Quality and were tailored to the needs of EAIC. These guidelines are a reference to help EAIC counter officers to provide services in line with the required standard and quality.

Kod Etika dan Tatakelakuan EAIC

EAIC melalui Mesyuarat Suruhanjaya Bilangan 2 Tahun 2016 bertarikh 18 Februari 2016 telah meluluskan pemakaian Kod Etika dan Tatakelakuan Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) berkuat kuasa pada 18 Februari 2016.

EAIC Code of Ethics and Conduct

EAIC, through Commission Meeting No 2, year 2016 dated February 18, 2016 had approved the application of the Code of Ethics and Code of Enforcement Agency Integrity Commission (EAIC) enforced on 18 February 2016.

Kod Etika dan Tata kelakuan EAIC ini menyentuh tentang tingkah laku dan tanggungjawab warga EAIC

The EAIC Code of Ethics and Conduct underlines the behaviour and responsibilities of the EAIC personnel

terhadap organisasi dan merupakan panduan asas bagi setiap warga EAIC. Semua nilai yang terkandung dalam Kod Etika dan Tata kelakuan ini mempunyai tujuan yang murni ke arah mewujudkan penyampaian perkhidmatan yang baik dan profesional.

towards the organisation and is a basic guidelines for every EAIC staff. All values contained in the Code of Ethics and Conduct are aimed purely for generating an excellent and professional service.

Peranan Unit Integriti

Dalam usaha memperkasakan integriti organisasi dan individu yang berterusan, Unit integriti EAIC telah melaksanakan pelbagai usaha memperkukuhkan tahap dan nilai integriti dalam kalangan warga EAIC. Aktiviti yang dijalankan adalah berdasarkan fungsi Unit Integriti yang telah ditetapkan dalam Pekeliling Perkhidmatan Bil. 6 Tahun 2013.

Berikut merupakan program-program yang telah dilaksanakan oleh Unit Integriti sepanjang tahun 2016:

Integrity Unit's Role

As part of its efforts to continue to strengthen the integrity of the organisation and the individuals within it, EAIC's Integrity Unit had conducted various efforts to fortify the level and value of integrity amongst the EAIC family. The activities held were based on the Integrity Unit's functions by the Service Cirqular, No 6, 2013.

The following are programmes which were conducted by the Integrity Unit throughout 2016:

Jadual 24 : Senarai Program Integriti oleh Unit Integriti
Schedule 24: List of Integrity Programmes by Integrity Unit

BIL. *NO.*	TARIKH *DATE*	AKTIVITI *ACTIVITY*
1.	Januari - Disember *January - December*	Wahana Integriti *Integrity Vehicle*
2.	8 Januari *8 January*	Mesyuarat Jawatankuasa Integriti dan Tadbir Urus Bil. 1 Tahun 2016 *Integrity and Administrative Committee Meeting No 1, 2016*
3.	18 Februari *18 February*	Pemakaian Kod Etika dan Tatakelakuan EAIC *EAIC Code of Ethics and Conduct*
4.	30 Mac *30 March*	Soal Selidik Kefahaman dan Pengetahuan Integriti warga EAIC *Survey on Understanding and Knowledge of Integrity amongst EAIC staff members*
5.	1 April - 31 Disember *1 April – 31 December*	Penguatkuasaan Pematuhan Waktu Bekerja warga EAIC *Enforcement of Compliance with EAIC Working Hours*
6.	15 April *15 April*	Mesyuarat Jawatankuasa Integriti dan Tadbir Urus Bil. 2 Tahun 2016 *Integrity and Administrative Committee Meeting No 2, 2016*
7.	22 April *22 April*	Ceramah Pengukuhan Integriti Kepentingan Nilai Dalam Organisasi *Talk on Strengthening Integrity and the Importance of Values in an Organisation*
8.	5 Mei *5 May*	*Flying Squad* Pemantauan Pematuhan Waktu Bekerja Penjawat Awam antara JPA, MAMPU dan EAIC *Flying Squad: Monitoring the Compliance with Working Hours on Civil Servants at JPA, MAMPU and EAIC*
9.	1-5 Ogos *1 – 5 August*	Pemeriksaan Pengendalian Dokumen Rasmi / Maklumat rasmi EAIC *Test on Handling Official Documents/Official EAIC Information*
10	17 Ogos *17 August*	Mesyuarat Jawatankuasa Integriti dan Tadbir Urus Bil. 3 Tahun 2016 *Integrity and Administrative Committee Meeting No 3, 2016*

BIL. *NO.*	TARIKH *DATE*	AKTIVITI *ACTIVITY*
11.	22 Ogos *23 August*	Ceramah Pengukuhan Integriti bertajuk Fungsi dan Peranan Unit Integriti EAIC *Integrity Enhancement Talk: Functions and Roles of the EAIC Integrity Unit*
12.	23 September *23 September*	Taklimat Pengurusan Kes-kes Tatatertib *Displinary Cases Management Biefing*
13.	26 Oktober *26 October*	Ceramah Pengukuhan Integrit *Intregrity Enhancement Talk*

Mesyuarat Jawatankuasa Integriti dan Tadbir Urus (JITU) EAIC

Sepanjang tahun 2016, Mesyuarat Jawatankuasa Integriti dan Tadbir Urus (JITU) telah diadakan sebanyak tiga (3) kali. Mesyuarat ini telah dipengerusikan oleh Setiausaha/Ketua pegawai Eksekutif dan dihadiri oleh Pengarah-Pengarah Bahagian sebagai ahli. Pelaporan ini telah dikemukakan kepada Urus Setia JITU Jabatan Perdana Menteri (JPM) untuk tindakan selanjutnya.

Integrity and Admnistrative Committee Meeeting (JITU) EAIC

Throughout 2016, the Integrity and Administrative Committee Meetings (JITU) had been held for three (3) times. The Meetings were chaired by the Secretary/Chief Executive Officer and attended by Directors of the various Divisions. This report was presented to the JITU Secretariate, Prime Minister's Department (JPM) for further action.

Laporan Aktiviti Unit Integriti EAIC

Selaras dengan arahan Pekeliling Perkhidmatan Bil. 6 Tahun 2013, Ketua Unit Integriti hendaklah mengemukakan laporan berkaitan pelaksanaannya setiap empat (4) bulan sekali iaitu sebelum 15 hari bulan Mei, September dan Januari. Sepanjang tahun 2016, sebanyak tiga (3) laporan Unit Integriti EAIC telah dikemukakan kepada Setiausaha/Ketua Pegawai Eksekutif EAIC selaku Ketua Jabatan dan Bahagian Pengurusan Integriti Agensi, Suruhanjaya Pencegahan Rasuah Malaysia (BPIA SPRM) untuk tindakan selanjutnya.

EAIC Integrity Unit Activity Report

In line with directives from the Service Circular No 6, 2013, the Chief of the Integrity Unit shall present a report on its activities every four (4) months, that is before the 15th day of May, September and January. Throughout 2016, three (3) Integity Unit reports had been presented to the EAIC Secretary/ Chief Executive Officer as Division Chief and to the Agency Integrity Management Division, Malaysia Anti-Corruption Commission (BPIA SPRM) for further action.

Soal Selidik Pemahaman dan Pengetahuan Integriti warga EAIC

Sebanyak 67 responden yang terdiri daripada pegawai dan kakitangan EAIC telah memberi maklum balas berhubung soal selidik kefahaman dan pengetahuan integriti warga EAIC. Tujuan soal selidik ini dilakukan adalah untuk menilai tahap kefahaman dan pengetahuan amalan integriti warga EAIC dan organisasi.

Survey on the Understanding and Knowledge of Integrity amongst EAIC members

67 repondents comprising officers and EAIC staff provided feedback on the survey regarding the understanding and knowledge of EAIC staff members. The purpose of the survey was to assess the level of understanding and knowledge regarding integrity practices amongst EAIC staff and the organisation itself.

Kod Etika dan Tatakelakuan EAIC

Suruhanjaya melalui Mesyuarat Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) Bilangan 2 Tahun 2016 bertarikh 18 Februari 2016 telah meluluskan pemakaian Kod Etika dan Tatakelakuan Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) berkuat kuasa pada 18 Februari 2016.

Kod Etika dan Tatakelakuan EAIC ini menyentuh tentang tingkah laku dan tanggungjawab warga EAIC terhadap organisasi dan merupakan panduan asas bagi setiap warga EAIC. Semua nilai yang terkandung dalam Kod Etika dan Tatakelakuan ini mempunyai tujuan yang murni ke arah mewujudkan penyampaian perkhidmatan yang baik dan profesional.

Ceramah Pengukuhan Integriti

Tiga (3) siri ceramah pengukuhan integriti telah dianjurkan oleh Unit Integriti kepada warganya bertujuan untuk memperkukuhkan pengetahuan dan meningkatkan kefahaman berkenaan integriti individu, terhadap organisasi dan masyarakat.

Wahana Integriti

Sebagai peringatan dan perkongsian secara berterusan, hebahan mengenai amalan/peraturan/tips berkenaan integriti telah diedarkan melalui e-mel kepada warga EAIC melalui platform "Wahana Integriti" bagi memastikan warganya mengamalkan budaya kerja yang berintegriti sepanjang masa.

Penguatkuasaan Pematuhan Waktu Bekerja

Unit Integriti EAIC sepanjang tahun 2016 telah melaksanakan penguatkuasaan pematuhan waktu bekerja dalam kalangan warganya. Kaedah pelaksanaan penguatkuasaan ini adalah dengan mengadakan pemeriksaan mengejut ke tempat-tempat tumpuan awam seperti di Pasar Raya Hero, Presint 2, Kafeteria Ali Maju Restoran, Bangunan Menara Usahawan, Presint 2, Kafeteria Jabatan Pendaftaran Negara (JPN), Bangunan JPN dan Kafeteria Bangunan KPDNKK. Tujuan pelaksanaan penguatkuasaan pematuhan waktu bekerja warga EAIC adalah untuk memastikan bahawa warga

EAIC Code of Ethics and Conduct

The Commission, through the Enforcement Agency and Integrity Commission Meeting no 2, 2016, dated 18 Fenbruary 2016, approved the implementation of the Code of Ethics and Conduct, Enforcement Agency and Integrity Commission (EAIC), effective 18 February 2016.

EAIC's Code of Ethics and Conduct states the conduct and the responsibilities of EAIC staff members towards the organisation and it acts as a basic guideline for all EAIC. All values contained within the Code of Ethics and Conduct aim to guide towards creating an excllent and professional delivery.

Integrity Enhancement Talk

Three (3) talks on integrity enhancement were organised by the Integrity Unit for the staff members to reinforce their knowledge and enhance understanding towards individual integrity, organisational integrity and communial integrity.

Integrity Vehicle

As part of the continuous reminder and sharing process, information on integrity practices/rules/tips were distributed via emails to all EAIC staff members through the Integrity Vehicle platform to ensure that all staff have the opportunity to practise integity at work.

Enforcement of Compliance with Working Hours

Throughout 2016, the EAIC Integrity Unit also conducted working hours compliance enforcement on its staff members. This was implemented by means of random inspections at selected public areas such as Pasar Raya Hero, Presint 2, Kafeteria Ali Maju Restoran, Bangunan Menara Usahawan, Presint 2, National Registration Department (JPN) Cafeteria, the JPN Building and the KPDNKK Building Cafeteria. The reason for the implementation of the EAIC working hours compliance enforcement exercise was to ensure that all EAIC staff are punctual, trustworthy and responsible in performing their daily tasks. The

EAIC sentiasa menepati masa, amanah dan bertanggungjawab dalam melaksanakan tugas seharian. Pelaporan pelaksanaan pematuhan waktu bekerja warga EAIC telah dikemukakan kepada Setiausaha/Ketua Pegawai Eksekutif dan tindakan susulan telah diambil oleh Unit Integriti.

report on the EAIC staff working hours compliance enforcement exercise was presented to the Secretary/ Chief Executive Officer and further action will be taken by the Integrity Unit.

Pemeriksaan Pengendalian Dokumen Rasmi / Maklumat Rasmi EAIC

Pemeriksaan pengendalian dokumen rasmi / maklumat rasmi EAIC telah dilaksanakan di semua Bahagian/Seksyen/Unit EAIC pada 1 -5 Ogos 2016. Tujuan pemeriksaan pematuhan pengendalian dokumen rasmi / maklumat rasmi EAIC adalah bertujuan untuk memastikan warga EAIC memahami dan berpengetahuan terhadap kepentingan melindungi rahsia rasmi EAIC. Pelaporan dapatan pemeriksaan ini telah diambil tindakan oleh Unit Integriti.

Test on Handling Oficial EAIC Documents / Official EAIC Information

A test on handling official EAIC documents / information was conducted at all Divisions/Sections/ Units at EAIC on 1 – 5 August 2016. The purpose of the test on compliance of handling official EAIC documents / information was to ensure that EAIC staff members had a clear understanding on the importance of confidentiality and protecting official EAIC confidential information. Action has been taken by the Integrity Unit following the report on the test that was taken.

Pengurusan Aduan

Sepanjang tahun 2016, Unit Integriti menerima satu aduan daripada orang awam dan aduan tersebut telah diambil tindakan yang sewajarnya. Status aduan tersebut telah dimaklumkan kepada pengadu.

Complaint Management

Throughout 2016, the Integrity Unit received one complaint from the public and the necessary action had been taken. The complainant has been updated with the complaint statuts.

Pengesanan dan Pengesahan

Unit Integriti telah menjalankan aktiviti pengesanan dan pengesahan terhadap aduan orang awam dan laporan penguatkuasaan pematuhan waktu bekerja warga EAIC yang dilaporkan. Pelaporan ini telah diambil tindakan yang sewajarnya oleh Unit Integriti.

Identification and Confirmation

The Integrity Unit conducted many identification and conformation acivities towards public complaints and the EAIC working hours compliance enforcement exercise. The necessary steps following the report had thus been taken by the Integrity Unit.

Tatatertib

Taklimat mengenai pengurusan kes-kes tatatertib kepada warga Unit Integriti telah disampaikan oleh Pengarah Unit Audit Dalam, Majlis Pembandaran Kulim (MPKK), Encik Mohd Syarizal bin Haji Ishak. Tujuan taklimat ini diadakan adalah sebagai pendedahan kepada pegawai-pegawai EAIC mengenai prosedur pengurusan tatatertib perkhidmatan awam.

Discipline

Briefings on the management of disciplinary cases were given to the Integrity Unit by the Director of Internal Audit Unit, Kulim City Council (MPKK), Encik Mohd Syarizal bin Hj Ishak. The briefing aimed to provide the EAIC officers with a better understanding of the public service disciplinary management procedues.

Flying Squad Pemantauan Pematuhan Waktu Bekerja Penjawat Awam

Selaras dengan arahan Ketua Setiausaha Negara (KSN), suatu Mesyuarat Kerjasama *Flying Squad* Pemantauan Waktu Bekerja Penjawat Awam telah diadakan pada 24 Mac 2016 di Pejabat EAIC. Mesyuarat ini telah dipengerusikan oleh Setiausaha/ Ketua Pegawai Eksekutif EAIC dan dihadiri oleh pegawai daripada Jabatan Perkhidmatan Awam (JPA), Unit Pemodenan dan Perancangan Pengurusan Malaysia (MAMPU) dan pegawai EAIC.

Hasil persetujuan mesyuarat tersebut, pihak EAIC secara dasarnya bersetuju pelaksanaan pemantauan pematuhan waktu bekerja penjawat awam dijalankan secara kerjasama antara JPA, MAMPU dan EAIC dan ianya adalah terhad kepada bidang kuasa EAIC. Pelaksanaan pemantauan ini telah diadakan pada 5 Mei 2016 bermula dari jam 8.30 pagi sehingga jam 5.30 petang. Pegawai yang terlibat dalam aktiviti pemantauan ini terdiri di kalangan pegawai dari JPA, MAMPU dan Pegawai Integriti EAIC.

Lokasi pemantauan adalah di *Food Court* dan kafeteria sekitar Putrajaya yang telah ditetapkan oleh penyelaras. Pemantauan diadakan bertujuan untuk menghasilkan impak positif dalam mewujudkan kesedaran dan peningkatan integriti penjawat awam. Pelaporan pemantauan telah dikemukakan kepada pihak MAMPU untuk tindakan selanjutnya.

Flying Squad: Monitoring Civil Servants' Compliance with Working Hours

In line with directives from the Chief Secretary of State (KSN), a *Flying Squad* Civil Servants Working Hours Monitoring Joint Meeting was held on 24 March 2016 at the Enforcement Agency Integrity Commission (EAIC) office. The Meeting was chaired by the EAIC Secretary/Chief Executive Officer and was attended by officers from Department of Public Service (JPA), Malaysian Administrative Modernisation and Planning Unit (MAMPU) and EAIC officers.

Following the discussion during the Meeting, EAIC agreed in general, on the implementation of the civil servants' working-hours compliance monitoring to be conducted in collaboration between JPA, MAMPU and EAIC, and it was as such, restricted to within EAIC's jurisdiction. The implementation of the civil servants' working-hours compliance monitoring enforcement took place on 5 May 2016, from 8.30am to 5.30pm. The officers involved in the monitoring exercise comprised officers from JPA and MAMPU, and an EAIC Integrity Officer.

The monitoring location was at the *Food Court* and selected Cafeterias within Putrajaya. The reason for the monitoring of the civil servants' working-hours compliance was to create self-awareness within themselves and to enhance their integrity. The report following the monitoring exercise has been presented to MAMPU for further action.

PEMBUDAYAAN KEMAHIRAN ICT

Naik Taraf Laman Web EAIC ke Dwibahasa

Laman web EAIC secara rasminya telah selesai menjalani penambahbaikan dengan menyediakan laman web dalam dwibahasa.

Melalui penambahbaikan yang dilakukan, ia dapat memberi nilai tambah dan impak yang lebih berkesan kepada pengunjung laman web EAIC.

CULTURALIZING ICT SKILLS

Upgrading the EAIC Website to Bilingualism

The EAIC website had officially completed improvements to provide bilingual facilities.

The improvements were value-added and would have a more effective impact on EAIC website visitors.

Pembudayaan dan Program Kesedaran IT

Sejajar dengan saranan EAIC bagi menjalankan aktiviti pembudayaan dan program kesedaran secara dalaman, Bahagian Teknologi Maklumat (BTM) telah menjalankan beberapa siri taklimat dan latihan IT serta membuat hebahan informasi ICT kepada semua warga EAIC:

- **Taklimat Dasar Keselamatan ICT**

  Melalui kerjasama MAMPU, satu Taklimat Dasar Keselamatan ICT telah dianjurkan kepada semua warga EAIC bagi memberi pengetahuan dan pendedahan tentang peraturan yang perlu dipatuhi dalam menggunakan aset ICT serta langkah keselamatan ICT.

- **Hebahan dan *Tips & Tricks* ICT**

  Perkongsian dan hebahan maklumat ICT dilakukan dari semasa ke semasa bagi memberi pendedahan dan kesedaran tentang pelbagai aspek teknologi maklumat dan komunikasi seperti Dasar Keselamatan ICT dan *tips & tricks.*

- **Perkhidmatan 1GovUC**

  Seiring dengan perkembangan perkhidmatan 1GovUC yang telah digunakan oleh EAIC sejak 2015, 1GovUC sentiasa menyalurkan informasi dan hebahan berkenaan perkhidmatan e-mel kepada warga EAIC. Antaranya melalui aktiviti 1GovUC *Acculturation* dan hebahan *e-newsletter* bagi sebarang aktiviti dan program yang dianjurkan. Tips berkenaan emel 1GovUC juga disalurkan kepada warga EAIC dari semasa ke semasa.

- **Latihan Rakaman dan Suntingan Video Asas**

  Dua (2) sesi Latihan Rakaman dan Suntingan Video Asas telah dijalankan secara dalaman oleh BTM kepada pegawai dan kakitangan EAIC bagi memberi pengetahuan dan memenuhi keperluan membuat rakaman serta

Culturalizing IT and IT Awareness Programmes

In conjuction with EAIC's efforts to conduct culturalizing activities and internal awareness programmes, the Information Technology Division (BTM) conducted a series of IT briefings and trainings as well as promoting ICT information to all EAIC personnel:

- **ICT Security Policy Briefing**

  Through the cooperation of MAMPU, an ICT Security Policy briefing was organised for all EAIC personnel to provide knowledge and exposure about the to-do procedures when using ICT assests and its security measures.

- **Englightening and ICT Tips & Tricks**

  Sharing and dissemination of ICT information were done from time to time to provide exposure and awareness about various aspects of information and communication technologies such as ICT Security Policy and tips & tricks

- **1GovUC Service**

  In line with the development of 1GovUC services that had been used by EAIC since 2015, 1GovUC regularly distributed information and announcements regarding e-mail services to EAIC personnel. Some of them were via 1GovUC Culturalizing activities and e-newsletter announcements for any programmes and activities organized. Tips regarding 1GovUC mail had also been distributed to EAIC staff from time to time.

- **Basic Video Recording and Editing Training**

  Two (2) Basic Video Recording and Editing training sessions were conducted internally by BTM for EAIC officers and employees to provide knowledge and to meet the needs of video recording as well as developing EAIC programmes and activity.

membangunkan video program atau aktiviti EAIC.

Latihan ini bertujuan untuk memberi pendedahan dalam teknik-teknik membuat rakaman, pembangunan dan suntingan video bagi setiap program/aktiviti EAIC yang berlangsung.

The training aimed to give exposure on the techniques of video recording, developing and editing for each EAIC programme/activity held.

PENUBUHAN JAWATANKUASA AUDIT

Jawatankuasa Audit EAIC ditubuhkan pada 8 September 2016 selepas mendapat kelulusan dan persetujuan ahli Mesyuarat Suruhanjaya. Penubuhan ini adalah selaras dengan kehendak Surat Pekeliling Am Bil. 3 Tahun 1998 – Garis Panduan Mengenai Peranan dan Tanggungjawab Kementerian, Lembaga Pengarah dan Ketua Eksekutif Dalam Pengurusan Badan-badan Berkanun Persekutuan. Penubuhan Jawatankuasa ini juga perlu dilaksanakan berdasarkan kepada terma rujukan yang telah digariskan di dalam Surat Pekeliling Am Bil. 3 Tahun 1998 tersebut.

ESTABLISHMENT OF THE AUDIT COMMITTEE

The EAIC Audit Committee was established on 8 September 2016 after the approval and aggreement of the members of the Commission Meeting. This was done in accordance with the requirements of the General Circular No 3 Year 1998: Guidelines on the Roles and Responsibilities of the Ministry, the Board of Directors and the Chief Executive Officer in the Management of Federal Statutory Bodies. The establishment of this Committee should also be implemented based on the terms of reference outlined in the same General Circular No 3 of 1998.

Objektif penubuhan Jawatankuasa Audit ini adalah untuk membincangkan isu-isu yang dibangkitkan sama ada oleh Unit Audit Dalam atau Jabatan Audit Negara dan memastikan tindakan *preventive* dan *corrective* diambil oleh pihak pengurusan (audit) supaya kelemahan-kelemahan berkaitan dapat diperbetulkan dan tidak berulang.

The objective of the Audit Committee was to discuss the issues raised either by the Internal Audit Unit or the National Audit Department and to ensure that preventive and corrective actions were taken by the management (audit) so that the weaknesses would be corrected and were non-recurring.

Ahli jawatankuasa ini di anggotai oleh 3 orang Pesuruhjaya dan ketua Unit Audit bertindak sebagai Setiausaha/Urus setia Jawatankuasa Audit.

Members of this committee include 3 Commissioners and the Head of the Audit Unit acting as Secretary/ Secretariat for the Committee.

JAWATANKUASA KESELAMATAN

SECURITY COMMITTEE

Fungsi Dan Tanggungjawab Pegawai Keselamatan Jabatan

Functions and Responsibilities of the Department Security Officer

Ketua-ketua Jabatan adalah bertanggungjawab sepenuhnya mengenai keselamatan dalam Jabatannya seperti yang ditetapkan di Para 16 Buku Arahan Keselamatan Kerajaan. Walaupun Ketua Jabatan bertanggungjawab sepenuhnya mengenai keselamatan dalam Jabatannya, beliau

The Department Heads are fully responsible for the security in their Departments as stipulated in the Book of Government Security Directive, Para 16. Although the Department Head is fully responsible for the security in his Department, he must appoint a capable Senior Officer for the position. This is to

perlu melantik seorang Pegawai Kanan yang berkaliber untuk menyandang jawatan tersebut. Bertujuan untuk membantu beliau melaksanakan arahan-arahan keselamatan. Pegawai Keselamatan Jabatan yang dilantik hendaklah terdiri daripada Timbalan Ketua Jabatan yang bertanggungjawab mengenai pentadbiran Jabatan untuk melaksanakan arahan-arahan keselamatan Kerajaan dengan berhubung rapat dan mendapat nasihat dari Pegawai Keselamatan Kerajaan. Tugas sebagai Pegawai Keselamatan Jabatan ini adalah sebagai tugas tambahan daripada tugas-tugas rasminya, meliputi: -

assist him in carrying out security directives. The appointed Department Security Officer must also be the Deputy Head of Department who is responsible for the administration of the Department to carry out the Government's security directives by liasing and getting advice from the Government Security Officer. The duties of the Department Security Officer, in addition to his official duties, include: -

(i) Menubuhkan jawatankuasa keselamatan di Kementerian / Jabatan / Agensi Kerajaan yang dipengerusikan oleh Pegawai Keselamatan Jabatan berperanan untuk menyelaraskan pelaksanaan kawalan Keselamatan Perlindungan serta menyelesaikan isu-isu yang berbangkit dalam melaksanakan kawalan Keselamatan Perlindungan di Kementerian / Jabatan Kerajaan.

(i) Establishing a security committee in a Ministry / Department / Government Agency, to be chaired by the Department Security Officer whose function would be to coordinate the implementation of a security protection control and other issues that may arise in exercising security protection control at a Ministry / Government Department.

Pelantikan Ahli Jawatankuasa Keselamatan Jabatan (MJKJ)

Ahli Jawatankuasa Keselamatan MJKJ ini dilantik dari setiap Bahagian / Seksyen / Unit dan memainkan peranan yang penting dalam melaksanakan keselamatan di dalam Suruhanjaya Integriti Agensi Penguatkuasaan. Antara fungsi jawatankuasa ini adalah seperti berikut:

The Security Department Committee Member Appointment (MJKJ)

The Security Committee Members (MJKJ) werer elected from each Division / Section / Unit and they play an important role in implementing security in the Enforcement Agency Integrity Commission. Some of the functions of this committee are as follows:

(i) Mengadakan mesyuarat sekerap yang mungkin setara dengan pendedahan risiko yang terdapat pada jenis kerja dan proses yang berlaku di Suruhanjaya Integriti Agensi Penguatkuasaan. Bilangan mesyuarat minimum yang dibenarkan oleh adalah sekali (1) dalam tempoh tiga (3) bulan.

(i) to convene meetings as often as possible according to the risk exposure inherent to the nature of work and the processes which occur in the Enforcement Agency Integrity Commission. The minimun number of meetings allowed is once (1) within three (3) months.

(ii) Memeriksa tempat kerja secara berkala sekurang-kurangnya 3 bulan sekali.

(ii) to inspect the work premises regularly at least once every 3 months.

(iii) Melaporkan dan membincangkan sebarang kemalangan dan keadaan yang tidak selamat, kejadian berbahaya, dan kebocoran maklumat di tempat kerja.

(iii) To report and to discuss any accident and unsafe condition, dangerous occurrence, and leakage of information at the work premises.

(iv) Memeriksa dan menyiasat sebarang perkara berkaitan keselamatan selepas berlaku kemalangan, kejadian berbahaya dan kebocoran maklumat di tempat kerja yang berlaku di Suruhanjaya Integriti Agensi Penguatkuasaan.

(iv) to review and to investigate any matter concerning the safety after an accident, dangerous occurrence and leaked information that happened within the work premises in the Enforcement Agency Integrity Commission.

(v) Membuat cadangan pemulihan dan tindakan pembaikan ke atas risiko di tempat kerja.

(v) to make recovery recommendations and improvement exercises on the risks at the work premises.

(vi) Mengkaji semula langkah-langkah atau tindakan yang diambil untuk memastikan keselamatan ditempat kerja.

(vi) To review the steps or measures taken to ensure safety within work premises.

(vii) Menyimpan dan mengemaskini rekod berkaitan keselamatan.

(vii) To keep and update records regarding security.

(viii) Melaksanakan fungsi-fungsi berkaitan dengan keselamatan serta aktiviti lain untuk menggalakkan budaya kerja yang selamat dan sihat.

(viii) to implement functions related to security and cultural activities to promote a safe and healthy workplace.

Aktiviti Ahli Jawatankuasa Keselamatan Jabatan (MJKJ)

Antara aktiviti yang telah dilaksanakan oleh jawatankuasa ini adalah seperti berikut:

(i) Program Latihan Pertolongan Cemas telah diadakan dengan kerjasama Seksyen Keselamatan bersama Jabatan Pertahanan Awam Malaysia (JPAM) pada 15 Mac 2016 (Selasa) melibatkan 34 orang warga EAIC bertempat di Bilik Gerakan, Aras 12, Bangunan Menara Usahawan.

(ii) Pada 12 Februari 2016, laporan berkenaan dapatan verifikasi fail terperingkat yang dijalankan pada 14 dan 15 Disember 2015 telah dibentangkan kepada Tuan Setiausaha dan telah diarahkan supaya fail terperingkat Seksyen Siasatan, iaitu Kertas Siasatan diturun taraf kepada peringkat keselamatan 'SULIT'. Proses penurunan taraf bagi fail terperingkat Seksyen Siasatan, iaitu Kertas Siasatan yang bertaraf "RAHSIA" diturun taraf kepada peringkat keselamatan "SULIT" oleh

Activities of the Security Department Committee (MJKJ)

Some of the activities carried out by this comittee are as follows:

(i) First Aid Training Programme was held in collaboration with the Security Section with the Civil Defence Department (JPAM) on 15 March 2016 (Tuesday) and it involved 34 EAIC personnel at the Operation Room, Level 12, Bangunan Menara Usahawan.

(ii) On 12 February 2016, a report on the findings of a classified verification file conducted on 14 and 15 December 2015 was presented to the Secretary and it was instructed that the classified investigation section file, Investigation Paper, be downgraded to 'CONFIDENTIAL' security category. The process of downgrading a classified Investigation Section file, from "SECRET" to "CONFIDENTIAL" was done by the Assistant Confidential Registrar, Operation Division who handles these files.

Penolong Pendaftar Rahsia Bahagian Operasi yang mengendalikan fail-fail tersebut.

(iii) Bahagian Keselamatan dan Urus Setia (Unit Integriti) dengan kerjasama Unit Audit Dalam (Unit Pendaftar Rahsia) telah menganjurkan Taklimat Pengurusan dan Keselamatan Dokumen Terperingkat kepada warga Suruhanjaya. Taklimat ini diadakan sebanyak 2 sesi seperti berikut:

a) Sesi pertama diadakan pada 22 Mac 2016 (Selasa) bertempat di Bilik Pendengaran, Aras 11.

b) Sesi kedua diadakan pada 18 Oktober 2016 (Selasa) bertempat di Bilik Persidangan Aras 12.

(iv) Lawatan Ahli Jawatankuasa Keselamatan Jabatan (MJKJ) ke Pejabat Ketua Pegawai Keselamatan Kerajaan Malaysia (KPKK) di Jabatan Perdana Menteri telah diadakan pada 11 Mei 2016 (Rabu).

(v) Latihan Pengungsian Bangunan Menara Usahawan (*Fire Drill*) secara persendirian akan dilaksanakan pada penghujung bulan November 2016.

(vi) Pemasangan Sistem Kamera Litar Tertutup (CCTV) di Aras tambahan yang baru diterima iaitu Aras G (Kaunter Aduan dan Pusat Khidmat Pelanggan) dan Aras 6 sebagai mekanisma bagi memantau, menyiasat dan memeriksa sistem keselamatan perlindungan terutama sekali bagi melindungi keselamatan pengadu / saksi/ orang yang diadu/ pesuruhjaya/ pegawai dan kakitangan EAIC sepanjang tempoh bertugas dan berada di pejabat EAIC yang terletak di Menara Usahawan.

PERHIMPUNAN BULANAN

Perhimpunan bulanan EAIC merupakan aktiviti yang dirangka setiap 2 bulan sekali bertujuan untuk memupuk dan menjalinkan hubungan yang erat di

(iii) The Security and Secretariat Division (Integrity Unit) in cooperation with the Internal Audit Unit (Secret Registrar Unit) organised a Management and Classified Security Document Briefing for the Commission personnel. The briefing was held for 2 sessions as stated below:

a) The first session was held on 22 March 2016 (Tuesday) at the Hearing Room, 11th Floor.

b) The second session was held on 18 October 2016 (Tuesday) at the Conference Room, Level 12.

(iv) The Security Department Committee's (MJKJ) visit to the Chief Government Security Office (KPKK) at the Prime Minister's Department was held on 11 May, 2016 (Wednesday).

(v) Evacuation of Bangunan Menara Usahawanan for training purposes (Fire Drill) was held privately at the end of November 2016.

(vi) A Closed Circuit Camera (CCTV) System was installation on the newly received floors, Level G (Complaint Counter and Customer Service Centre) and Level 6, as a mechanism to monitor, investigate and inspect the protection of the security system, especially for protecting the safety of the complainant / witness / the accused / EAIC commissioners / officers and staff during the period of duty and at the office located at Menara Usahawan.

MONTHLY ASSEMBLY

The EAIC monthly assembly is an activity constructed once every 2 months to foster closer ties among employees as well as to attend to the mandates from



kalangan warga kerja disamping mendengar amanat daripada Pengerusi Suruhanjaya. Pada tahun ini EAIC telah berkesempatan untuk mengadakan dua (2) siri perhimpunan bulanan yang masing-masing dihoskan oleh Bahagian Khidmat Pengurusan, Bahagian Dasar, Penyelidikan, Inovasi dan Urus Setia serta Bahagian Undang-Undang.

JAWATANKUASA PELABURAN

Jawatankuasa Pelaburan ditubuhkan bertujuan untuk memastikan pengurusan pelaburan Simpanan Tetap EAIC dapat dijalankan dengan lancar dan teratur. Tanggungjawab Jawatankuasa Pelaburan adalah seperti berikut:

a) menetapkan jumlah pelaburan Simpanan Tetap berdasarkan lebihan tunai yang tidak digunakan dalam jangka masa pendek dari akaun semasa ke mana-mana Institusi Kewangan yang menawarkan kadar dividen yang kompetitif beserta tempoh matang; dan

b) membuat keputusan bagi pengurusan meletakkan, mencair dan memperbaharui Simpanan Tetap.

the Commission Chairman. This year, EAIC had the opportunity to hold two (2) series of monthly gatherings that were hosted respectively by the Management Services Division, Policy Division, Research and Innovation as well as the Legal Division.

INVESTMENT COMMITTEE

The Investment Committee was established to ensure the investment management for EAIC Fixed Deposit (FD) is carried out smoothly and orderly. The responsibilities of the Investment Committee are as follows:

a) to specify the amount of Fixed Deposit investment based on the unused excess cash in the short term from the current account to any financial institution that offers a competitive dividend rate and maturity duration; and

b) to decide on the management of placing, melting and renewing of Fixed Deposits.

EKOSISTEM KONDUSIF SEKTOR AWAM (EKSA)

EKSA adalah penjenamaan semula bagi pelaksanaan amalan 5S Sektor Awam yang diperkenalkan pada tahun 2010. EKSA bertujuan untuk pelaksanaan amalan 5S yang lebih korporat, fokus kepada persekitaran kerja yang kondusif, ke arah kepelbagaian agensi, mengutamakan kreativiti dan inovasi serta pembudayaan "*Go-Green*".

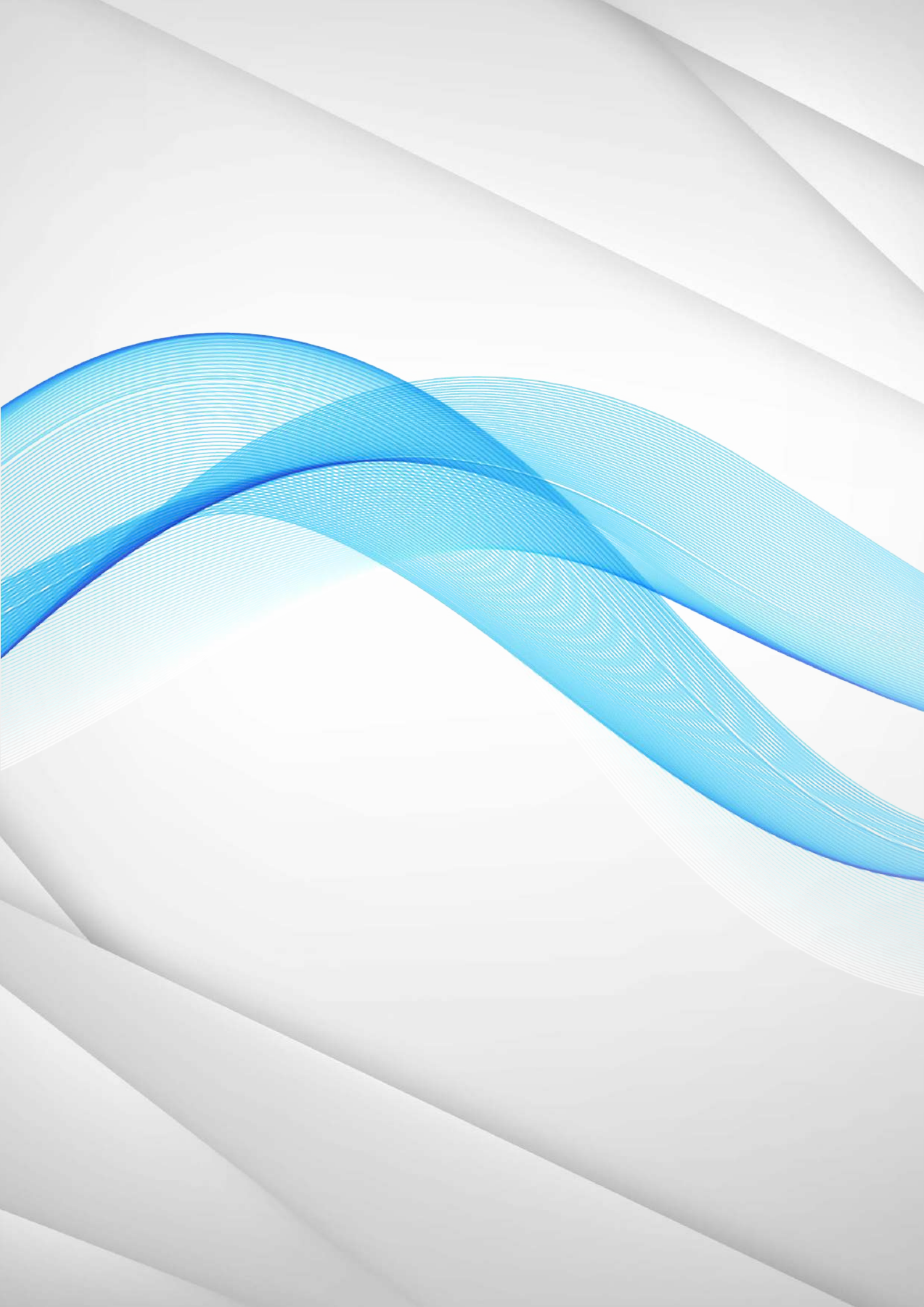
Pelaksanaan EKSA di EAIC bermula pada 6 Oktober 2016 dengan pelantikan Ketua Unit Audit Dalam (UAD) sebagai Pengerusi EKSA EAIC dan wakil aras yang dilantik dari setiap bahagian/seksyen di EAIC. Dasar EKSA EAIC adalah mengamalkan budaya kerja produktif melalui persekitaran yang kondusif bagi memastikan sistem perkhidmatan yang berkualiti, cekap dan efisyen melalui pelaksanaan amalan EKSA yang berterusan.

PUBLIC SECTOR CONDUCIVE ECOSYSTEM (EKSA)

EKSA is a rebranding for the implementation of the 5S Public Sector practice which was introduced in 2010. EKSA aims to apply the 5S practice which is more corporate, focused on a condusive working environment, towards the diversification of the agency, emphasizing on creativity and innovation as well as the Go-Green acculturation.

The implementation of EKSA at EAIC began on 6 October 2016 with the appointment of the Head of Internal Audit Unit (UAD) as the Chairman Of EAIC's EKSA and representatives appointed from each division / section in EAIC. EAIC's EKSA policy is the practice of productive work culture through a condusive environment to ensure a quality and efficient service system through the continued implementation of the EKSA practice.





PENGURUSAN
MANAGEMENT

PENAMBAHAN RUANG PEJABAT EAIC

EAIC telah beroperasi di Aras 5, 8, 9 dan 11, Blok Menara, Bangunan Menara Usahawan, No.18 Persiaran Perdana, Presint 2, 62652 Putrajaya sejak daripada penubuhannya pada tahun 2011. Sejajar dengan peningkatan bilangan pegawai dan kakitangan selain mengambil kira pelaksanaan fungsi teras EAIC, kemudahan ruang pejabat yang kondusif amat diperlukan bagi memberi keselesaan kepada warga kerja EAIC dalam melaksanakan tugasan harian yang merupakan asas kepada peningkatan kualiti dan produktiviti jabatan.

Menyedari kepentingan dan keperluan bagi meningkatkan lagi keselesaan ruang kerja kepada warganya, EAIC telah mengemukakan surat permohonan pertambahan ruang pejabat kepada Ketua Setiausaha Negara (KSN) pada 11 Mac 2016 bagi mengisi ruang pejabat di Aras G, 6 dan 7 yang telah ditinggalkan oleh Kementerian Perdagangan Antarabangsa dan Industri (MITI) berikutan perpindahan ke lokasi baru. Hasil daripada permohonan tersebut, EAIC telah diberikan kelulusan bagi mengisi ruang pejabat di Aras G dan 6, Blok Menara, Bangunan Menara Usahawan pada 25 April 2016. Proses penyusunan semula penempatan pegawai dan pemindahan fizikal aset dan sebagainya telah dilaksanakan sepenuhnya pada 13 Jun 2016 hingga 15 Jun 2016. Berikut merupakan lokasi terbaru setiap bahagian di EAIC:

ADDITIONAL WORKING SPACE

EAIC has been operating at Levels 5, 8, 9 and 11 at Menara Block, Bangunan Menara Usahawan, No. 18, Persiaran Perdana, Presint 2, 62652 Putrajaya since its establishment in 2011. To support the expansion of its officers and staff after taking into consideration of its core function, a more spacious and comfortable office space is necessary to ensure that officers and staff will perform their daily tasks more condusively and effectively.

Realising the importance and the need to enhance the comfort of working space for its staff, EAIC sent in an application for additional office space to the Chief Secretary to the Government of Malaysia (KSN) on 1 March 2016, to occupy the office space at Level G, 6 and 7 which had been left by the Ministry of International Trade and Industry (MITI) following its move to a new premise. The application was a success as EAIC was given approval to occupy the office space at Level G and 6, Block Menara, Bangunan Menara Usahawan on 25 April 2016. The process of moving and rearranging the officers' placements and physical assets were conducted on 13 June 2016 to 15 June 2016. The new location for each division at EAIC are as follows:

Jadual 25: Penempatan Baru Bahagian di EAIC
Schedule 25: New Placement for Divisions in EAIC

Bil *No*	Bahagian/Unit/Pejabat/Lain-Lain *Division/Unit/Office/etc*	Lokasi Dahulu *Previous Location*	Lokasi Sekarang *Current Location*
1.	Kaunter Aduan dan Khidmat Pelangggan EAIC *EAIC's Complaint and Customer Service Counter*	Tiada *None*	Aras G *Level G*
2.	Pejabat Setiausaha *Secretary's Office*	Aras 5 *Level 5*	Aras 5 *Level 5*
3.	Bahagian Khidmat Pengurusan *Service Management Division*	Aras 5 *Level 5*	Aras 5 *Level 5*
4.	Bahagian Kewangan *Finance Division*	Aras 5 *Level 5*	Aras 5 *Level 5*
5.	Bahagian Komunikasi Korporat *Corporate Communications Division*	Aras 5 *Level 5*	Aras 5 *Level 5*
6.	Unit Audit Dalam *Internal Audit Unit*	Aras 5 *Level 5*	Aras 5 *Level 5*

Bil *No*	Bahagian/Unit/Pejabat/Lain-Lain *Division/Unit/Office/etc*	Lokasi Dahulu *Previous Location*	Lokasi Sekarang *Current Location*
7.	Unit Integriti *Integrity Unit*	Aras 11 *Level 11*	Aras 5 *Level 5*
8.	Bahagian Operasi *Operations Divison*	Aras 9 dan 8 *Level 9 and 8*	Aras 6 *Level 6*
9.	Bahagian Teknologi Maklumat *Information Technology Division*	Aras 5 *Level 5*	Aras 6 *Level 6*
10.	Bahagian Undang-Undang *Legal Division*	Aras 11 *Level 11*	Aras 9 *Level 9*
11.	Bahagian Dasar, Penyelidikan, Inovasi dan Urus Setia *Policy, Research, Innovation and Secretariat Division*	Aras 11 *Level 11*	Aras 9 *Level 9*
12.	Pejabat Pengerusi Chairman's Office	Aras 11 *Level 11*	Aras 11 *Level 11*
13.	Seksyen Keselamatan *Security Section*	Aras 11 *Level 11*	Aras 11 *Level 11*
14.	Bilik Siasatan *Investigation Room*	Aras 8 *Level 8*	Aras 8 *Level 8*
15.	Bilik Pendengaran, Bilik Menunggu Peguam dan Saksi; dan Perpustakaan *Public Hearing Room; Council and Witness' Waiting Room; and Library*	Aras 11 *Level 11*	Aras 11 *Level 11*

PENGUKUHAN PERJAWATAN

Permohonan Penutupan Skim

EAIC telah diperuntukkan dengan sejumlah 78 perjawatan sebagaimana kelulusan yang diberikan oleh Kementerian Kewangan Malaysia (MoF). Daripada 78 perjawatan tersebut, sebanyak sepuluh (10) jawatan Penolong Setiausaha, Gred 41/44 Terbuka diisi secara peminjaman daripada AGC dan SPRM. Memandangkan terdapat kesukaran untuk mendapatkan pegawai-pegawai pinjaman daripada agensi pembekal bagi tujuan kesinambungan perkhidmatan, EAIC melalui surat EAIC.500-1/4/1 (19) bertarikh 18 Mac 2016 telah mengemukakan permohonan kepada Jabatan Perkhidmatan Awam (JPA) untuk menutup 10 jawatan Penolong Setiausaha, Gred 41/44 Terbuka kepada skim perkhidmatan Pegawai Undang-Undang, Gred L41/44 (Tertutup). Permohonan tersebut telah diluluskan oleh JPA berkuatkuasa 1 Julai 2016 dan EAIC telah membuat pengisian perjawatan tersebut secara berperingkat.

REINFORCING POSTS

Application for Scheme Closure

EAIC has been allocated with 78 posts as approved by the Ministry of Finance Malaysia (MoF). Out of the 78 positions, 10 are Assistant Secretaries Open Grade 41/44, on loan from the Attorney General's Chambers (AGC) and the Malaysian Anti-Corruption Commission (MACC). In view of the difficulty in procuring these officers-on-loan from the respective agencies for the purpose of service continuity, EAIC, through a letter referenced EAIC.500-1/4/1 (19), dated 18 March 2016, presented an application to the Department of Public Services (JPA) to close 10 posts of Assistant Secretary, Open Grade 41/44 to the Legal Officer, Grade L41/44 (Closed) administrative scheme. The application was approved by JPA, effective from 1 July 2016. Currently, EAIC was conducting recruitment in stages to fill all the respective posts.

Penubuhan Lembaga Kenaikan Pengkat

Selaras dengan hasrat EAIC untuk meningkatkan lagi kemajuan kerjaya pegawai-pegawainya, Kertas Pertimbangan Penubuhan Lembaga Kenaikan Pangkat dan Lembaga Rayuan Kenaikan Pangkat bagi Kumpulan Pengurusan dan Profesional serta Kumpulan Sokongan telah dibentangkan untuk kelulusan Mesyuarat Suruhanjaya. Penubuhan Lembaga Kenaikan Pangkat ini adalah untuk meneliti, mempertimbangkan dan meluluskan keputusan kenaikan pangkat pegawai EAIC yang layak bagi mengisi jawatan kenaikan pangkat secara hakiki mahupun secara *time-based* berasaskan kecemerlangan pegawai bagi Kumpulan Pelaksana yang berada digred lantikan.

Susulan daripada penubuhan tersebut, Mesyuarat Lembaga Kenaikan Pangkat EAIC Bil.1 Tahun 2016 telah bersidang pada 20 Mei 2016 bagi mempertimbang dan meluluskan urusan pemangkuan kenaikan pangkat bagi pegawai-pegawai yang layak untuk mengisi jawatan secara hakiki sedia ada. Perincian penuh urusan pemangkuan yang telah dilaksanakan oleh EAIC pada tahun 2016 adalah seperti berikut:

Establishment of the Board of Promotion/Career Advancement

In line with EAIC's aim to further enhance the career development of its officers, a paper for consideration for the establishment of Board of Promotion/Career Advancement and a Promotion Board of Appeals for the Management and Professional Groups, as well as the Support Group had been presented. The establishment of the Promotion Board was to study, consider and approve the decisions to promote EAIC's officers who were deemed suitable to fill the prescribed posts either permanently or on a time-based plan, depending on the officer from the Implemented Group's level of excellence for the appointed grade.

Following the establishment of the board, the EAIC Promotion Board Meeting No. 1 Year 2016 that was held on 20 May 2016 had considered and approved matters relating to promotions for eligible officers to fill available posts. Complete details regarding the matter as conducted by the Commision in 2016 were as follows:

Jawatan dan Gred *Post and Grade*	Gred Pemangkuan *Acting Grade*	Jumlah terlibat (orang) *Number Involved (pax)*
Pegawai Penerangan Gred S41 *Information Officer Grade S41*	S44	1
Pegawai Keselamatan Gred KP41 *Security Officer Grade KP41*	KP44	1
Akauntan Gred WA41 *Accountant Grade WA41*	WA44	1

Pemakaian Pekeliling Perkhidmatan Bilangan 5 Tahun 2016 – Dasar Baharu Cuti Tanpa Gaji (CTG) Bagi Pegawai Yang Mengikut Pasangan Bertugas Atau Berkursus Di Dalam Atau Di Luar Negara

Selaras dengan era globalisasi, semakin ramai rakyat Malaysia yang bertugas di luar negara sama ada berkhidmat dengan agensi Kerajaan, agensi antarabangsa, mahupun syarikat swasta. Sehubungan itu, mengambil kira faktor kebajikan pegawai, kemudahan ini telah ditambah baik bagi membolehkan pegawai dapat bersama dengan

The Implementation of Service Circular No 5 Year 2016 – Recent Policy of Leave Without Pay (CTG) for Officers Accompanying Their Spouses on On Official Duty or Training In or Outside the Country

In line with this era of globalisation, more Malaysians have the option to serve the country abroad, be it with a Government agency, an international agency or a private company. Apart from ensuring the welfare of an officer, it would be an additional boost if they could be together with their spouses throughout the duration of their duty or training.

pasangan mereka sepanjang tempoh bertugas atau berkursus.

Berdasarkan kepada pelaksanaan ini, tempoh CTG bagi pegawai yang pasangannya merupakan pegawai agensi awam atau bukan pegawai agensi awam adalah mengikut tempoh pasangan bertugas/ berkursus dan pegawai adalah tidak tertakluk kepada syarat kembali bertugas selama satu (1) tahun untuk permohonan CTG berikutnya.

As such, based on such exercise, the duration of STG for an officer whose partner is a public agency officer or a non-public agency officer, is according to the duration of the partner's duty/training and the officer is not subject to any condition to return to work within one (1) year after which he/she may apply for the next CTG.

Urusan *Matter*	Jumlah Terlibat(Orang) *Total Involved (Pax)*
Penyeragaman gred jawatan/ kod gaji bagi gred lantikan skim perkhidmatan berkelayakan SPM dan STPM/ Diploma *The standardization/uniformity of post grades/salary codesfor for SPM and STPM/Diploma qualification service schemes*	25
Pertukaran Pelantikan *Reshuffling of Appointment*	1
Penetapan gaji RM1,200 sebagai gaji permulaan terendah *Fixed salary at RM1,200 as the minimum starting salary*	13

Pemakaian Pekeliling Perkhidmatan Bilangan 6 Tahun 2016 – Panduan Pertukaran Pelantikan;

Pertukaran pelantikan merupakan tatacara pelantikan yang dilaksanakan sekiranya terdapat keperluan untuk memindahkan pegawai ke Pihak Berkuasa Melantik yang berlainan atau ke skim perkhidmatan yang sama/berlainan tanpa melalui proses pelantikan biasa.

Dasar pertukaran pelantikan terpakai dalam keadaan berikut:

(i) atas keputusan Kerajaan; atau
(ii) atas permohonan pegawai tetap yang berkhidmat

Peraturan 3(1), Peraturan-Peraturan Pegawai Awam (Pelantikan,Kenaikan Pangkat dan Penamatan Perkhidmatan) 2012 [P.U.(A)1/2012] menetapkan bahawa pelantikan ke dalam perkhidmatan awam terletak di bawah bidang kuasa Suruhanjaya Perkhidmatan Awam dan tatacara pelantikan itu hendaklah terpakai bagi semua pelantikan tetap atau sementara kecuali bagi pertukaran pelantikan, pertukaran tetap atau apa-apa pelantikan lain yang diputuskan oleh Suruhanjaya Perkhidmatan. Berdasarkan kepada peruntukan peraturan tersebut,

Implementation of Service Circular No 6 Year 2016 – Appointment Exchange Guide;

Appointment reshuffling is an appointment procedure that is practiced when there is a need to transfer an officer to another Appointing Authority or to a similar/ different service scheme without undergoing the normal appointment process.

The appointment reshuffling policy is applicable in the following circumstances:

(i) upon the Government's decision; or
(ii) upon the application of a permanent officer

According to Regulation 3(1), Public Officer's Regulation (Appointment, Rank Raise and Termination of Service) 2012 [P.U.(A)1/2012] an appointment into the civil service is under the authority of the Public Services Commission and the appointment process is the same for all permanent or temporary appointments except for the permanent exchange or any other appointment determined by the Commission. The procedure to manage an officer for an appointment reshuffling is explained in the Service Circular.

tatacara bagi menguruskan pegawai melalui pertukaran pelantikan dijelaskan dalam Pekeliling Perkhidmatan ini.

Pemakaian Surat Pekeliling Perkhidmatan Bilangan 2 Tahun 2016 – Penambahbaikan Kemudahan Bagi Pegawai Lantikan Kontrak (Contract Of Service) Dalam Perkhidmatan Awam;

Implementation of Service Circular No. 2 Year 2016 – Improving Facilities for Contract of Service for Officers in the Public Sector;

Dasar dan peraturan berkaitan kemudahan yang layak diberi kepada pegawai lantikan secara kontrak (Contract of Service) diperjelaskan melalui Pekeliling Perkhidmatan Bilangan 2 Tahun 2008 – Dasar dan Prosedur Pelantikan Secara Kontrak (Contract of Service) dan Surat Pekeliling Perkhidmatan Bilangan 17 Tahun 2008 - Pemberian Wang Tunai Sebagai Gantian Bagi Cuti Rehat Yang Tidak Dapat Dihabiskan Oleh Pegawai Lantikan Secara Kontrak.

Policies and regulations related to facilities that are provided for the officers on contract (Contract of Services) are explained in the Service Circular No. 2 Year 2008 – Contract of Service Appointments Policies and Procedures and the Service Circular No. 17 Year 2008 – Cash in Exchange for Unfinished Leave by Contract Officers.

Sebagai pengiktirafan kepada perkhidmatan pegawai lantikan secara kontrak, kerajaan telah bersetuju agar kemudahan tersebut ditambah baik khususnya terhadap perkara yang berikut:

As a recognition of the services of the contract officers, the government has agreed to improve the facilities including the following aspects:

(i) Kadar Kelayakan Cuti Rehat Tahunan;
(ii) Cuti Haji;
(iii) Cuti Tanpa Gaji Untuk Mengerjakan Haji;
(iv) Cuti Tanpa Rekod Bagi Urusan Kematian Ahli Keluarga Terdekat;
(v) Cuti Isteri Bersalin; dan
(vi) Kadar Maksimum Cuti Rehat Yang Dibenarkan Untuk Tujuan Pemberian Wang Tunai.

(i) Annual Leave Eigibility;
(ii) Hajj Leave;
(iii) Leave without Pay to Perform Hajj;
(iv) Unrecorded Leave for Purpose of Death in the Family;
(v) Paternity Leave; and
(vi) Maximum Number of Leave Days Allowed to be Exchanged with Cash

Selaras dengan pemakaian ini, kakitangan lantikan kontrak EAIC akan dapat menikmati kemudahan yang telah ditambah baik dan sekaligus dapat memelihara kebajikan kakitangan sepanjang dalam perkhidmatan bersama agensi ini.

In line with this implementation, EAIC's contract officers will be able to enjoy the improved facilities to ensure that the welfare of its staff is always taken care of throughout their service in the agency.

Bilangan Urusan Temu Duga Dan Pengambilan Tahun 2016

Number of Interviews and Appointments in Year 2016

Temu Duga *Interviews*	Tarikh *Date*	Jumlah Calon (Orang) *Number of Candidates (pax)*
Urusan Temu Duga *Interviews* • Pegawai Tadbir Gred N41 *Administrative Officer Grade N41* • Setiausaha Pejabat Gred N29 (Kontrak) *Officer Secretary Grade N29 (Contract)* • Pembantu Tadbir (P/O) Gred N19 *Administrative Assistant (P/O) Grade N19*	23 & 26 Februari *23 & 26 February*	7 9 9

Temu Duga *Interviews*	Tarikh *Date*	Jumlah Calon (Orang) *Number of Candidates (pax)*
Urusan Temu Duga *Interviews* • Pemandu Kenderaan Gred H11 *Driver Grade H11* • Pengawal Keselamatan Gred KP11 *Security Guard Grade KP11*	25 & 29 April *25 & 29 April*	10 9
Urusan Temu Duga *Interviews* • Pegawai Tadbir Gred N48 *Administative Officer Grade N48*	31 Mei *31 May*	8
Urusan Temu Duga *Interviews* • Pegawai Undang-undang Gred L41 *Legal Officer Grade L41* • Pembantu Tadbir (Kewangan) Gred W19 *Administrative Assistant (Finance) Grade W19*	1 hingga 3 Ogos *1 to 3 August*	37 24
Urusan Temuduga *Interviews* • Pembantu Operasi Gred N11 *Operation Assistant Grade N11*	29 Disember 2016 *29 December 2016*	30

MAJLIS BERSAMA JABATAN (MBJ)

Keahlian MBJ terdiri daripada wakil pihak majikan dan pihak pekerja. Jumlah keseluruhan keahlian adalah seramai 12 ahli termasuk Pengerusi, Naib Pengerusi, dan Setiausaha yang dianggotai oleh tujuh orang ahli yang dilantik oleh Setiausaha/CEO EAIC dan lima orang ahli yang dipilih oleh barisan pekerja yang berkhidmat di EAIC. Antara isu-isu yang dibangkitkan dalam Mesyuarat MBJ meliputi perkara-perkara yang berikut:

(a) Penambahbaikan kemudahan bagi kebajikan pegawai
(b) Isu keselamatan dan persekitaran tempat/ruang kerja
(c) Mekanisme kawalan dalaman EAIC.

MBJ diadakan sebanyak tiga kali setahun. Tarikh Mesyuarat MBJ adalah seperti yang berikut:

Tarikh Mesyuarat MBJ Tahun 2016

JOINT COMMITTEE DEPARTMENT (MBJ)

MBJ membership comprises of representatives of the employer and employees. The total number of its members is 12, including the Chairman, Vice-Chairman, and a Secretarie who make up seven members elected by the EAIC Secretary/CEO and five (5) members elected by the employees of EAIC. Among issues that were raised during the MBJ Meeting are as follows:

(a) Improving the facilities for the welfare of EAIC's officers
(b) Safety and security as well as the working environment
(c) Internal control mechanism

MBJ is held three times yearly. The dates of the MBJ Meetings were held as follows:

Dates of the MBJ Meetings in Year 2016

Bil *No*	Majlis Bersama Jabatan *Joint-Departmental Council*	Tempat *Venue*	Tarikh *Date*
1	MBJ Bil.1 Tahun 2016 *MBJ No. 1 Year 2016*	Bilik Mesyuarat Aras 5, Pejabat Suruhanjaya *Meeting Room, Level 5, Commission Office*	31 Mac 2016 *31 Mar 2016*
2	MBJ Bil.2 Tahun 2016 *MBJ No. 2 Year 2016*	Bilik Mesyuarat Aras 5, Pejabat Suruhanjaya *Meeting Room, Level 5, Commission Office*	22 Julai 2016 *22 July 2016*
3	MBJ Bil. 3 Tahun 2016 *MBJ No. 3 Year 2016*	Bilik Mesyuarat Aras 5, Pejabat Suruhanjaya *Meeting Room, Level 5, Commission Office*	13 November 2016 *13 November 2016*

PEMBANGUNAN MODAL INSAN DAN KOMPETENSI

Seperti mana sedia maklum, JPA menerusi surat edaran: JPA(I) S.175/4/1-1 Klt.22 (38) bertarikh 29 Februari 2016 yang bertajuk "Penangguhan Penguatkuasaan Pelaksanaan Dasar Berkursus Tujuh (7) Hari Setahun Bagi Anggota Perkhidmatan Awam" telah memaklumkan mengenai penangguhan pelaksanaan dasar berkursus tujuh (7) hari bagi semua anggota Perkhidmatan Awam seperti yang digariskan di bawah Pekeliling Perkhidmatan Bilangan 6 Tahun 2005: Dasar Latihan Sumber Manusia Sektor Awam (PP 6/2005). Penangguhan ini adalah selaras dengan langkah merasionalisasi Perkhidmatan Awam serta bagi mengoptimumkan perbelanjaan agensi-agensi Kerajaan.

Memandangkan usaha-usaha pembangunan sumber manusia dalam sektor awam adalah penting dalam memperkukuhkan modal insan sedia ada, EAIC masih lagi meneruskan pelaksanaan kursus bagi memastikan setiap pegawai dan kakitangannya dilengkapkan dengan sikap, kemahiran dan pengetahuan yang bersesuaian dengan bidang tugas masing-masing secara berterusan. Sepanjang tahun 2016, pegawai dan kakitangan EAIC telah menghadiri kursus dan latihan anjuran agensi kerajaan, badan berkanun dan agensi swasta.

HUMAN CAPITAL DEVELOPMENT

The Public Services Department (JPA), through the circular, JPA(I) S.175/4/1-1 Klt.22 (38) dated 29 February 2016, with the heading "Suspension of Enforcement Implementation of Seven-Day Annual Course Policy For Civil Servants" announced the suspension of the enforcement implementation of the seven day annual course policy for all members of the Public Service as underlined in Service Circular No 6, 2005: Public Sector Human Resource Training Policy (PP 6/2005). This suspension is in accordance with the Public Services rationalisation process and optimises Government agency expenditure.

However, in view of the fact that human resource development efforts in the public sector is essential in strengthening the existing human capital, EAIC has continued to conduct continuous training courses to ensure that each officer and staff were equipped with the right attitude, skills and knowledge for his or her job function. Throughout 2016, EAIC officers and staff attended courses and training programmes conducted by government agencies, statuatory bodies and the private sector.

Jadual 26: Senarai Kursus Tahun 2016 Pegawai dan Kakitangan Suruhanjaya Anjuran Agensi Luar
Schedule 26: List of 2016 Courses for Commission Officers and Staff Conducted by External Agencies

Bil *No.*	Nama Kursus *Name of Programme*	Tarikh *Date*	Anjuran *Organised by*
1	SESI TOWN HALL BAGI MEMERANGI ANCAMAN DADAH DI MALAYSIA	12.01.16	AADK
2	PROGRAM KESEDARAN DASAR & GARIS PANDUAN ICT SEKTOR AWAM	12.01.16	MAMPU
3	TAKLIMAT OLEH TKS PERBENDAHARAAN DENGAN KETUA-KETUA BADAN BERKANUN DI MOF	12.01.16	MOF
4	BENGKEL PEMURNIAAN DATA TERPERINGKAT KLUSTER (PPMF) DAN AKTIVITI (APMF) JPM	11.01.16 - 13.01.16	JPM
5	BENGKEL OUTCOME BASED BUDGETTING (OBB)	11.01.16 - 13.01.16	JPM
6	KURSUS PEMAHAMAN HAK ASASI MANUSIA DARI PERSPEKTIF SIJIL DAN SYARIAH	12.01.16 - 13.01.16	ILKAP
7	TAKLIMAT PERJANJIAN PERKONGSIAN TANS PASIFIK	18.01.16	JPM
8	BENGKEL PEMANTAPAN INTEGRITI PERKHIDMATAN AWAM BIL. 1/2015	25.01.16 - 27.01.16	INTAN
9	KURSUS PENGURUSAN ASET ALIH KERAJAAN	2.02.16 - 5.02.16	INTAN

Bil *No.*	Nama Kursus *Name of Programme*	Tarikh *Date*	Anjuran *Organised by*
10	COURSE ON ELECTRONIC EVIDENCE	02.02.16 - 04.02.16	ILKAP
11	INTERNAL AUDITING	17.02.16 - 18.02.16	SIRIM
12	PROGRAM BREAKFAST TALK SIRI 2/2016 - PENJAGAAN KESIHATAN KANSER TANGGUNGJAWAB KITA : PERSPEKTIF INTEGRITI	17.02.15	IIM
13	POWER UP YOUR ENGLISH SERIES:EFFECTIVE ORAL PRESENTATION COURSE	16.02.16 - 17.02.16	INTAN
14	PROGRAM TRAINING ON HRMIS FOR USERS (THOR) BIL 1/2016	16.02.16 - 18.02.16	JPM
15	PROGRAM “SPECIAL LECTURE ON BLUE OCEAN STRATEGY AND LEADERSHIP”	25.02.16	JPA
16	SEMINAR PEMBANGUNAN PROFESIONAL SETIAUSAHA PEJABAT	07.03.16 - 08.03.16	INSTITUT KEMAHIRAN TEKNOLOGI PEJABAT & PENGURUSAN
17	KURSUS PEMANTAPAN PENULISAN SURAT DAN MEMO BERKUALITI BIL.02/2016	14.03.16 -16.03.16	INTAN
18	KURSUS PSIKOLOGI DAN MINDA BERETIKA	15.03.16 -17.03.16	INTAN
19	KURSUS PENGURUSAN PEROLEHAN KERAJAAN	15.03.16 - 17.03.16	YAYASAN AMANAH LATIHAN BERKANUN
20	KURSUS PENILAIAN OUTCOME PROJEK	21.03.16-25.03-16	INTAN
21	KURSUS PROGRAM TRANSFORMASI MINDA SIRI 1/2016	21.03.16 - 25.03.16	INTAN
22	KURSUS KEJULATIHAN IBADAH (PHEI) WANITA	22.03.16 - 24.03.16	ILIM
23	PENDAFTAR RAHSIA	22.03.16 - 24.03.16	CGSO
24	TAKLIMAT SKIM POTONGAN GAJI ASB (SPG)	28.03.16	AMANAH SAHAM NASIONAL MALAYSIA (ASNB)
25	BENGKEL AKTA 711 (AKTA PERLINDUNGAN PEMBERI MAKLUMAT)	29.03.16	ILKAP
26	KURSUS PENYEDIAAN MEMORANDUM JEMAAH MENTERI DI JPM	29.03.16 - 30.03.16	JPM
27	PEMANTAPAN INTEGRITI PERKHIDMATAN AWAM SIRI 2/2016	05.04.16	INTAN
28	SYARAHAN PERDANA BUDAYA - JPM EXECUTIVE TALK 2016 : RUNTUH BUDI, RUNTUHLAH BANGSA	05.04.16	JPM
29	PROGRAM PRA AKRAB 1 (PENTAULIAHAN AKRAB)	05.04.16 - 07.04.16	JPM
30	KURSUS PENGURUSAN FAIL DAN REKOD	11.04.16 - 13.04.16	INTAN
31	BENGKEL PEMANTAPAN HRMIS BAGI MODUL PENAMATAN PERKHIDMATAN PERINGKAT JPM (SIRI 1)	11.04.16 - 12.04.16	JPM
32	INTAN ECONOMIC FORUM	26.04.16	INTAN
33	LATIHAN SISTEM MyMESYUARAT 2.0	26.04.16 - 27.04.16	MAMPU
34	PROGRAM RAMAH MESRA ANTARA PENGURUSAN THWP	10.05.16	TABUNG HAJI
35	KURSUS PEMANDU CEMERLANG BIL 2/2016	16.05.16-18.05.16	INTAN
36	SIMPOSIUM FALSAFAH KORPORAT PERINGKAT KEMENTERIAN 2016	17.05.16	MITI
37	PROGRAM ORIENTASI PEG PERSEKUTUAN AWAM SABAH/SARAWAK YANG BERKHIDMAT DI SEMENANJUNG 2016	18.05.16 - 23.05.16	JABATAN PERPADUAN NEGARA
38	SEMINAR KEPIMPINAN MUDA	26.05.16	INTAN
39	KURSUS PEMANTAPAN DIRI DAN KEUTUHAN PERIBADI SIRI 1/2016	9.06.16	JPM

Bil *No.*	Nama Kursus *Name of Programme*	Tarikh *Date*	Anjuran *Organised by*
40	MAJLIS BUAL BICARA INTEGRITI	27.07.16	IIM
41	BENGKEL EKSPLORASI PERPUSTAKAAN DIGITAL	27.07.16	PERPUSTAKAAN NEGARA
42	WORKSHOP DRAFTING INTERNATIONAL INSTRUMEN	03.08.16 - 04.08.16	AGC
43	KURSUS KEPIMPINAN DAN PENGURUSAN	08.08.16 - 11.08.16	AGC
44	SEMINAR KELESTARIAN INTEGRITI	09.08.16	MACA
45	KONVENSYEN KUMP INOVATIF DAN KREATIF (KIK)	9.08.16 - 10.08.16	JPM
46	TECH TALK SIRI 2/2016	11.08.16	MAMPU
47	KURSUS ASAS KESELAMATAN	15.08.16	CGSO
48	BENGKEL MODUL PEMURNIAN DATA & HARTA HRMIS SIRI 1	15.08.16-16.08.16	JPM
49	PERSIDANGAN STRATEGI LAUTAN BIRU (ICBOS)	16.08.16 - 17.08.16	JPM
50	PERSIDANGAN DWI TAHUNAN COMMONWEALTH ASSOCIATION FOR PUBLIC ADMINISTRATION AND MANAGEMENT (CAPAM)	18.08.16 - 20.08.16	MAMPU
51	SIMPOSIUM KELESTARIAN INTEGRITI	22.08.16	INSPIM
52	MAJLIS SAMBUTAN HARI WANITA KEBANGSAAN 2016	25.08.16	KEMENTERIAN WANITA
53	JAWI SPECIAL TALK	01.09.16	JAKIM
54	KURSUS PEGAWAI PENYELARAS PARLIMEN	20.09.16	JPM
55	KURSUS KAWALAN DOKUMEN RAHSIA RASMI (DCC1008)	20.09.16 - 22.09.16	CGSO
56	KURSUS PEMANTAPAN DIRI SIRI 2/206 : JENAYAH SIBER	22.09.16	JPM
57	PERSIDANGAN PSIKOLOGI PERKHIDMATAN AWAM TAHUN 2016	04.10.16 - 06.10.16	JPA
58	SSRC PUBLIC LECTURE	10.10.16	UNIVERSITI MALAYA
59	TAKLIMAT OBLIGASI TTPA	13.10.16	MOF
60	ILKAP SPEAKER SERIES BIL 1/2016	17.10.16	ILKAP
61	WACANA PENGUKUHAN KELUARGA	1.11.16	JAWI
62	BENGKEL MODUL PERJAWATAN DAN MODUL TUNTUTAN PENDAHULUAN DIRI HRMIS SIRI 1/2016	16.11.16 - 17.11.16	JPM
63	JAWI SPECIAL TALK SIRI 3	15.11.16	JAWI / JAKIM
64	JEMPUTAN KE KONVENSYEN INTEGRITI NASIONAL DENGAN TEMA - INTEGRITI DAN TADBIR URUS : MEMPERKASA IMEJ PERKHIDMATAN AWAM	17.11.16 - 18.11.16	IIM
65	TAKLIMAT UMUM MODUL PEMBANGUNAN PELAN STRATEGIK	28.11.16	SPRM
66	INTAN DIGITAL EXPLORATION (IDeX) 2016	7.12.16	JPA/INTAN
67	SUARAM HUMAN RIGHTS REPORT OVERVIEW 2016	8.12.16	SUARAM
68	KONVENSYEN PENGURUSAN INTEGRITI DAN TADBIR URUS SEKSTOR AWAM 2016	7.12.16 - 9.12.16	JPM
69	BENGKEL PENGURUSAN MEDIA DAN PELANGGAN	7.12.16 - 8.12.16	UKK, JPM
70	SEMINAR KESELAMATAN (KESEDARAN KEBAKARAN)	7.12.16	OSH CONSULTING CENTRE
71	FORUM DAN DIALOG SEMPENA HARI ANTI RASUAH MALAYSIA	9.12.16	MACA

Selain kursus dan latihan anjuran agensi luar, EAIC turut menganjurkan kursus dan latihan dalaman kepada pegawai dan kakitangannya.

Aside from courses and trainings conducted by external agencies, EAIC also organised in-house courses and trainings for its officers and staff.

Jadual 27: Senarai Kursus Tahun 2016 Anjuran EAIC seperti berikut

Table 27: List of 2016 Courses Conducted by Enforcement Agencies and Integrity Commission:

Bil *No.*	Nama Kursus *Name of Programme*	Tarikh *Date*	Anjuran *Organised by*
1	MESYUARAT SKIM PERLINDUNGAN SAKSI	07.01.16	BDPI
2	KURSUS SIASATAN JENAYAH SIBER	12.01.16	BO
3	TAKLIMAT DI JAB IMIGRESEN MALAYSIA, KLIA	28.01.16	BO
4	TAKLIMAT BERKENAAN PERANAN PEGAWAI PENYELIA DALAM PENGURUSAN TATATERTIB	19.01.16	BUU
5	DIALOG BERSAMA PPIM	11.02.16	BDPI
6	SESI LATIHAN PENGGUNAAN CIMB BIZ CHANNEL	16.02.16	KEWANGAN
7	KURSUS PENGURUSAN PERHUBUNGAN PELANGGAN	22.02.16	SPSM
8	DIALOG BERSAMA AGENSI PENGUATKUASAAN ZON UTARA	25.02.16	BKK
9	BENGKEL PENAMBAHBAIKAN PENGUATKUASAAN TANGANI PENCEROBOHAN VESEL ASING DI NEGARA	29.02.16	BO
10	TAKLIMAT PROSES KERJA PENURUNAN TARAF FAIL TERPERINGKAT (KERTAS SIASATAN)	29.02.16	BO
11	TAKLIMAT PENGGUNAAN APLIKASI LEXIS NEXIS SESI 1	02.03.16	BUU
12	TAKLIMAT AKTA 700 DAN PENGURUSAN ADUAN	03.03.16	BO
13	CERAMAH DAN LATIHAN ORANG AWAM (PERTOLONGAN CEMAS)	15.03.16	BKU
14	TAKLIMAT KOD ETIKA DAN TATAKELAKUAN	18.03.16	UNIT INTEGRITI
15	TAKLIMAT KESELAMATAN DAN DOKUMEN TERPERINGKAT	22.03.16	BUU
16	CERAMAH PENGUKUHAN INTEGRITI	06.04.16	UNIT INTEGRITI
17	KURSUS TATACARA PENGENDALIAN SIASATAN JIM	05.05.16	BO
18	DIALOG ZON TENGAH (PUTRAJAYA-BANGI)	24.05.16	BKK
19	KURSUS PEMANTAPAN DIRI BERTAJUK PENGURUSAN STRESS	25.05.16	SPSM
20	KURSUS TATACARA PENGENDALIAN SIASATAN PDRM & KPDNKK	27.05.16	BO
21	TAKLIMAT PEMATUHAN WAKTU BEKERJA	27.07.16	SPSM
22	CERAMAH PENGURUSAN KEWANGAN : "HEMAH BICARA, BIJAK BELANJA"	24.08.16	KEWANGAN
23	CERAMAH PENGUKUHAN INTEGRITI SIRI 2/2016: FUNGSI PERANAN UNIT INTEGRITI	26.08.16	UNIT INTEGRITI
24	CERAMAH DASAR KESELAMATAN ICT	20.09.16	BTM
25	TAKLIMAT KES TATATERTIB (MAJ. PERBANDARAN KULIM)	22.09.16	UNIT INTEGRITI
26	BROWN BAG SESSION : CAPAM 2016	28.09.16	SPSM
27	KURSUS RAKAMAN DAN SUNTINGAN VIDEO (ASAS)	10.10.16 - 11.10.16	BTM
28	TAKLIMAT PENGURUSAN DAN KESELAMATAN DOKUMEN TERPERINGKAT AKHIR	18.10.16	UNIT AUDIT DALAM / SEK KESELAMATAN
29	KURSUS DEVELOPING A HIGH PERFORMANCE TEAM	25.10.16	UNIT AUDIT DALAM
30	KURSUS INDUKSI PEGAWAI LANTIKAN BAHARU	01.11.16 - 02.11.16	BKP
31	BENGKEL KEMAHIRAN BAHASA MELAYU	17.11.16 - 18.11.16	BO
32	BENGKEL TEKNIK SOAL SIASATAN DAN RAKAM PERCAKAPAN	24.11.16	BO
33	BENGKEL PENYEDIAAN DAN PENGENDALIAN KERTAS SIASATAN	25.11.16	BO
34	TAKLIMAT PANDUAN PENYEDIAAN PELAN STRATEGIK EAIC	12.12.16	BDPI/BUU

SISTEM MAKLUMAT PENGURUSAN SUMBER MANUSIA

Sistem Maklumat Pengurusan Sumber Manusia atau *Human Resource Management Information System* (HRMIS) merupakan satu projek di bawah Aplikasi Perdana Projek Kerajaan Elektronik yang telah diperkenalkan dalam usaha mempertingkatkan lagi keberkesanan dan kecekapan Pengurusan Sumber Manusia (PSM) dengan menggunakan aplikasi teknologi maklumat dan komunikasi (ICT) secara lebih meluas. Berdasarkan pelaksanaan ini, sistem HRMIS di semua agensi kerajaan telah dikuatkuasakan pemakaiannya melalui Pekeliling Perkhidmatan Bilangan 12 Tahun 2005 (PP 12/2005). Sebagai sebuah agensi yang baru ditubuhkan, EAIC telah menggunakan sepenuhnya aplikasi Sistem HRMIS pada tahun 2013. Seiring dengan langkah untuk meningkatkan lagi tahap penggunaan HRMIS, Jabatan Perkhidmatan Awam (JPA) telah menetapkan *Key Performance Indicator* (KPI) kepada semua Ketua Jabatan di kementerian/ agensi yang merangkumi enam kriteria yang ditetapkan dalam penilaian KPI HRMIS:

(a) Pengemaskinian Data Perjawatan: Perbandingan perjawatan HRMIS dan *MyPost*;
(b) Pemurnian data bagi 21 elemen di Modul Data Perjawatan, Rekod Peribadi dan Profil Perkhidmatan;
(c) Pelaksanaan LNPT bagi Tahun 2016 melalui HRMIS;
(d) Pelaksanaan SKT bagi Tahun 2016 melalui HRMIS;
(e) Pelaksanaan Perisytiharan Harta melalui HRMIS; dan
(f) Penamatan Perkhidmatan melalui HRMIS

Sepanjang tempoh pelaksanaan tersebut, EAIC telah menunjukkan peningkatan yang amat memberangsangkan dalam mencapai sasaran KPI HRMIS sebagaimana yang ditetapkan oleh JPA. Perincian penuh prestasi pelaksanaan HRMIS di EAIC adalah seperti yang berikut:

HUMAN RESOURCE MANAGEMENT INFORMATION SYSTEM (HRMIS)

The Human Resource Management Information System (HRMIS) is a project governed under the Electronic Prime Government Project Application which was introduced to enhance the effectiveness and efficiency of the Human Resource Management (PSM) by applicating the use of information technology and communication (ICT) in a broader scope. The application of the HRMIS system has been authorised in all government agencies through the Service Circular No. 12 Year 2005 (PP 12/2005). As a new agency, EAIC has fully applied the HRMIS system in the year 2013. In line with its efforts to enhance the HRMIS application, the Public Service Department (JPA) has sent the pre-determined Key Performance Indicators (KPI) to all Heads of Departments at ministries/agencies; there are six criterias in the HRMIS KPI assessment as follows:

(a) Updating Employment Data: Comparison of HRMIS employment and MyPost;
(b) Data Clarification for 21 elements of the Employment Data Module, Personal Record and Service Profile;
(c) Implementing LNPT for the Year 2016 through HRMIS;
(d) Implementing SKT for the Year 2016 through HRMIS;
(e) Implementing Property Declaration through HRMIS;
(f) Termination of service through HRMIS.

Throughout the duration of the practice, EAIC has shown impressive progress in reaching its target HRMIS KPI as pre-determined by JPA. The complete breakdown of the HRMIS' implementation performancse at EAIC are as follows:

Tahun *Year*	Pencapaian/ Penarafan *Achievement/Ratings*
2013	Sangat Melepasi Sasaran *Significantly Exceeding Target* (ST)
2014	100%
2015	5 bintang *5 stars*

APRESIASI EAIC

Majlis Anugerah Perkhidmatan Cemerlang tahun 2015 telah diadakan pada 10 Mac 2016 bertempat di Dewan Serbaguna, Blok Menara, Bangunan Menara Usahawan, Putrajaya. Majlis perasmian ini telah disempurnakan oleh Pengerusi EAIC, YA. Datuk Yaacob bin Hj. Md Sam. Seramai lima (5) orang pegawai dan kakitangan telah dipilih untuk menerima Anugerah Perkhidmatan Cemerlang (APC) kerana menunjukkan prestasi yang cemerlang sepanjang tahun 2015.

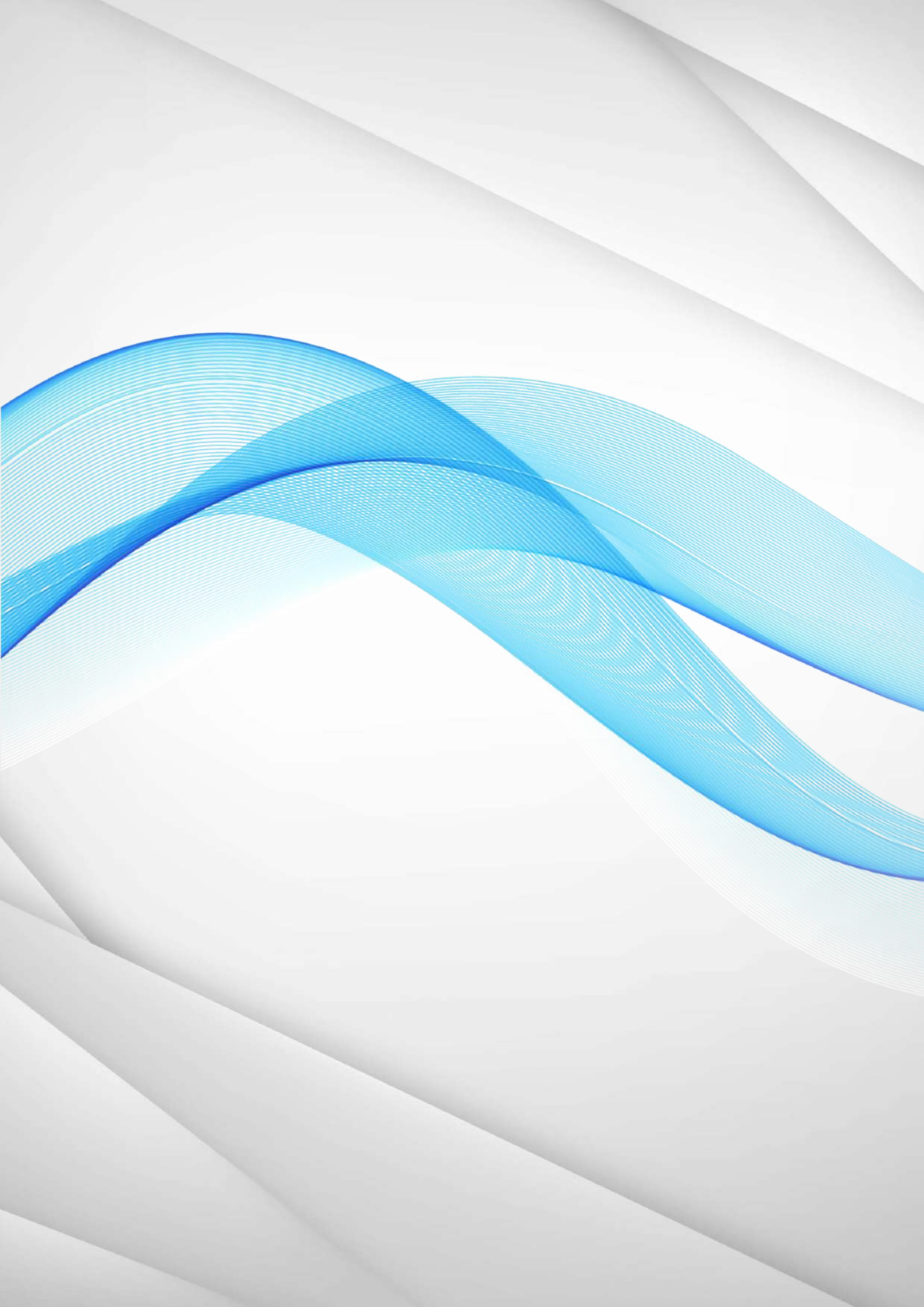
Selain penyampaian APC, majlis turut menyampaikan Sijil Penghargaan kepada 27 pegawai dan kakitangan sebagai tanda pengiktirafan terhadap perkhidmatan yang cemerlang sebagaimana yang ditunjukkan.

OUTSTANDING SERVICE AWARD

The EAIC's 2015 Excellent Service Award was held on 10 March 2016, at the Multi-Purpose Hall, Blok Menara, Bangunan Menara Usahawanan, Putrajaya. The ceremony was officiated by EAIC's Chaiman, YA. Datuk Yaacob bin Hj. Md Sam. Five officers and staff were selected to be recipients of the Excellent Service Award (APC) for their excellent performance throughout 2015.

Apart from the APC, the ceremony also presented Certificates of Appreciation to 27 of its officers and staff as recognition towards their high quality services.





KELAB KEBAJIKAN DAN REKREASI EAIC

EAIC'S WELFARE AND RECREATIONAL CLUB

Penubuhan Kelab Kebajikan dan Rekreasi EAIC adalah cetusan idea oleh Pengerusi EAIC, YA Datuk Yaacob Bin Hj Md Sam. Bertitik tolak daripada itu, satu Jawatankuasa Protem Kelab Kebajikan dan Rekreasi EAIC telah ditubuhkan untuk menguruskan penubuhan kelab ini. Oleh demikian, pada 8 April 2016, satu pemilihan telah dibuat dalam kalangan warga EAIC untuk melantik ahli-ahli Jawatankuasa Protem tersebut mengemudi kelab EAIC.

The EAIC's Welfare and Recreational Club was the brainchild of EAIC'sChairmain, YA Datuk Yaacob bin Hj Md Sam. To manage the club, the EAIC's Welfare and Recreational Club Pro Tem Committee was formed and on 8 April 2016, a group consisting EAIC's staff was formed to head the club.

Objektif penubuhan kelab ini antara lainnya adalah untuk mengadakan serta menyelaras hal-hal kebajikan ahlinya serta aktivti-aktivti sukan dan rekreasi. Selain itu, kelab juga berperanan sebagai medium untuk ahlinya mengetengahkan bakat-bakat melalui aktiviti yang diadakan seperti futsal, badminton, ping pong dan lain-lain aktiviti. Melalui aktiviti-aktiviti yang diadakan, ia dapat mengeratkan ukhuwah persaudaraan sesama ahli di samping mengalakkan amalan gaya hidup sihat.

The main objective of the club is to organize and coordinate matters regarding welfare of its members as well as promoting sports and recreational activities. Apart from that, the club also acts as a channel whereby members will be able to showcase their hidden talents through activities such as futsal, badminton and table tennis. The activities also serve to strengthen the ties between the members while at the same time, advocating a healthy lifestyle.

Menyedari akan faedah penubuhan kelab Kebajikan dan Rekreasi EAIC, pihak Pengurusan EAIC dan Ahli Jawatankuasa Kelab Protem ini telah bersetuju agar kelab ini didaftarkan dengan Jabatan Pertubuhan Pendaftaran Malaysia/*Registrar of Societies* (ROS) bagi memudahkan penjanaan dan penyaluran dana serta menjamin pengurusan yang lebih cekap dan telus melalui peraturan dan prosedur-prosedur yang digariskan.

Realising the benefits of the formation of EAIC's Welfare and Recreational Club, EAIC's management and club representatives agreed that the club be registered under the Registrar of Societies (ROS) Malaysia to facilitate fund-raising and fund distribution more effectively and transparently, according to regulations and procedures.

PENDAFTARAN KELAB DENGAN JABATAN PERTUBUHAN PENDAFTARAN MALAYSIA (ROS)

CLUB REGISTRATION UNDER THE REGISTRY OF SOCIETIES MALAYSIA (ROS)

Ahli-ahli Jawatankuasa Protem Kelab Kebajikan dan Rekreasi EAIC sedang dalam proses untuk mendaftarkan kelab ini di ROS.

The Protem Committee members are in the process of registering the club under ROS.

Di peringkat ini, cadangan keahlian bagi kelab Protem ini, melibatkan semua pegawai yang berkhidmat di EAIC sama ada bertaraf tetap, pinjaman atau kontrak. Manakala ahli bersekutu pula melibatkan bekas-bekas pegawai yang pernah berkhidmat di EAIC dan suami/isteri kepada ahli biasa.

At this stage, suggested membership for the Protem club, involves all EAIC officers, irrespective of whether they are permanent, on loan or on contractual basis. Associate memberships are also open to former EAIC's officers and spouses of regular members.

Kepimpinan dan Ahli Jawatankuasa Protem Kelab Kebajikan dan Rekreasi EAIC yang telah dipilih adalah seperti berikut:

The club leadership and committee members that were elected by EAIC staff are as follows:

Pengerusi	:	YBhg. Dato' Muhammad Bukhari Bin Ab. Hamid
Timb. Pengerusi	:	Puan Eda Mazuin Binti Abdul Rahman
Setiausaha 1	:	Cik Noor Farahani Binti Norizan
Setiausaha 2	:	Puan Khairunnisa Binti Ibrahim
Bendahari 1	:	Puan Hafizah Binti Hassan
Bendahari 2	:	En. Mohd Shahrilnizwan Bin Sharipudin
PUU	:	En. Mohd Faizuly Bin Abd Aziz
Pegawai PR	:	Puan Nuralina Elisa Bin Johari
AJK Kebajikan	:	Puan Zulezah Binti Baharoldin
AJK Kerohanian	:	En. Mohd Arif Bin Salleh
AJK Keraian	:	Puan Nur Hanin Binti Abdul Halim
AJK Rekreasi	:	Cik Nur Fazlyza Binti Said
AJK Kecil	:	1) Puan Wahayu Binti Abdul Wahab 2) En. Hanif Bin Jalal

AKTIVITI

Sepanjang penubuhan Kelab Kebajikan dan Rekreasi EAIC, kelab telah berjaya menganjurkan 4 program. Antara program-program yang telah dijalankan adalah:

1) Lawatan Ke Rezab Hidupan Liar, Krau dan Pusat Konservasi Gajah, Kuala Gandah pada 21 Mei 2016;

ACTIVITIES

Since the inception of the EAIC's Welfare and Recreational Club, the club has successfully organised four programmes. The programmes were:

1) Visit to the Krau Wildlife Reserve and Elephant Conservation Centre, Kuala Gandah, on 21 May 2016;



2) Majlis Berbuka Puasa EAIC pada 17 Jun 2016;
3) Majlis Sambutan Hari Raya EAIC pada 21 Julai 2016; dan
4) Pertandingan Bowling EAIC pada 2 Disember 2016.

Selain itu, kelab ini juga turut menganjurkan aktiviti sukan secara berkala antaranya badminton, ping-pong dan futsal.

Perlawanan futsal persahabatan juga turut diadakan bersama jabatan-jabatan lain seperti 1MOCC, Jabatan Kastam Diraja Malaysia, Kementerian Pengangkutan Malaysia dan Akademi Pencegahan Rasuah Malaysia (MACA). Perlawanan persahabatan ini bertujuan untuk mengeratkan jalinan silaturrahim antara pegawai-pegawai EAIC dan pegawai-pegawai daripada Jabatan/ Agensi lain.

2) EAIC Breaking Fast Ceremony on 17 June 2016; and
3) EAIC Eidil Fitri Celebration Festivities on 21 July 2016.
4) EAIC Bowling Competition on December 2, 2016

Apart from that, the club also organised sports activities such as badminton, futsal and table tennis tournaments.

A friendly futsal match was held between other agencies/departments, such as 1MOCC and MACA. The friendly matches were aimed to foster stronger f ties with officers from other agencies/departments.







PENGURUSAN KEWANGAN

FINANCIAL MANAGEMENT

Seksyen 46 Akta 700 menyatakan, Kerajaan hendaklah membuat peruntukan dana yang mencukupi secara tahunan bagi maksud EAIC untuk membolehkan EAIC menunaikan fungsinya secara berkesan di bawah Akta ini.

Section 46 Act 700 states that the government must make provisions for adequate yearly funding for EAIC to enable EAIC to fulfill its duties effectively under this Act.

Bagi tahun 2016, EAIC telah memohon peruntukan di bawah belanja mengurus sejumlah RM7,569,520. Peruntukan tersebut diperlukan untuk menampung perbelanjaan mengurus yang meliputi emolumen Pegawai dan Kakitangan, emolumen dan elaun tetap Yang Arif Pengerusi EAIC, elaun tetap Pesuruhjaya EAIC, kos operasi dan kos-kos lain pentadbiran EAIC. Peruntukan mengurus EAIC yang telah diluluskan oleh Kementerian Kewangan bagi tahun 2016 adalah sebanyak RM4,809,600, pengurangan/defisit sejumlah RM2,759,920 atau 36% kurang daripada jumlah yang dipohon.

For the year 2016, EAIC had applied for its operation budget in the amount of RM7, 569, 520. The budget was meant to cover the operating expenditure which included officer and staff emoluments, the Chairman's emoluments and fixed allowances, the Commissioners' fixed allowances, operation costs and various EAIC administrative costs. The EAIC Operating Budget that was approved by the Finance Ministry for the year 2016 amounted to RM4, 809, 600, which was a reduction/deficit of RM2, 759, 920, 36% less than the amount applied

Peruntukan EAIC bagi tahun 2016 disalurkan bagi setiap suku tahun. Bagi suku tahun pertama dan kedua (Jan-Jun) penyaluran peruntukan adalah sebanyak RM2,284,560.00 (RM1,142,280.00 setiap suku tahun).

EAIC's allocation for the year 2016 was channelled each quarterly. In the first and second quarter (Jan – June), EAIC received an allocation of RM2,284,560.00 (RM1,142,280.00 each quarterly).

Penyaluran geran mengurus bagi suku tahun ketiga dan keempat tahun 2016 telah dikurangkan dengan hanya menyalurkan peruntukan sebanyak RM1,219,795 pada suku tahun keempat (Okt-Dis). EAIC tidak menerima sebarang peruntukan pada suku tahun ketiga (Julai-Sept).

The management grant that was channelled in the third and fourth quarter of 2016 was reduced and only RM1,219,795 was received in the fourth quarter (Oct – Dec). EAIC did not receive any allocation during the third quarter (July – Sept).

Oleh itu, jumlah peruntukan geran mengurus yang dipinda bagi tahun 2016 adalah berjumlah RM3,504,355.00 (Suku tahun pertama dan kedua: RM2,284,560.00; Suku tahun ketiga dan keempat:RM1,219,795.00). Pengurangan jumlah peruntukan adalah sebanyak RM1,305,245.00 atau 27% berbanding RM4,809,600.00 yang diluluskan Kementerian Kewangan (MOF) sebelum ini.

As such, the total amount of management grant that was received for the year 2016 was RM3,504,355.00 (First and second quarter: RM2,284,560.00; Third and fourth quarter: RM1,219,795.00). The reduction of the allocation was in the sum of RM1,305,245.00 or 27%, compared to RM4,809,600.00 which was the initial amount approved by the Ministry of Finance (MOF).

Pengurangan peruntukan tersebut telah memberi kesan dan impak yang sangat serius kepada EAIC menyebabkan fungsi-fungsi kewajiban statutorinya tidak dapat dilaksanakan sebagai mana yang dikehendaki di bawah seksyen 4(1) Akta 700.

The reduction of the allocation had caused a very serious impact on EAIC, resulting in its statutory responsibilities, according to the provisions under section 4(1) Act 700, being unfulfilled.

Kesan daripada itu, EAIC telah mengambil inisiatif dengan mengemukakan beberapa siri Surat Rayuan kepada pihak MOF dan turut dipanjangkan kepada Jabatan Perdana Menteri (JPM).

As a result of that, EAIC took the initiative and sent in few series of Letters of Appeal to MOF as well as to the Prime Minister's Department (JPM).

Selain daripada itu, EAIC juga telah mengadakan sesi perbincangan bersama MOF mengenai rayuan mempertimbangkan semula penyaluran geran mengurus EAIC yang telah diadakan pada 2 September 2016 yang diwakili oleh Setiausaha dan pegawai-pegawai kanan EAIC bersama Setiausaha Bahagian Pengurusan Strategik Badan Berkanun dan pegawai-pegawai kanan MOF di Pejabat Setiausaha Bahagian SBB.

EAIC also held a discussion session with MOF on 2 September 2016 regarding the appeal to reconsider the re-channelling of the management grant to EAIC. The discussion was attended by the EAIC's Secretary and senior EAIC officers with the Secretary, Statutory Bodies Strategic Management Division and senior MOF officers at the Secretary's Office SBB Division.

Pada 18 Oktober 2016, EAIC juga telah menghadiri mesyuarat bersama YB Senator Datuk Paul Low Seng Kuan, Menteri di Jabatan Perdana Menteri dan wakil pegawai dari Bahagian Kewangan, JPM di pejabat beliau untuk membincangkan penyaluran peruntukan yang tidak mencukupi bagi tahun 2016.

On 18 October 2016, EAIC held a meeting with YB Senator Datuk Paul Low Seng Kuan, Minister at the Prime Minister's Department and a representative officer from Finance Division, JPM, to discuss the insufficient allocation for 2016.

Hasil daripada pelbagai usaha dan tindakan sewajarnya, permohonan mempertimbangkan rayuan bagi penyaluran peruntukan geran mengurus kepada EAIC bagi tahun 2016 telah dipertimbangkan di peringkat JPM dan diluluskan oleh MOF. Peruntukan bagi suku tahun ketiga (Julai-Sept) dan peruntukan tambahan telah disalurkan kepada EAIC pada 16 November 2016 berjumlah RM143,494.00 dan 28 November 2016 berjumlah RM2,100,000.00. Jumlah keseluruhan penyaluran peruntukan yang dipinda dan telah diterima adalah sebanyak RM5,747,849.00, pertambahan sebanyak RM938,249.00 atau 19.51% berbanding peruntukan asal yang telah diluluskan oleh MOF iaitu RM4,809,600.00.

As a resut of all the effort, the appeal to channel the management grant allocation to EAIC for 2016 was considered at JPM level and later approved by MOF. The allocation for the third quarter (July – Sept) and an additional allocation was channelled on 16 November 2016 in the amount of RM143,494.00 and again, on 28 November 2016 in the amount of RM2,100,000.00. The total amount of allocation received amounted to RM5,747,849.00, being an addition of RM938,249.00 or 19.51%, compared to the original MOF approved amount of RM4,809,600.00.

Peruntukan mengurus tahun 2016 yang disalurkan bagi setiap suku tahun adalah tidak mencukupi untuk menampung perbelanjaan mengurus EAIC. Justeru itu bagi melaksanakan fungsi-fungsi EAIC, Suruhanjaya melalui Mesyuarat Suruhanjaya Bil 1 Tahun 2016 telah bersetuju bahawa batas perbelanjaan bagi tahun 2016 adalah berjumlah RM7,569,520 dan akan menggunakan lebihan peruntukan sedia ada bagi menampung kurangan peruntukan tersebut. Berdasarkan kepada peruntukan mengurus tahun 2016 yang dipinda, pertambahan

The approved 2016 Operating Budget was insufficient to cover the cost of EAIC's operations. As such, to effectively perform its functions, through Commission Meeting No 1 of 2016, agreed that the ceiling expenditure for year 2016 was RM7, 569, 520 and that EAIC shall utilize the current budget surplus to cover the balance of the remaining operating cost. Based on the amended 2016 Operating Budget, the allocation reduction was 12.80% compared to the 2015 Operating Budget (2016: RM5,747,849.00; 2015: RM5,095,705) and the actual cost of expenditure for

peruntukan yang diterima adalah sebanyak 12.80% berbanding peruntukan mengurus tahun 2015 (2016: RM5,747,849.00; 2015: RM5,095,705.00) dan perbelanjaan sebenar bagi tahun 2016 telah meningkat sebanyak 5% berbanding tahun 2015 (2016: RM6,618,367 ; 2015: RM6,315,342.00).

year 2016 had increased 5% compare 2015 2015 (2016: RM6,618,367 ; 2015: RM6,315,342.00).

EAIC juga telah melaksanakan langkah penjimatan dengan berbelanja secara berhemah bagi mengawal perbelanjaan selaras dengan Pekeliling Perbendaharaan mengenai Garis Panduan Langkah-Langkah Mengoptimumkan Perbelanjaan Kerajaan.

EAIC had taken necessary steps to control its expenditure in line with the Treasury Circular on Steps and Guidelines on Optimizing Government Expenditure.

Geran kerajaan 2016 yang telah disalurkan bagi setiap suku tahun adalah seperti berikut:

The 2016 Government grant which was channelled every quarterly is as follows:

Peruntukan Geran Yang Diterima Tahun 2016
Grant Received for year 2016

GERAN KERAJAAN	2016 RM	TARIKH TERIMA
Suku Tahun Pertama (Jan - Mac)	1,142,280.00	11 Januari 2016
Suku Tahun Kedua (Apr - Jun)	1,142,280.00	07 April 2016
Suku Tahun Ketiga (Jul - Sept)	0.00	-
Suku Tahun Keempat (Oct – Dis)	1,219,795.00	14 Oktober 2016
Peruntukan Tambahan:		
Suku Tahun Ketiga (Jul - Sept)	2,100,000.00	28 November 2016
Suku Tahun Keempat (Oct – Dis)	143,494.00	16 November 2016
JUMLAH GERAN KERAJAAN DITERIMA	**5,747,849.00**	

Perbelanjaan Suruhanjaya Bagi Tahun 2016 secara keseluruhannya adalah seperti berikut:

The Overall Commission Expenditure in 2016 are as follows:

Perbelanjaan Tahun 2016
Expenditure for year 2016

PERBELANJAAN	JUMLAH RM	PERATUS PERBELANJAAN %
Emolumen	3,694,354	56
Perkhidmatan dan Bekalan	2,840,057	43
Aset	83,956	1
JUMLAH KESELURUHAN	**6,618,367**	**100**

Perbelanjaan emolumen merangkumi gaji dan upahan, elaun tetap, sumbangan berkanun untuk kakitangan, elaun lebih masa dan faedah kewangan yang lain. Perbelanjaan emolumen bagi tahun 2016 turut meningkat selaras dengan kenaikan gaji tahunan pada 1 Julai 2016 dan pelaksanaan Pekeliling Perkhidmatan Bil. 1/2016, Rasionalisasi Skim Perkhidmatan Bagi Perkhidmatan Awam Persekutuan Di Bawah Sistem Saraan Malaysia.

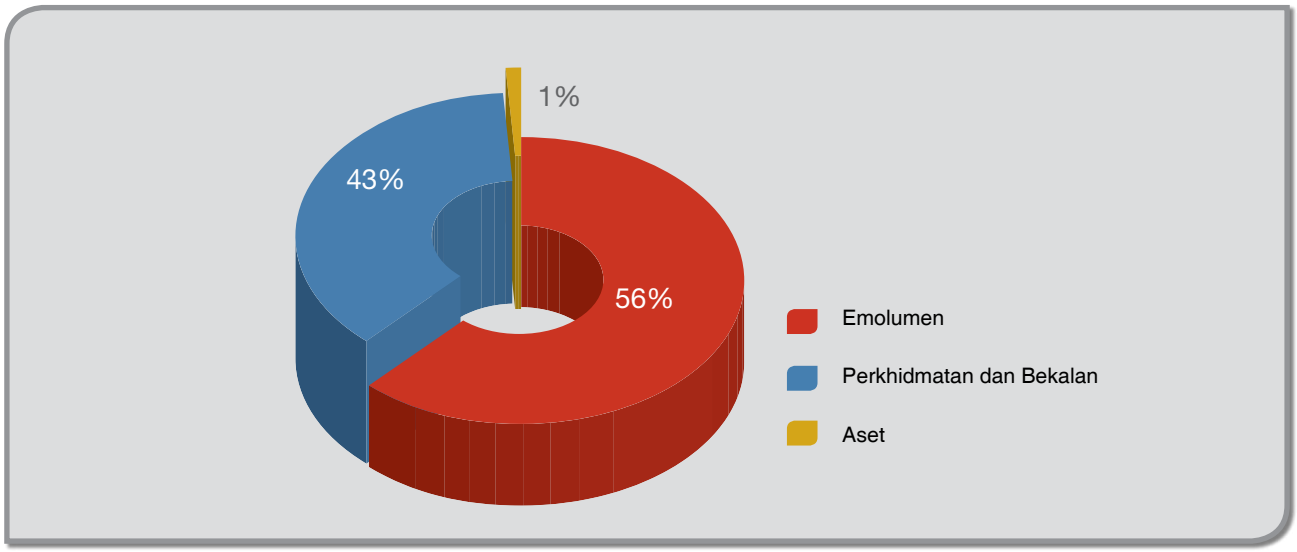
The emolument expenses encompassed salaries and wages, fixed allowances, statutory contributions for staff, overtime and other financial benefits. The emolument expenditure for 2016 increased in line with the yearly salary increment on 1 July 2016 and the implementation of the Services Circular No 1, 2016, Rationalization Service Scheme for Federal Public Service under the Malaysian Remuneration System.

Manakala perbelanjaan perkhidmatan dan bekalan meliputi perjalanan dan sara hidup, perhubungan dan utiliti, sewaan, makan dan minum, bekalan, penyelenggaraan, perkhidmatan ikhtisas termasuk pembayaran emolumen dan elaun Pengerusi EAIC. Yang Arif Pengerusi EAIC adalah merupakan lantikan khusus pinjaman perkhidmatan secara tetap dan sepenuh masa di bawah Akta Saraan Hakim 1971, bermula dari 15 Oktober 2014 bagi tempoh lantikan selama tiga (3) tahun berbanding sebelum ini lantikan Pengerusi adalah bukan sepenuh masa dan dari hakim yang telah bersara. Pembayaran emolumen Pengerusi EAIC diberikan setara dengan jawatan Hakim Mahkamah Rayuan seperti yang diluluskan oleh Kerajaan pada 27 Ogos 2014. Selaras dengan kenaikan gaji Hakim Mahkamah Rayuan yang berkuatkuasa Mac 2016 sebanyak 19%, EAIC juga perlu menggunakan peruntukan mengurus semasa bagi pembayaran kenaikan gaji tersebut.

On the other hand, the allocation for supplies and services included traveling allowance, transport and utilities, rental, meals, supplies, maintenance and professional services including emolument payment and the EAIC Chairman's allowance. The Very Honourable Chairman of EAIC, is a special loan service appointment on a permanent full time basis under the 1971 Judge Pension Scheme, starting 15 Oct 2014, for a period of three (3) years. Previously, the elected Chairman did not work full time, nor was he a retired judge. The EAIC Chairman emolument payment was equivalent to that of an Appeal Court Judge as approved by the Government on 27 August 2014. A such, with the 19% salary increment of the Appeal Court Judge effective March 2016, EAIC clearly needed the management allocation to cover the new salary.

Perbelanjaan aset bagi tahun 2016 pula adalah pembelian peralatan pejabat Suruhanjaya.

The 2016 asset expenditure was the purchase of office equipment.



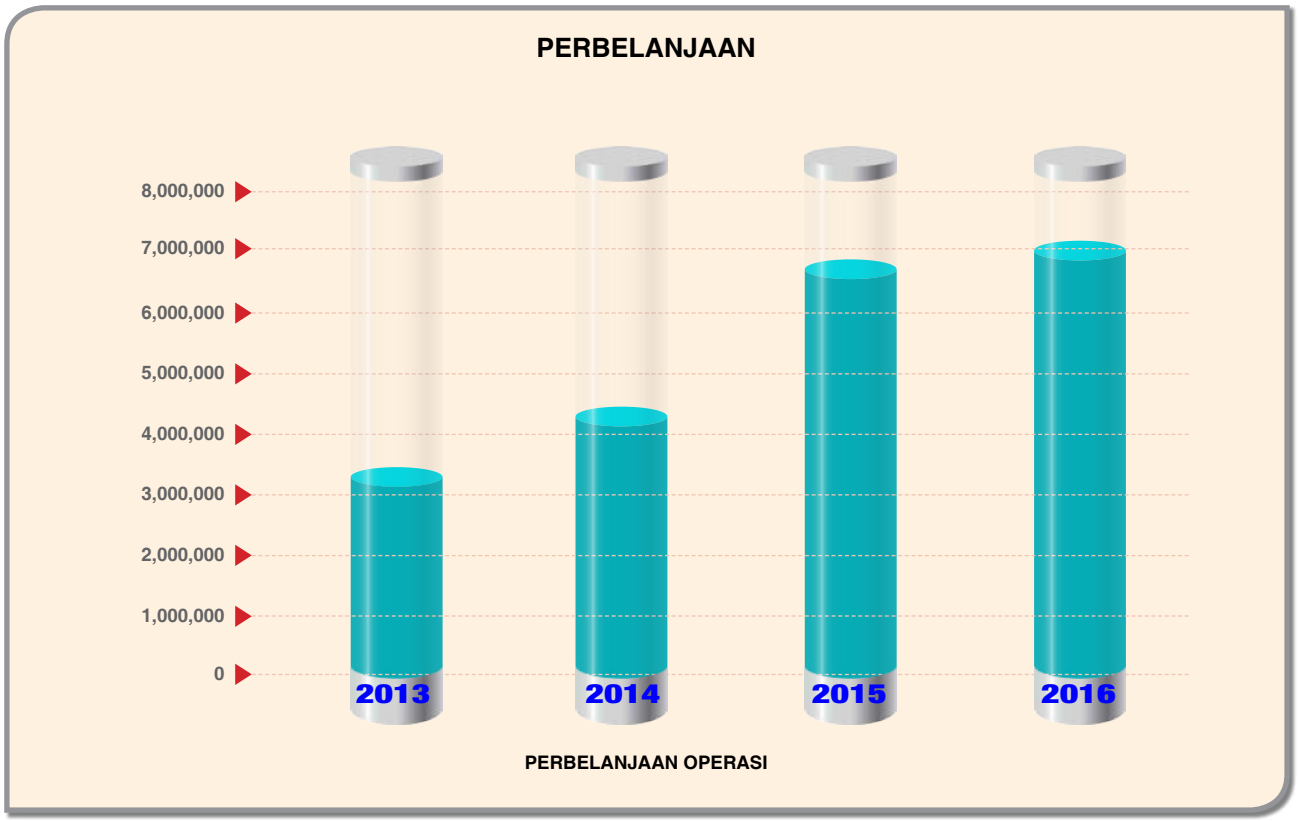
ANALISIS PRESTASI KEWANGAN SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN 2013 HINGGA 2016

1) PENYATA PENDAPATAN BAGI TAHUN BERAKHIR 31 DISEMBER	2016	2015	2014	2013
	RM	RM	RM	RM
PENDAPATAN				
Geran Kerajaan	5,747,849	5,095,705	3,475,800	4,950,000
LAIN-LAIN PENDAPATAN				
Faedah Diterima	57,063	27,103	54,126	82,855
Lain-lain pendapatan kendalian	18,074	2,802	2,007	-
JUMLAH PENDAPATAN	**5,822,986**	**5,125,610**	**3,531,933**	**5,032,855**
BELANJA OPERASI				
Kos Kakitangan	3,721,533	3,574,812	2,254,037	1,391,065
Pentadbiran dan Pengurusan	2,811,195	2,572,153	1,524,695	1,656,006
Susutnilai Hartanah, Loji dan Peralatan	379,686	382,773	291,541	125,573
Kos Kewangan	1,683	1,651	342	192
JUMLAH PERBELANJAAN	**6,914,097**	**6,531,389**	**4,070,615**	**3,172,836**
LEBIHAN/(KURANGAN) TAHUN SEMASA	**(1,091,111)**	**(1,405,779)**	**(538,682)**	**1,860,019**

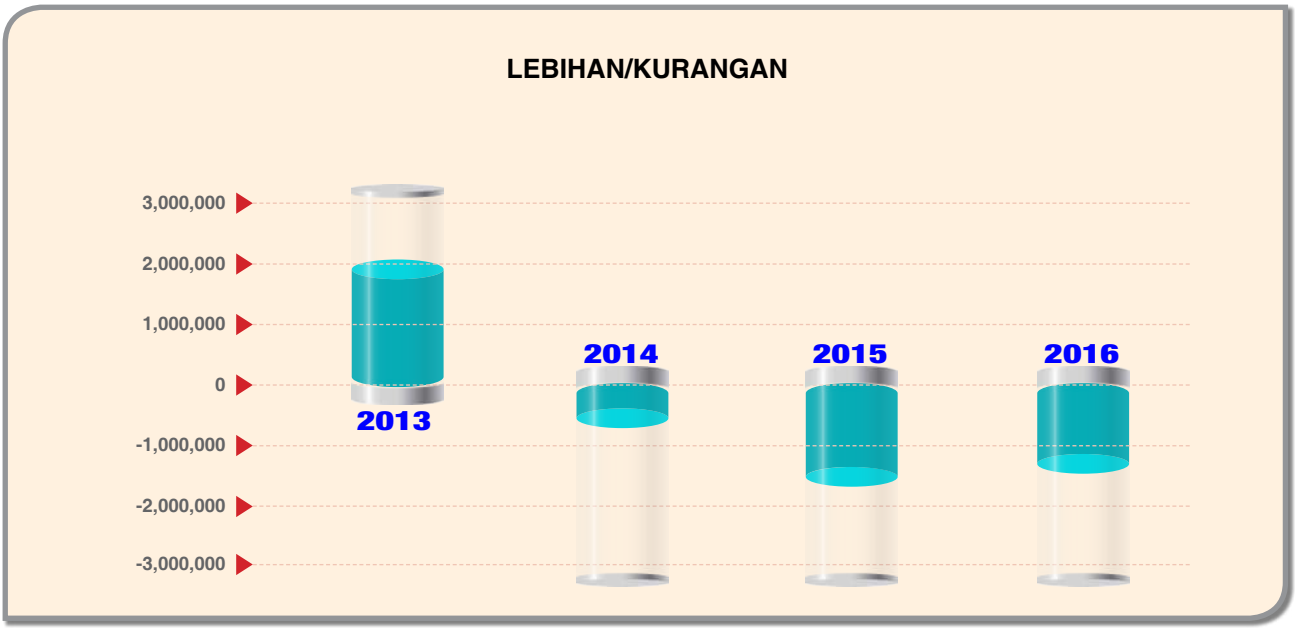
2) LEMBARAN IMBANGAN PADA 31 DISEMBER	2016	2015	2014	2013
	RM	RM	RM	RM
ASET				
Hartanah, Loji dan Peralatan	**797,849**	**1,093,579**	**1,309,627**	**815,873**
ASET SEMASA	**3,029,535**	**3,894,583**	**4,992,647**	**6,029,403**
Pembayaran Terdahulu	8500	12,070	8,500	8,500
Tunai dan Baki Bank	1,021,035	3,882,513	4,984,147	6,020,903
Simpanan tetap	2,000,000	-	-	-
LIABILITI SEMASA	**31,937**	**101,604**	**9,937**	**14,257**
Pelbagai pemiutang dan akruan	31,937	101,604	9,937	14,257
ASET SEMASA BERSIH	**2,997,598**	**3,792,979**	**4,982,710**	**6,015,146**
		4,886,558	**6,292,337**	**6,831,019**
DIBIAYAI OLEH:				
Lebihan Terkumpul	3,795,447	4,886,558	6,292,337	6,831,019
	3,795,447	**4,886,558**	**6,292,337**	**6,831,019**

3) NISBAH KEWANGAN	2016	2015	2014	2013
a) Nisbah Semasa	94.86	38.33	502.43	422.91
b) Nisbah Tunai	94.59	38.21	501.57	422.31
c) Nisbah Operasi	1.19	1.27	1.15	0.63
d) Pusing Ganti Aset Tetap	7.30	4.69	2.70	6.17
e) Pusing Ganti Aset	1.52	1.03	0.56	0.74





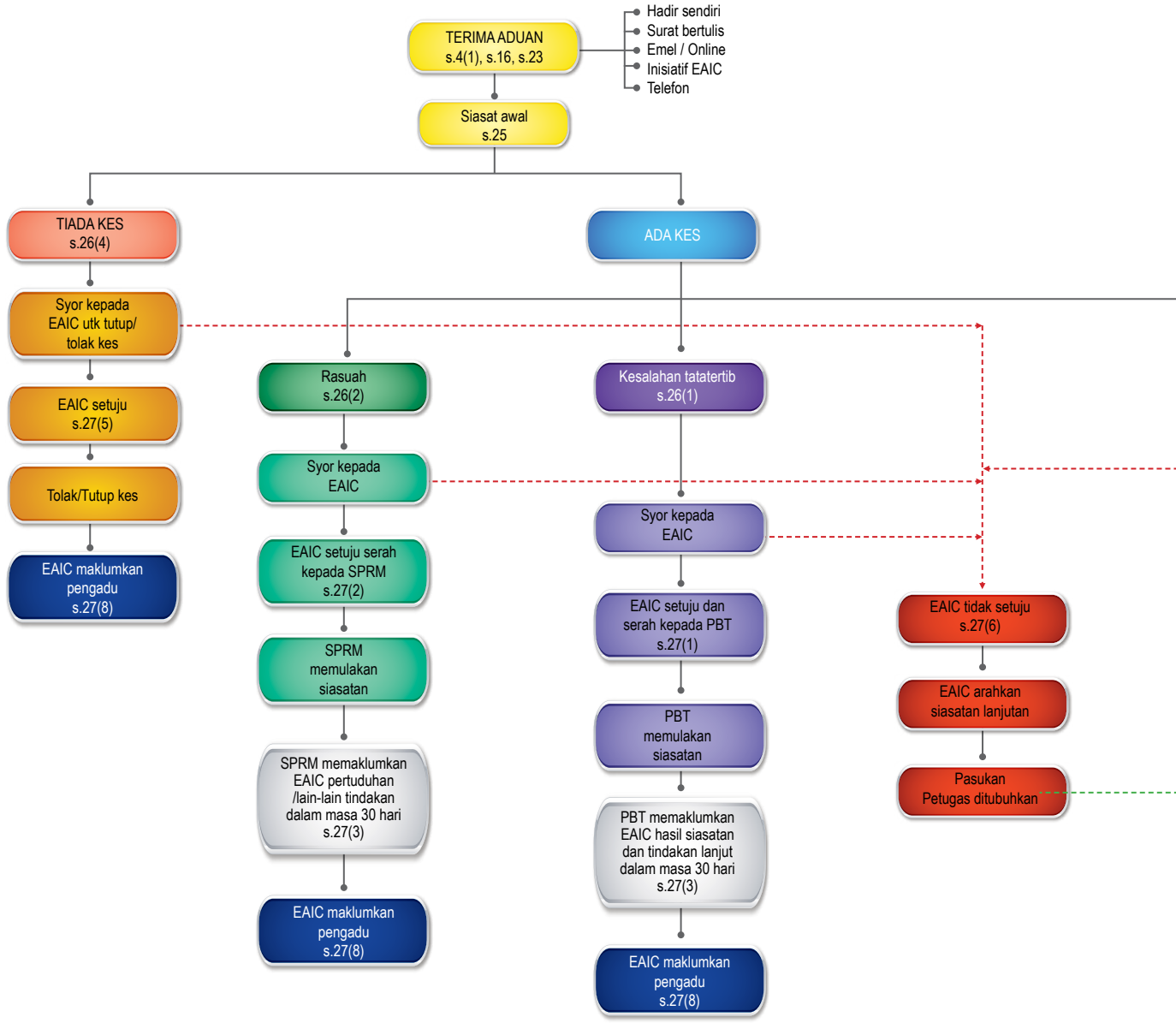

ASET
1,600,000
1,400,000
1,200,000
1,000,000
800,000
600,000
400,000
200,000
0
2013
2014
2015
2016
ASET TETAP


LEBIHAN/KURANGAN
3,000,000
2,000,000
1,000,000
0
-1,000,000
-2,000,000
-3,000,000
2013
2014
2015
2016

LAMPIRAN
APPENDIXES

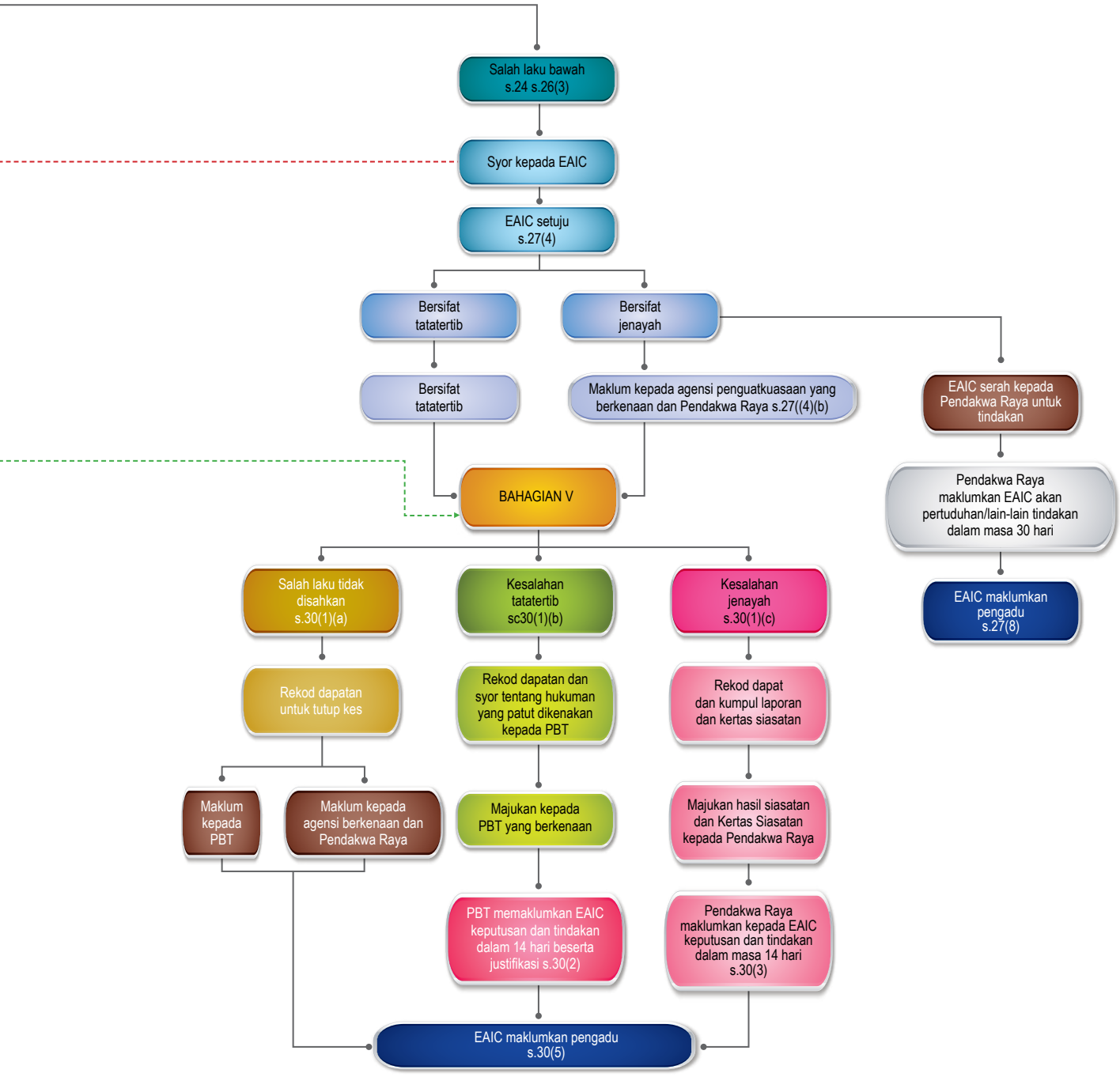
LAMPIRAN I
APPENDIX I

CARTA ALIRAN ADUAN
COMPLAINTS FLOW CHART



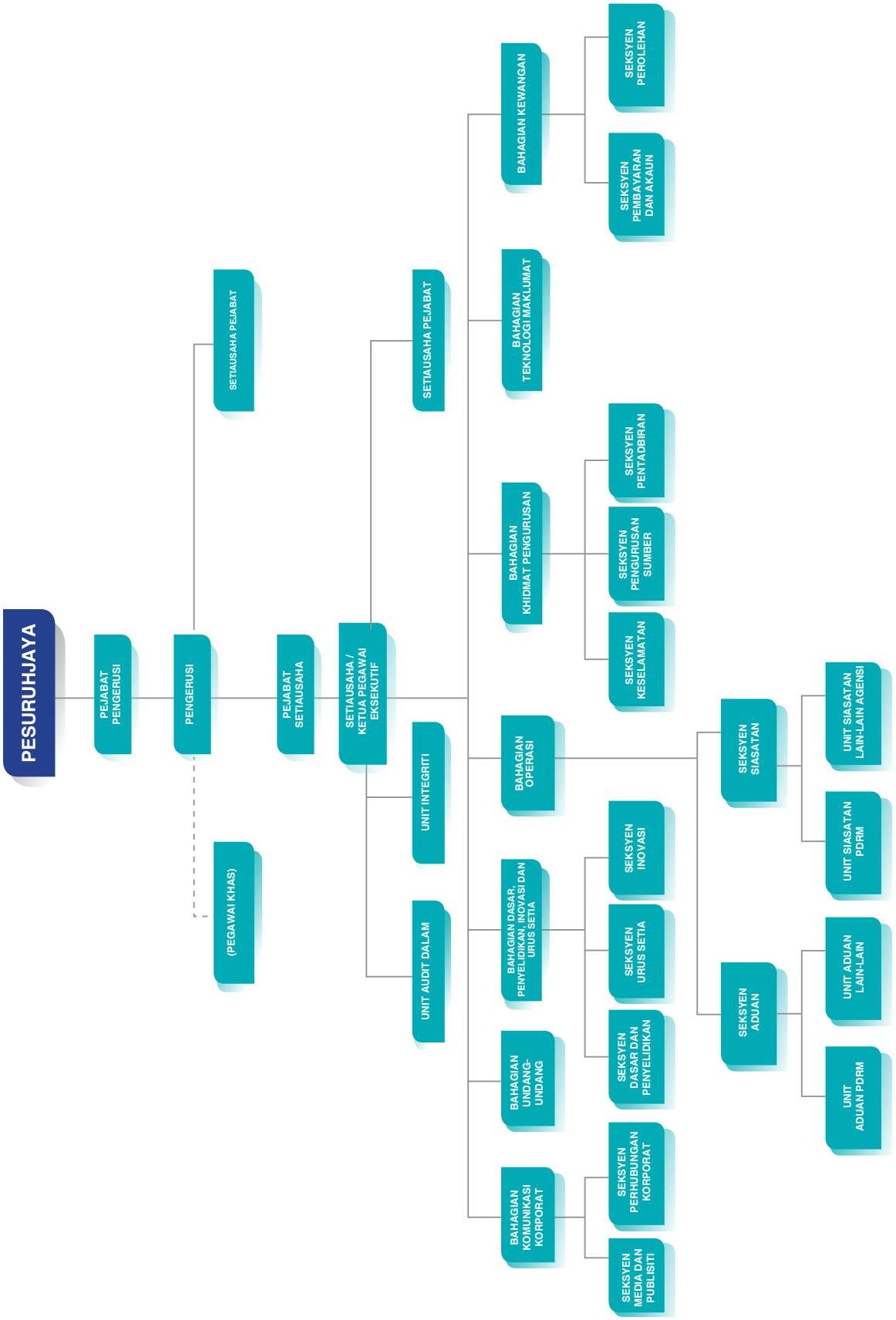
PETUNJUK

EAIC	*Suruhanjaya Integriti Agensi Penguatkuasaan*
PBT	*Pihak Berkuasa Tatatertib berkenaan*
SPRM	*Suruhanjaya Pencegahan Rasuah Malaysia*


Salah laku bawah s.24 s.26(3)
Syor kepada EAIC
EAIC setuju s.27(4)
Bersifat tatatertib
Bersifat jenayah
Bersifat tatatertib
Maklum kepada agensi penguatkuasaan yang berkenaan dan Pendakwa Raya s.27((4)(b)
EAIC serah kepada Pendakwa Raya untuk tindakan
BAHAGIAN V
Pendakwa Raya maklumkan EAIC akan pertuduhan/lain-lain tindakan dalam masa 30 hari
Salah laku tidak disahkan s.30(1)(a)
Kesalahan tatatertib sc30(1)(b)
Kesalahan jenayah s.30(1)(c)
EAIC maklumkan pengadu s.27(8)
Rekod dapatan untuk tutup kes
Rekod dapatan dan syor tentang hukuman yang patut dikenakan kepada PBT
Rekod dapat dan kumpul laporan dan kertas siasatan
Maklum kepada PBT
Maklum kepada agensi berkenaan dan Pendakwa Raya
Majukan kepada PBT yang berkenaan
Majukan hasil siasatan dan Kertas Siasatan kepada Pendakwa Raya
PBT memaklumkan EAIC keputusan dan tindakan dalam 14 hari beserta justifikasi s.30(2)
Pendakwa Raya maklumkan kepada EAIC keputusan dan tindakan dalam masa 14 hari s.30(3)
EAIC maklumkan pengadu s.30(5)

LAMPIRAN II
APPENDIX II

CARTA ORGANISASI
ORGANISATION STRUCTURE



LAMPIRAN III
APPENDIX III

JADUAL MESYUARAT SURUHANJAYA BAGI TAHUN 2016
THE COMMISION'S MEETINGS 2016 SCHEDULE

BIL	PERKARA	TARIKH
1	Mesyuarat Suruhanjaya Bilangan 1	29 Januari 2016
2	Mesyuarat Suruhanjaya Bilangan 2	18 Februari 2016
3	Mesyuarat Suruhanjaya Bilangan 3	10 Mac 2016
4	Mesyuarat Suruhanjaya Bilangan 4	31 Mac 2016
5	Mesyuarat Suruhanjaya Bilangan 5	21 April 2016
6	Mesyuarat Suruhanjaya Bilangan 6	12 Mei 2016
7	Mesyuarat Suruhanjaya Bilangan 7	2 Jun 2016
8	Mesyuarat Suruhanjaya Bilangan 8	21 Julai 2016
9	Mesyuarat Suruhanjaya Bilangan 9	11 Ogos 2016
10	Mesyuarat Suruhanjaya Bilangan 10	8 September 2016
11	Mesyuarat Suruhanjaya Bilangan 11	29 September 2016
12	Mesyuarat Suruhanjaya Bilangan 12	20 Oktober 2016
13	Mesyuarat Suruhanjaya Bilangan 13	11 November 2016
14	Mesyuarat Suruhanjaya Bilangan 14	29 November 2016
15	Mesyuarat Suruhanjaya Bilangan 15	15 Disember 2016

LAMPIRAN IV
APPENDIX IV

JADUAL MESYUARAT KHAS SURUHANJAYA 2016
THE COMMISSION'S SPECIAL MEETINGS 2016 SCHEDULE

BIL	PERKARA	TARIKH
1	Mesyuarat Khas Suruhanjaya Bil. 1/2016	11 Januari 2016

LAMPIRAN V
APPENDIX V

JADUAL MESYUARAT JAWATANKUASA ADUAN (MJKA) 2016
COMPLAINTS COMM TTEE MEETINGS 2016 SCHEDULE

BIL	PERKARA	TARIKH
1	MJKA Bilangan 1	11 Januari 2016
2	MJKA Bilangan 2	28 Januari 2016
3	MJKA Bilangan 3	15 Februari 2016
4	MJKA Bilangan 4	25 Februari 2016
5	MJKA Bilangan 5	18 Mac 2016
6	MJKA Bilangan 6	30 Mac 2016
7	MJKA Bilangan 7	14 April 2016
8	MJKA Bilangan 8	29 April 2016
9	MJKA Bilangan 9	16 Mei 2016
10	MJKA Bilangan 10	7 Jun 2016
11	MJKA Bilangan 11	17 Jun 2016
12	MJKA Bilangan 12	19 Julai 2016
13	MJKA Bilangan 13	3 Ogos 2016
14	MJKA Bilangan 14	19 September 2016
15	MJKA Bilangan 15	10 Oktober 2016
16	MJKA Bilangan 16	13 Oktober 2016
17	MJKA Bilangan 17	31 Oktober 2016
18	MJKA Bilangan 18	14 November 2016
19	MJKA Bilangan 19	29 November 2016
20	MJKA Bilangan 20	6 Disember 2016
21	MJKA Bilangan 21	16 Disember 2016
22	MJKA Bilangan 22	28 Disember 2016

LAMPIRAN VI
APPENDIX VI

SURAT-SURAT EAIC KEPADA YBHG. TAN SRI KETUA SETIAUSAHA NEGARA

Bil	Perkara
1	Laporan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau dan Tanjung Piandang, Perak
2	Laporan Siasatan EAIC Berhubung Kes Kematian N.Dharmendran Dalam Tahanan PDRM
3	Cadangan dan Usul EAIC Mengenai Keperluan Untuk Mewujudkan Pelan/Skim Perlindungan Insurans Keselamatan Diri Berkelompok Bagi Pegawai-pegawai Penguat Kuasa Agensi Penguatkuasaan Persekutuan

LAMPIRAN VII
APPENDIX VII

SENARAI SURAT CADANGAN/PENGESYORAN/MAKLUMAN KEPADA KEMENTERIAN/ AGENSI SELIAAN

Bil.	Kementerian/ Agensi Seliaan	Perkara yang Disentuh
1.	JIM	Dapatan Siasatan EAIC berkaitan Aduan oleh David Mauricio Velez Hernandez (warga Colombia) ke atas JIM
2.	APMM	Maklum Balas Laporan Siasatan ke atas Kelemahan Penguatkuasaan oleh APMM ke atas Pencerobohan Bot Pukat Kenka Dua Bot di Pantai Tanjung Piandang, Kuala Kurau, Perak
3.	Kementerian Pengangkutan Malaysia	Kerjasama dan Sokongan EAIC ke Arah Usaha Memantapkan Integriti
4.	Kementerian Dalam Negeri	Cadangan Penambahbaikan Keselamatan di Pintu Masuk Sempadan dan Pos Kawalan Imigresen/Kastam/Polis/JPJ di Wang Kelian, Perlis
5.	PDRM	Laporan EAIC Mengenai Kes Siasatan Kematian Syed Mohd Azlan bin Syed Mohd Nur Semasa di dalam Tahanan Polis di Kota Tinggi, Johor pada 3 November 2014
6.	SPRM	Laporan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
7.	Kementerian Dalam Negeri	Laporan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
8.	Jabatan Perikanan Malaysia	Dapatan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
9.	APMM	Laporan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
10.	Kementerian Pertanian dan Industri Asas Tani	Dapatan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
11.	Pasukan Pasukan Gerakan Marin (PDRM)	Dapatan Siasatan EAIC ke atas Kejadian Pencerobohan Bot-bot Kenka di Kuala Kurau, Tanjung Piandang, Perak.
12.	PDRM	Jemputan Menghadiri Sesi Sidang Media Berhubung Dapatan Siasatan Pendengaran Awam EAIC ke atas Kematian N.Dharmendran Semasa Dalam Tahanan Polis
13.	Jabatan Perikanan Malaysia	Sokongan Untuk Pemerkasaan Aktiviti Penguatkuasaan Akta Perikanan, 1985 oleh Jabatan Perikanan Malaysia
14.	JIM	Ucapan Tahniah di atas Lantikan Sebagai Ketua Pengarah JIM dan Pengukuhan Integriti di JIM

LAMPIRAN VIII
APPENDIX VIII

KENYATAAN MEDIA
PRESS STATEMENT

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN
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PENGARANG, MEJA BERITA — UNTUK SIARAN SEGERA

KENYATAAN MEDIA

MAKLUMAN DAPATAN SIASATAN SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN (EAIC) KE ATAS ADUAN TERHADAP AGENSI PENGUATKUASAAN MARITIM MALAYSIA (APMM) DAN JABATAN PERIKANAN MALAYSIA BERKAITAN KEJADIAN PENCEROBOHAN BOT-BOT PUKAT KENKA DI TANJUNG PIANDANG, KUALA KURAU, PERAK

Putrajaya 29 Februari 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan atau *Enforcement Agency Integrity Commission* (EAIC) ingin mengumumkan kepada orang ramai mengenai laporan siasatannya ke atas aduan berkenaan kelemahan penguatkuasaan oleh Agensi Penguatkuasaan Maritim Malaysia (APMM) dan Jabatan Perikanan Malaysia terhadap kejadian pencerobohan bot pukat kenka dua bot di Pantai Tanjung Piandang, Kuala Kurau, Perak.

Dalam hal ini, EAIC telah mengambil tindakan berikut:

1. Mengambil keterangan 15 orang saksi yang terdiri daripada 7 orang nelayan pesisir pantai Tanjung Piandang, Kuala Kurau, Perak, 4 orang pegawai Jabatan Perikanan Malaysia, 2 orang pegawai APMM, seorang pegawai Majlis Keselamatan Negara Daerah Kerian dan seorang Penghulu Mukim Kuala Kurau;

2. Mengambil dan meneliti serta menganalisa dokumen-dokumen berkaitan siasatan termasuk senarai aduan-aduan yang diterima oleh APMM Kuala Kurau, Perak berkaitan kejadian pencerobohan bot pukat kenka dua bot dari tahun 2012-2014, minit mesyuarat agensi-agensi berkaitan kejadian pencerobohan, ketetapan dasar Jabatan Perikanan dan maklumat-maklumat berkaitan bot pukat

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PENGARANG, MEJA BERITA — UNTUK SIARAN SEGERA

KENYATAAN MEDIA

DAPATAN SIASATAN EAIC KE ATAS KEMATIAN N. DHARMENDRAN SEMASA DALAM TAHANAN POLIS

Putrajaya 28 April 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan atau *Enforcement Agency Integrity Commission* (EAIC), selaras dengan kehendak seksyen 30 (5) Akta Suruhanjaya Integriti Agensi Penguatkuasaan 2009 [*Akta 700*], dengan ini mengumumkan keputusan pendengaran awamnya ke atas kematian Dharmendran a/l Narayanasamy (N. Dharmendran, si mati) semasa dalam tahanan polis di Lokap Jabatan Siasatan Jenayah, Bahagian Siasatan Khas (D9) Ibu Pejabat Polis Kontinjen (IPK) Kuala Lumpur pada 21 Mei 2013.

Lima (5) sesi pendengaran awam telah dijalankan, di mana sesi pertama hingga ketiga telah diadakan di Menara TH Perdana, Kuala Lumpur pada 27-31 Julai 2015 (pertama), 17-21 Ogos 2015 (kedua), 14-18 September 2015 (ketiga), manakala sesi keempat dan kelima telah diadakan di Bangunan Menara Usahawan, Putrajaya pada 26-29 Oktober 2015 dan 16 November 2015.

Pendengaran awam tersebut telah dipengerusikan secara bersama oleh YA Datuk Yaacob bin Haji Md. Sam (Pengerusi EAIC) dan tiga Pesuruhjaya EAIC iaitu Dato' Sri Robert Jacob Ridu, Encik Vinayak Prabhakar Pradhan dan Puan Leong May Chan dibantu oleh tiga perunding (*consultant*) iaitu Tan Sri Dato' Seri Mohd Jamil bin Johari (Mantan Timbalan Ketua Polis Negara), Profesor Tan Sri Dato' Seri Dr. Sharifah Hapsah binti Syed Hasan Shahabudin (Mantan Naib Canselor Universiti Kebangsaan Malaysia) dan Encik Lim Chee Wee (Mantan Presiden Majlis Peguam Malaysia). Sesi pendengaran awam turut dihadiri oleh peguam pemerhati iaitu daripada Majlis Peguam Malaysia, peguam yang mewakili keluarga si mati serta wakil daripada PDRM. Sesi pendengaran awam turut dibuka kepada wakil media dan orang awam.

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EDITOR, NEWSROOM — FOR IMMEDIATE RELEASE

PRESS RELEASE

EAIC'S INVESTIGATION FINDINGS ON THE DEATH OF N. DHARMENDRAN IN POLICE CUSTODY

Putrajaya 28 April 2016 – The Enforcement Agency Integrity Commission (EAIC) in pursuant to section 30(5) of the Enforcement Agency Integrity Commission Act 2009 [*Act 700*], hereby announces the findings of its public hearing on the investigation into the death of Dharmendran a/l Narayanasamy (N. Dharmendran, the deceased) in the police custody at the Special Crime Investigation Division (D9) Lock-up, Criminal Investigation Department (CID), Kuala Lumpur Police Contingent Headquarters (IPK Kuala Lumpur) on 21 May 2013.

Five (5) sessions of public hearings were held, the first three sessions were held at Menara TH Perdana, Kuala Lumpur on 27 to 31 July 2015 (first), 17 to 21 August 2015 (second) and 14 to 18 September 2015 (third), while the fourth and fifth sessions were held at Menara Usahawan, Putrajaya on 26 to 29 October 2015 and 16 November 2015.

The public hearings were co-chaired by Yang Arif Datuk Yaacob bin Haji Md. Sam (Chairman of EAIC), members of EAIC's Commissioner Dato' Sri Robert Jacob Ridu, Mr. Vinayak Prabhakar Pradhan and Mrs. Leong May Chan assisted by three (3) consultants, namely Tan Sri Dato' Seri Mohd Jamil bin Johari (Former Deputy Inspector-General of Police), Professor Tan Sri Dato' Seri Dr. Sharifah Hapsah binti Syed Hasan Shahabuddin (Former Vice-Chancellor of Universiti Kebangsaan Malaysia) and Mr. Lim Chee Wee (Former President of Malaysian Bar Council). The public hearings were also attended by watching brief counsels representing the Malaysian Bar Council, counsels representing the families of the deceased and the representatives from the police. The public hearing sessions were opened to media representatives and public.

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PENGARANG, MEJA BERITA — UNTUK SIARAN SEGERA

KENYATAAN MEDIA

KENYATAAN EAIC MENGENAI PEWARTAAN LOKAP AGENSI ANTI-DADAH KEBANGSAAN (AADK) DAN ISU PENYELEWENGAN GAS PETROLEUM CECAIR (LPG)

Putrajaya 14 Jun 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) menyokong penuh keputusan oleh Agensi Anti-Dadah Kebangsaan (AADK) mewartakan tiga lokap milik AADK yang telah siap dibina bagi tujuan khusus menempatkan tahanan-tahanan berkaitan penagihan dadah atau penyalahgunaan dadah.

Dengan pewartaan lokap khusus tersebut, penagih-penagih dadah kronik atau tegar yang biasanya ditempatkan di lokap-lokap polis secara sementara kerana menunggu urusan reman atau hasil ujian air kencing atau perbicaraan mahkamah akan dapat diuruskan dengan lebih baik dan diberikan rawatan yang awal dan sewajarnya oleh pihak AADK.

EAIC percaya bahawa usaha menempatkan orang tahanan atau tangkapan yang terdiri daripada penagih dadah yang kronik atau tegar tersebut di lokap-lokap khusus yang berasingan daripada tahanan-tahanan kesalahan jenayah lain akan dapat mengurangkan atau mengelakkan sama sekali kejadian kematian orang tahanan di lokap polis seperti yang berlaku dalam kes James Ramesh a/l Ramasamy

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PENGARANG, MEJA BERITA **UNTUK SIARAN SEGERA**

KENYATAAN MEDIA

EAIC: OPS SELAMAT 9/2016 CAPAI MATLAMAT

Putrajaya 12 Julai 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) mengucapkan syabas dan tahniah kepada semua agensi penguatkuasaan, khususnya Polis Diraja Malaysia (PDRM) dan Jabatan Pengangkutan Jalan (JPJ) yang terlibat dalam menjayakan Ops Selamat 9/2016 yang telah dilancarkan pada 27 Jun 2016 sehingga 11 Julai 2016.

EAIC percaya Ops Selamat 9/2016 tersebut secara keseluruhannya telah mencapai matlamat yang dihasratkan dalam usaha mengurangkan kadar kemalangan dan kecelakaan di jalan raya terutama yang melibatkan kehilangan nyawa di kalangan pengguna jalan raya semasa musim perayaan sambutan Hari Raya Aidilfitri 2016 ini.

EAIC mengucapkan syabas dan memuji komitmen yang telah ditunjukkan oleh pegawai, anggota dan petugas terlibat dalam menguatkuasakan undang-undang lalu lintas. Orang ramai sewajarnya memahami dan menghargai tanggungjawab petugas-petugas yang telah banyak membantu dalam melicinkan perjalanan lalu lintas dan keselamatan di jalan raya, termasuk di lebuhraya-lebuhraya utama di seluruh negara.

EAIC menyokong penuh penguatkuasaan undang-undang yang serius terhadap pengguna-pengguna jalan raya yang telah menyalahguna lorong kecemasan di lebuhraya dan jalan-jalan utama. Perbuatan tidak bertanggungjawab ini bukan sahaja mengganggu kelancaran laluan kenderaan bantuan kecemasan, malah turut mengundang masalah dan kerumitan kepada pengguna lain yang mematuhi undang-undang dan peraturan jalan raya.

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EDITOR, NEWSDESK **FOR IMMEDIATE RELEASE**

MEDIA STATEMENT

EAIC BEGINS OPERATING ITS COMPLAINTS AND CUSTOMER SERVICE COUNTERS AT MENARA USAHAWAN, PUTRAJAYA

Putrajaya 21 July 2016 – Enforcement Agency Integrity Commission (EAIC) has officially begun its complaints and customer service counter operation today. The address and operating hours for both of the counters are as follow:

ADDRESS

LEVEL G, BLOK MENARA,
BANGUNAN MENARA USAHAWAN
NO 18. PERSIARAN PERDANA, PRECINT 2, PUTRAJAYA

OPERATING HOUR

Monday-Thursday : 8.00 am - 1.00 p.m / 2.00 p.m - 5.00 p.m
Friday : 8.00 am - 12.15 noon / 2.45 pm - 5.00 p.m

The opening of these counters will help the public to get faster services in dealing with EAIC whether to lodge a complaint directly or to acquire information. These counters are to receive complaints, customer feedbacks, answering general inquiries and provide necessary consultations. It also serves as a helpdesk to manage and measure the Commission's clients' satisfaction level in order to maintain a good networking between the organisation and its customers.

In his statement today, Yang Arif Datuk Yaacob Md Sam, EAIC's chairman, said that "direct services from these counters are important in ensuring effective and efficient customer relations in respond to the wants and needs of customers." It is also part of the EAIC's approach in reaching out the public.

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PENGARANG, MEJA BERITA **UNTUK SIARAN SEGERA**

KENYATAAN MEDIA

EAIC SAMBUT BAIK PENDAKWAAN OLEH JABATAN PEGUAM NEGARA KE ATAS ANGGOTA POLIS BERHUBUNG KEMATIAN SYED MOHD AZLAN BIN SYED MOHAMED NUR SEMASA DALAM TAHANAN POLIS DIRAJA MALAYSIA (PDRM)

Putrajaya 18 Ogos 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) menyambut baik pendakwaan jenayah oleh Jabatan Peguam Negara (AGC) terhadap tiga anggota polis yang terlibat dalam kes kematian Syed Mohd Azlan bin Syed Mohamed Nur (si mati) semasa dalam tahanan PDRM Kota Tinggi, Johor pada 3 November 2014. Ketiga-tiga anggota tersebut telah dituduh di bawah seksyen 304(b) Kanun Keseksaan dan kes tersebut telah dipanggil di Mahkamah Sesyen Kota Tinggi pada 16 Ogos 2016 dan disambung bicara pada 17 Ogos 2016. Bagi pertuduhan ini, jika disabitkan kesalahan, ketiga-tiga anggota tersebut boleh dijatuhkan hukuman penjara hingga 10 tahun, denda atau kedua-duanya sekali.

Terdahulu pada 30 Oktober 2015 EAIC telah mengumumkan dapatan (*findings*) siasatannya ke atas kematian Syed Mohd Azlan bin Syed Mohamed Nur semasa dalam tahanan PDRM. EAIC mendapati kematian si mati mempunyai kaitan dengan penggunaan kekerasan secara fizikal oleh pihak polis yang menjalankan tangkapan dan soal siasat ke atas si mati. Sehubungan dengan itu, selaras dengan peruntukan seksyen 30(1)(c) Akta Suruhanjaya Integriti Agensi

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PENGARANG, MEJA BERITA **UNTUK SIARAN SEGERA**

KENYATAAN MEDIA

EAIC: TIADA KES TAHANAN DIDERA HINGGA MATI DI PUSAT TAHANAN IMIGRESEN JURU, PULAU PINANG

PUTRAJAYA 26 Ogos 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) merujuk kepada laporan media Kemboja (The Cambodia Daily) dan beberapa media tempatan pada 17 Ogos 2016 berhubung dengan dakwaan insiden penderaan beberapa warga asing (5 warga Kemboja dan 2 warga Vietnam) di Depot Tahanan Imigresen Juru, Bukit Mertajam, Pulau Pinang sehingga mengakibatkan kematian.

Susulan daripada laporan dan pendedahan ini, EAIC telah membuat lawatan mengejut ke depot tahanan tersebut pada 22 Ogos 2016 (Isnin) yang turut disertai oleh dua orang pegawai daripada Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM).

Hasil daripada lawatan yang dijalankan, EAIC mendapati:

1. **Dakwaan kematian warga asing dan penderaan yang dilaporkan seperti di atas adalah tidak benar dan tidak berasas.**
   - 10 orang tahanan wanita telah ditemubual oleh penyiasat EAIC termasuk satu-satunya wanita Kemboja yang masih ada di depot tersebut yang bernama Kheng yang berumur 18 tahun. Kheng yang ditahan mulai 1 Julai 2016 atas kesalahan tiada memiliki dokumen perjalanan yang sah telah mengesahkan layanan yang baik oleh pegawai Imigresen dan tiada tahanan yang didera sepanjang beliau berada di depot tersebut.
   - Sebelum Kheng ditempatkan di depot tersebut, terdapat 17 orang warga Kemboja wanita telah ditahan di situ dari bulan Disember 2015 sehingga bulan Jun 2016. Kesemua 17 orang tahanan warga negara Kemboja tersebut telah dihantar pulang ke negara Kemboja pada 13 Julai 2016.

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PENGARANG, MEJA BERITA **UNTUK SIARAN SEGERA**

KENYATAAN MEDIA

EAIC: DAKWAAN LOKAP BAYAN BARU 'TERUK' OLEH NAMEWEE TIDAK BERASAS

PUTRAJAYA 9 September 2016 - Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) merujuk kepada laporan beberapa media tempatan susulan penyanyi rap kontroversi Namewee memuatnaik status Facebook yang mendakwa keadaan lokap berpusat Balai Polis Bayan Baru, Pulau Pinang dalam keadaan daif serta layanan terhadap pendatang asing tanpa izin yang teruk.

Dalam kenyataannya menerusi laman sosial Facebooknya pada 27 Ogos 2016 Namewee mendakwa beliau ditempatkan bersama 15 tahanan lain dari Myanmar di bilik kecil berkeadaan buruk dan terdapat tahanan warga asing yang telah ditahan lebih daripada 30 hari dan mungkin meninggal dunia tanpa diberikan rawatan perubatan. Sebelum itu Namewee atau nama sebenarnya Wee Meng Chee telah ditahan reman selama 4 hari di lokap tersebut susulan penghasilan klip video lagu *'Oh My God'* yang didakwa menghina Islam.

Susulan daripada laporan ini, EAIC telah membuat lawatan mengejut ke Lokap Berpusat Balai Polis Bayan Lepas pada 5 September 2016 (Isnin). Lawatan EAIC mendapati:

1. **Dakwaan Namewee Ditempatkan Bersama 15 Orang Tahanan Lain Dalam Bilik Lokap Yang Kecil Dan Buruk adalah Tidak Benar**

   - Hasil penelitian rakaman CCTV oleh Pasukan Penyiasat EAIC mendapati:

     i. Namewee hanya ditempatkan di dalam sel tahanan bersama 12 orang tahanan lain hanya untuk tempoh lebih kurang dua (2) jam sahaja.

LAMPIRAN VIIII
APPENDIX VIIII

KERATAN AKHBAR
NEWS CLIPPINGS

EAIC buka 351 kertas siasatan salah laku penguat kuasa



Jenis salah laku yang dicatatkan sepanjang tempoh 2012 hingga Mei, 2016 ialah tidak mengikut undang-undang (SOP), tindakan secara tidak adil, tiada tindakan diambil, salah guna kuasa, rasuah, lewat ambil tindakan dan jenayah.

YAACOB MD. SAM
Pengerusi EAIC

Doggedly pushing on

The Enforcement Agencies Integrity Commission has been brushed off as ineffective because its recommendations seem to be taken lightly. But authorities should pay attention because EAIC investigations into complaints, especially deaths in custody, have shown that integrity and professionalism are lacking in several agencies.

Not quite the desired results...

What is the point in EAIC investigating complaints of misconduct in enforcement agencies and recommending punishments if the agencies' disciplinary authority ignores them or imposes lesser punishments?

EAIC selia 21 agensi penguatkuasaan

EAIC tegur masalah integriti tiga agensi penguatkuasaan

李兆祥：不是無牙老虎
執法不當可投報EAIC

SAMPAI BILA PENGUAT KUASA BERLELUASA?

MUKADIMAH

எளிதில் தப்பித்துக் கொள்ளும் அரசு அதிகாரிகள்

Commission wants more bite in law

AMENDMENTS: EAIC chairman wants department heads who fail to inform them of action taken against errant staff, fined or jailed

EXCLUSIVE

Enforcement agencies urged to review SOPs

KUALA LUMPUR: The Enforcement Agency Integrity Commission (EAIC) is urging enforcement agencies to review their standard operating procedures (SOPs).

Commission chairman Datuk Yaacob Md Sam cited the Immigration Department and the Federal Police Traffic Department as examples of agencies which needed to review their SOPs.

"For the Immigration Department particularly, in its operations and those manning the 132 entry points to the country, we want to know whether the officers know the SOPs and whether they are able to follow the SOPS, and if not why. That is what we are looking into."

He said issues raised included lack of supervision by senior officers at the entry points that has resulted in corruption and misuse of power.

"When there is corruption and flow of illegal immigrants into the country through the entry points, it becomes a national security concern. They may not see the impact but as a whole, it will be a problem for the country," he said.

Yaacob said EAIC had asked the departments to come up with immediate action plans to handle their SOP problems. He said the commission would review the SOPs of agencies under its purview.

The Police, Customs and the National Institute of Occupational Safety and Health received praise from EAIC for having the most specific and technically-based SOPs.

The commission is working with the Malaysian Institute of Integrity (IIM) to come up with a formula to build, balance and strengthen the SOPs of the 21 enforcement departments under its supervision, Yaacob said.



Datuk Yaacob Md Sam

IIM president and chief executive officer Dr Anis Yusal Yusoff said the institute was in the final stages of developing an integrity of enforcement agency module.

"The module is suitable for use by all enforcement agencies with five main topics — enforcement organisation image up-keeping; enforcement officer financial management; correcting the habit and making a habit of the right thing to do; work as worship; and institutionalising integrity," he said.

Anis said IIM would also be looking into factors that lead to the failure of enforcement officers to follow SOPs. The outcome of the research would be the basis of the IIM's policy paper that will be delivered to the government for the improvement of the system.

Business as usual for mini casinos

LIKE NOTHING HAPPENED: Tuesday's raid failed to shut down premises

EXCLUSIVE

"Last year, 60 per cent of planned police raids were foiled due to leaks. This is nothing new."

Police head complaints list

> FROM PAGE 27

From 2011 to April 27 this year, police have topped the list with 1,011 complaints, followed by Immigration (72), Road Transport Department (47), Customs (24) and Domestic Trade, Cooperatives and Consumerism Ministry (23). The National Registration Department and Ministry of Housing and Local Government's enforcement division tie at 14.

Since the police make up 70% of the complaints, EAIC set up a special section for complaints against them on Dec 15.

This is separate to the police's own mechanism – they set up a JIPs (Integrity & Standards Compliance Department) on July 24, 2014, to receive complaints on the police.

As for MACC officers, Yaacob says there are some complaints but as EAIC doesn't have any jurisdiction over MACC, they can only forward the complaints to MACC.

He adds that some of the complaints come from within MACC and involve the misuse of funds.

On whether EAIC should protect the whistleblower, he says:

"We have an obligation to keep the identity secret under the EAIC Act. It can only be disclosed if the matter goes to court, either a criminal hearing or civil case."

Yaacob says EAIC has not applied the Whistleblowers Act as yet but the Legal Affairs Division in the Prime Minister's Department has issued instructions to EAIC and six other agencies to enforce the Act.

"We are waiting for direction from PMO pertaining to this law. If we are compelled to keep the identity secret, we will do so."

But here is the conundrum – EAIC can't investigate MACC because it has no jurisdiction. It cannot reveal the complainant's name to MACC under the Whistleblowers Act. But if EAIC is given oversight of misconduct of MACC officers, MACC could be perceived as losing its independence.

"We need to study this matter further and engage with others. We want to keep MACC as an independent body. Being subject to another body would indicate that it has lost some element of independence. That's why we have informed the minister for integrity to withhold this from the proposed amendments until we have had more engagement on it," says Yaacob.

EAIC recommendations to the relevant Disciplinary Authorities for misconduct under the Public Officers (Conduct & Discipline) Regulations		Actual punishment imposed by the Disciplinary Authorities (DA) on enforcement officers after their own disciplinary process					
Types of punishment	TOTAL	No further action	Caution letter	Warning letter	Dock one day's pay	Fined RM150	DA in the process of taking action
Disciplinary action commensurate with the offence (EAIC did not specific actual punishment before 2014)	19	1	6	4	0	0	8
Forfeiture of emolument (salary and allowance) (4 ...)	1	0	0	1	0	0	0
Suspension	1	0	0	0	0	0	1
Warning under Section 38(a)	9	0	2	0	0	0	7
Forfeiture of emolument for six months under Section 38(c)	3	3	0	0	0	0	0
Deferment of salary movement for three months under Section 38(d)	23	1	0	1	2	1	18
Deferment of salary movement for six months under Section 38(d)	9	0	1	1	0	0	7
Dismissal under Section 38(i)	1	0	0	0	0	0	1
TOTAL	66			24			42

Source: EAIC. Statistics from 2012 to April 27, 2016 ©The Star Graphics

Comprehensive guidelines needed

READ the report

Datuk Yaacob Md Sam, chairman of the Enforcement Agencies Integrity Commission, has been saying this repeatedly since the commission released their inquiry report into the custodial death of N. Dharmendran on April 28.

Understandably, almost all the focus has been on the members of the police force who are said to have caused Dharmendran's death while he was in their custody but the EAIC's recommendations involve several agencies.

Yaacob says EAIC sent out seven copies of the 299-page report to the Inspector-General of Police, AGC, Chief Registrar of the Federal Court, Health Ministry, Home Minister, Chief Secretary to the Government and Minister of Integrity.

"The Chief Registrar got a copy because we'd like the CR to come up with comprehensive guidelines for the coroner's first visit to the site, once a death in custody is reported to a magistrate. The magistrate has to determine whether it was a natural/ordinary death or if there needs to be an inquest.

"Many coroner-magistrates are junior officers. If there are comprehensive guidelines they can follow, there will be some uniformity in the preliminary investigation (PI). The PI is very important to us because that is when you see the exhibits intact and at the site, and not months later when things have changed."

As for MOH, he says EAIC found "some post-mortem reports were not very clear in the use of words to describe the cause of death."

"We only know for sure after the hearing. We'd like MOH to come up with guidelines for more precise terminology and for site visits. Usually the hospital assigns an assistant medical officer to go to the site in a custodial death. Assistant MOs should be guided on what to do because they are the ones who will be confirming the detainee has died, examining the body for injuries and inspecting the surroundings for evidence of any wrongdoing.

"They should have comprehensive guidelines/a checklist on the things they must look into – like taking photographs, preservation of exhibits and scene of death, and what equipment they should take with them.

"Some use a mobile phone torchlight instead of a specific torchlight; that is not sufficient for such an inspection. That could be why they didn't notice the staple bullets in Dharmendran's earlobes during the first inspection, only during the post-mortem by the pathologist.

"Most of the time, it's dark in the lockup. Medical officers need to be better equipped for the preliminary inspection of the body and scene of death."

As for the Home Ministry, EAIC would like to amend the Penal Code and Evidence Act.

"When it comes to death in police custody, where else do you get the evidence? The detainee has died. He was alone. Who else can come forward to give evidence regarding the death, except for the officer and personnel on duty in the vicinity?" asks Yaacob.

"If all of them don't give their cooperation, you won't get a positive result in your investigation. When it comes to death in custody, there's a monopoly of the evidence by the police.

"There is no involvement of the public or any other independent person. So how will the investigation identify the culprit? But if there is a presumption provision – when a death occurs in the custody of police, immigration or MACC, and post-mortem shows it was from use of excessive force – the one in charge of the custody or having access to the detainee should be held responsible for any injuries or death.

"The presumption shifts onus to the officer-in-charge of the detainee. We need to study how this presumption can be introduced. We'd like the Government, Bar Council and NGOs to give their input so we can draft something.

"This is one way to curb death in custody or prison. In our law, remand is for a maximum of seven days, serious offences may be 14 days and certain laws call for 28 days. If death can occur in less than seven days, what more those held for more than 14 days?"

Yaacob says he has written to the CR and the police for statistics on pending inquests into custodial deaths.

"I have the figures for Penang because the state government has a special committee to oversee custodial deaths," he adds.

Unlike Suhakam, which needs to get permission before it can visit any detention centre, EAIC has no such restriction.

Asked which agency has the "best" lock-up based on EAIC's visits to those managed by police, Immigration and MACC, Yaacob says MACC is the best "in terms of food".

"Police lock-up meals are around RM7-RM8 a day but MACC has RM13 to spend. Immigration depot meals are valued at around RM7 a day. These are all human beings. They should not be treated differently."

Who has the best facilities?

"Again, we believe the MACC lock-ups are better."

Because they have a smaller number of detainees?

"Yes, compared to the police and immigration. And their lockups are newer too."

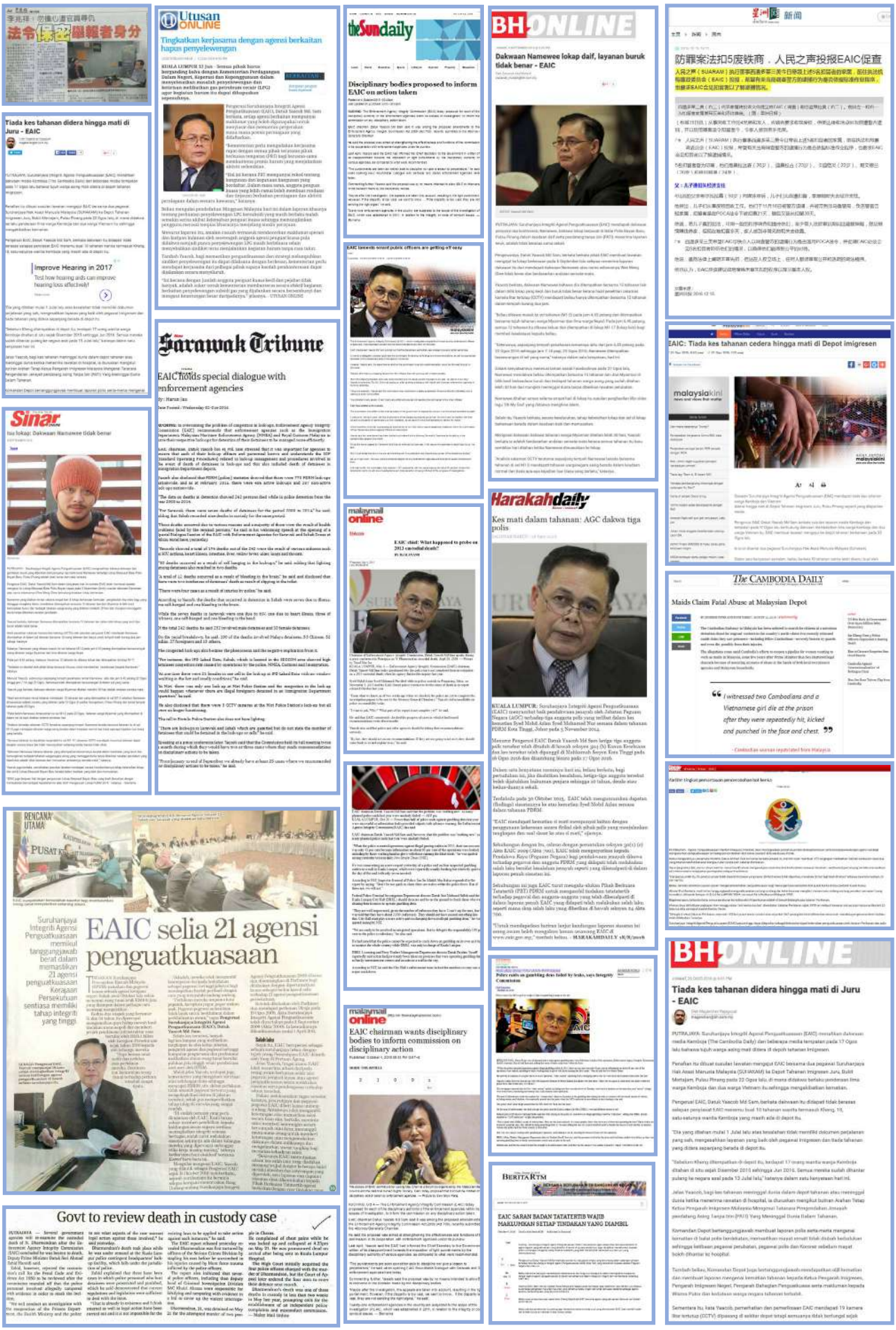


Custody death: Although the investigations into Dharmendran's death focused on the police, the EAIC's recommendations involved several other agencies.

Jabatan Imigresen perlu perbaiki SOP - EAIC

EAIC cadang pindaan, hukuman lebih berat

Detainee died due to use of force by cops, says panel


Utusan ONLINE
Tingkatkan kerjasama dengan agensi berkaitan hapus penyelewengan
Tiada kes tahanan didera hingga mati di Juru - EAIC
Improve Hearing in 2017
Sinar
Sarawak Tribune
EAIC holds special dialogue with enforcement agencies
theSundaily
Disciplinary bodies proposed to inform EAIC on action taken
BH ONLINE
Dakwaan Namewee lokap daif, layanan buruk tidak benar - EAIC
防罪案法扣5废铁商，人民之声投报EAIC促查
EAIC: Tiada kes tahanan cedera hingga mati di Depot imigresen
malaymail online
EAIC chairman wants disciplinary bodies to inform commission on disciplinary action
Harakahdaily
Kes mati dalam tahanan: AGC dakwa tiga polis
The CAMBODIA DAILY
Maids Claim Fatal Abuse at Malaysian Depot
EAIC selia 21 agensi penguatkuasaan
Govt to review death in custody case
BERITA RTM
EAIC SARAN BADAN TATATERTIB WAJIB MAKLUMKAN SETIAP TINDAKAN YANG DIAMBIL
BH ONLINE
Tiada kes tahanan didera hingga mati di Juru - EAIC

LAMPIRAN IX
APPENDIX IX

LAPORAN KETUA AUDIT NEGARA
AUDITOR GENERAL'S REPORT

LAPORAN KETUA AUDIT NEGARA
MENGENAI PENYATA KEWANGAN
SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN
BAGI TAHUN BERAKHIR 31 DISEMBER 2016

Laporan Mengenai Penyata Kewangan

Saya telah mengaudit Penyata Kewangan Suruhanjaya Integriti Agensi Penguatkuasaan yang merangkumi Penyata Kedudukan Kewangan pada 31 Disember 2016 dan Penyata Pendapatan, Penyata Perubahan Ekuiti dan Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut, ringkasan polisi perakaunan yang signifikan dan nota penjelasan lain.

Tanggungjawab Ahli Pesuruhjaya Terhadap Penyata Kewangan

Ahli Pesuruhjaya bertanggungjawab terhadap penyediaan dan persembahan penyata kewangan tersebut yang saksama selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia dan Akta Suruhanjaya Integriti Agensi Penguatkuasaan 2007. Ahli Pesuruhjaya juga bertanggungjawab terhadap kawalan dalaman yang ditetapkan perlu oleh pengurusan bagi membolehkan penyediaan penyata kewangan yang bebas daripada salah nyata yang ketara sama ada disebabkan oleh fraud atau kesilapan.

Tanggungjawab Juruaudit

Tanggungjawab saya adalah memberi pendapat terhadap penyata kewangan tersebut berdasarkan pengauditan yang dijalankan. Pengauditan telah dilaksanakan mengikut Akta Audit 1957 dan piawaian pengauditan yang diluluskan di Malaysia. Piawaian tersebut menghendaki saya mematuhi keperluan etika serta merancang dan melaksanakan pengauditan untuk memperoleh jaminan yang munasabah sama ada penyata kewangan tersebut bebas daripada salah nyata yang ketara.

Pengauditan meliputi pelaksanaan prosedur untuk memperoleh bukti audit mengenai amaun dan pendedahan dalam penyata kewangan. Prosedur yang dipilih bergantung kepada pertimbangan juruaudit, termasuk penilaian risiko salah nyata yang ketara pada penyata kewangan sama ada disebabkan oleh fraud atau kesilapan. Dalam membuat penilaian risiko tersebut, juruaudit mempertimbangkan kawalan dalaman yang bersesuaian dengan entiti dalam penyediaan dan persembahan penyata kewangan yang memberi gambaran yang

benar dan saksama bagi tujuan merangka prosedur pengauditan yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman entiti tersebut. Pengauditan juga termasuk menilai kesesuaian polisi perakaunan yang diguna pakai dan kemunasabahan anggaran perakaunan yang dibuat oleh pengurusan serta persembahan penyata kewangan secara menyeluruh.

Saya percaya bahawa bukti audit yang saya peroleh adalah mencukupi dan bersesuaian untuk dijadikan asas bagi pendapat audit saya.

Pendapat

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Integriti Agensi Penguatkuasaan pada 31 Disember 2016 dan prestasi kewangan serta aliran tunainya bagi tahun berakhir pada tarikh tersebut selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia.

(NOR SALWANI BINTI MUHAMMAD)
b.p. KETUA AUDIT NEGARA
MALAYSIA

PUTRAJAYA
14 MAC 2017

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENGAKUAN OLEH PEGAWAI UTAMA YANG BERTANGGUNGJAWAB KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

Saya, **Ahmad Razif Bin Mohd Sidek**, pegawai utama yang bertanggungjawab ke atas pengurusan kewangan dan rekod-rekod perakaunan **SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN**, dengan ikhlasnya mengakui bahawa Penyata Kedudukan Kewangan, Penyata Pendapatan, Penyata Perubahan Ekuiti dan Penyata Aliran Tunai dalam kedudukan kewangan yang berikut ini beserta dengan nota-nota kepada Penyata Kewangan di dalamnya mengikut sebaik-baik pengetahuan dan kepercayaan saya, adalah betul dan saya membuat ikrar ini dengan sebenarnya mempercayai bahawa ia adalah benar atas kehendak-kehendak Akta Akuan Berkanun,1960.

Sebenarnya dan sesungguhnya)
Diakui oleh penama diatas)
Di **PUTRAJAYA**)
pada 14/3/2017

.....

PESURUHJAYA SUMPAH MALAYSIA
A-W-388
MOHD ASRI BIN MAT NUN
JAB. AKAUNTAN
NEGARA MALAYSIA
PUTRAJAYA

Di hadapan saya,

.....

PESURUHJAYA SUMPAH

1

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENYATA PENGERUSI DAN SEORANG AHLI PESURUHJAYA

Saya, **Yang Arif Datuk Yaacob Bin Md. Sam**, dan **Tan Sri Datuk Dr. Zulkefli Bin A. Hassan** yang merupakan Pengerusi dan salah seorang Ahli Pesuruhjaya **SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN** dengan ini menyatakan bahawa, pada pendapat Pesuruhjaya, Penyata Kewangan yang mengandungi Penyata Kedudukan Kewangan, Penyata Pendapatan, Penyata Perubahan Ekuiti dan Penyata Aliran Tunai yang berikut ini beserta dengan nota-nota kepada Penyata Kewangan di dalamnya, adalah disediakan untuk menunjukkan pandangan yang benar dan saksama berkenaan kedudukan **SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN** pada 31 Disember 2016 dan hasil kendaliannya serta perubahan kedudukan kewangannya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Pesuruhjaya,

.....

NAMA: YAACOB BIN MD.SAM
GELARAN: YANG ARIF DATUK
TARIKH: 14/3/2017
TEMPAT: PUTRAJAYA

Bagi pihak Pesuruhjaya,

.....

NAMA: ZULKEFLI BIN A.HASSAN
GELARAN: TAN SRI DATUK DR.
TARIKH: 14/3/2017
TEMPAT: PUTRAJAYA

2

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENYATA KEDUDUKAN KEWANGAN
PADA 31 DISEMBER 2016

	NOTA	2016 RM	2015 RM
Aset Bukan Semasa:			
Hartanah, Loji dan Peralatan	6	797,849	1,093,579
Jumlah Aset Bukan Semasa		797,849	1,093,579
Aset Semasa:			
Pembayaran Terdahulu	7	8,500	12,070
Tunai dan Baki di Bank	8	1,021,035	3,882,513
Simpanan Tetap	9	2,000,000	-
Jumlah Aset Semasa		3,029,535	3,894,583
Jumlah Aset		**3,827,384**	**4,988,162**
Ekuiti:			
Lebihan Terkumpul		3,795,447	4,886,558
Jumlah Ekuiti		3,795,447	4,886,558
Liabiliti Semasa:			
Pelbagai Pemiutang dan Akruan	10	31,937	101,604
Jumlah Liabiliti Semasa		31,937	101,604
Jumlah Ekuiti dan Liabiliti		**3,827,384**	**4,988,162**

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENYATA PENDAPATAN
BAGI TAHUN BERAKHIR 31 DISEMBER 2016

	NOTA	2016 RM	2015 RM
PENDAPATAN			
Geran Kerajaan	**11**	5,747,849	5,095,705
LAIN-LAIN PENDAPATAN	**12**		
Faedah Diterima		57,063	27,103
Pendapatan Lain		18,074	2,802
JUMLAH PENDAPATAN		**5,822,986**	**5,125,610**
Tolak: BELANJA OPERASI			
Kos Kakitangan	**13**	(3,721,533)	(3,574,812)
Pentadbiran dan Pengurusan	**14**	(2,811,195)	(2,572,153)
Susutnilai Hartanah, Loji dan Peralatan	**6**	(379,686)	(382,773)
Kurangan daripada Operasi		(6,912,414)	(6,529,738)
Kos Kewangan	**15**	(1,683)	(1,651)
Kurangan Bersih Tahun Semasa		**(1,091,111)**	**(1,405,779)**

Nota-nota yang dilampirkan adalah sebahagian daripada penyata kewangan ini

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENYATA PERUBAHAN EKUITI
BAGI TAHUN BERAKHIR 31 DISEMBER 2016

	JUMLAH RM
Baki pada 1 Januari 2015	6,292,337
Kurangan bersih tahun 2015	(1,405,779)
Baki pada 31 Disember 2015	**4,886,558**
Kurangan bersih tahun semasa	(1,091,111)
Baki pada 31 Disember 2016	**3,795,447**

Nota-nota yang dilampirkan adalah sebahagian daripada penyata kewangan ini

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

PENYATA ALIRAN TUNAI
BAGI TAHUN BERAKHIR 31 DISEMBER 2016

	2016 RM	2015 RM
Aliran Tunai Daripada Aktiviti Operasi:		
Lebihan Pendapatan bagi tahun semasa	(1,091,111)	(1,405,779)
Pelarasan untuk:		
Susutnilai Hartanah, Loji dan Peralatan	379,686	382,773
Keuntungan Simpanan Tetap	(49,030)	-
Keuntungan operasi sebelum perubahan modal kerja	(760,455)	(1,023,006)
Pengurangan / (Pertambahan) Pembayaran Terdahulu	3,570	(3,570)
Pertambahan/ (Pengurangan) Pelbagai Pemiutang	(69,667)	91,667
Aliran tunai bersih daripada aktiviti operasi	(826,552)	(934,909)
Aliran Tunai Daripada Aktiviti Pelaburan:		
Pembelian ke atas Hartanah, Loji dan Peralatan	(83,956)	(166,725)
Keuntungan Simpanan Tetap	49,030	-
Aliran tunai bersih daripada aktiviti pelaburan	(34,926)	(166,725)
Pengurangan Bersih Tunai dan Kesetaraan Tunai	(861,478)	(1,101,634)
Tunai dan Kesetaraan Tunai Pada 1 Januari 2016	3,882,513	4,984,147
Tunai dan Kesetaraan Tunai Pada 31 Disember 2016	**3,021,035**	**3,882,513**

Nota-nota yang dilampirkan adalah sebahagian daripada penyata kewangan ini

SURUHANJAYA INTEGRITI AGENSI PENGUATKUASAAN

NOTA-NOTA KEPADA PENYATA KEWANGAN
BAGI TAHUN KEWANGAN BERAKHIR 31 DISEMBER 2016

1. MAKLUMAT UMUM

Suruhanjaya Integriti Agensi Penguatkuasaan (Suruhanjaya) adalah sebuah Badan Berkanun Persekutuan yang ditubuhkan di bawah Akta Suruhanjaya Integriti Agensi Penguatkuasaan 2009 [Akta 700] berkuat kuasa mulai 1 April 2011. Aktiviti utama Suruhanjaya adalah seperti berikut:

- Menerima aduan salah laku dan menjalankan siasatan;
- Mengesan, menyiasat dan mencegah salah laku;
- Melindungi kepentingan orang awam daripada salah laku;
- Mengaudit dan memantau operasi serta tatacara agensi penguatkuasaan;
- Menggalakkan kesedaran dan pendidikan tentang integriti;
- Membantu merumuskan perundangan dan mengesyorkan langkah pentadbiran kepada Kerajaan;
- Mengkaji apa-apa pelanggaran tatacara penguatkuasaan dan membuat syor;
- Membuat lawatan ke premis agensi penguatkuasaan dan membuat syor; dan
- Melakukan semua perkara yang suai manfaat dan perlu untuk melaksanakan fungsi-fungsi di atas.

Alamat berdaftar dan pejabat operasi utama adalah Suruhanjaya Integriti Agensi Penguatkuasaan, Aras 5 Blok Menara, Bangunan Menara Usahawan, No. 18 Persiaran Perdana Presint 2, 62652 Putrajaya.

Penyata Kewangan Suruhanjaya dinyatakan dalam Ringgit Malaysia (RM).

Penyata Kewangan Suruhanjaya Integriti Agensi Penguatkuasaan bagi tahun berakhir 31 Disember 2016 telah diluluskan untuk dikeluarkan oleh Suruhanjaya pada tarikh 14 Mac 2017 melalui Kertas Resolusi Secara Edaran Bil.1/2017.

2. PEMATUHAN TERHADAP STANDARD PELAPORAN PENYATA KEWANGAN

Penyata Kewangan telah disediakan dengan mematuhi *Malaysian Private Entities Reporting Standard* (MPERS) yang dikeluarkan oleh Lembaga Piawaian Perakaunan Malaysia (MASB) berdasarkan arahan Ketua Setiausaha Perbendaharaan melalui suratnya bilangan KK/BSBB (S) 10/16/03 JLD.9 (SK.1) (9) bertarikh 9 Disember 2016.

Penyata Kewangan Suruhanjaya Integriti Agensi Penguatkuasaan yang berakhir pada 31 Disember 2016 telah disediakan dengan menerima pakai MPERS yang baru. Tarikh peralihan bagi rangka kerja MPERS yang baru ini ialah pada 1 Januari 2015.

Pemakaian rangka kerja MPERS yang baru ini memerlukan semua piawaian di dalam MPERS diterima pakai sepenuhnya terhadap Penyata Kewangan yang berakhir pada 31 Disember 2016, angka perbandingan bagi Penyata Kewangan yang berakhir pada 31 Disember 2015, dan baki awal penyata kedudukan kewangan pada tarikh peralihan kepada MPERS.

Pemakaian MPERS tidak memberi kesan kewangan terhadap Penyata Kewangan Suruhanjaya.

3. ASAS PERAKAUNAN

Penyata Kewangan ini telah disediakan menurut kelaziman kos sejarah dan mematuhi nilai saksama.

Pihak pengurusan perlu menggunakan pertimbangan, anggapan dan anggaran untuk menilai dan melaporkan jumlah aset dan liabiliti pada akhir tahun semasa serta melaporkan jumlah pendapatan dan perbelanjaan pada tahun semasa.

Pertimbangan dan anggaran digunakan di dalam penilaian dan mungkin akan menyebabkan keputusan sebenar tidak selari dengan jumlah yang dilaporkan.

4. DASAR-DASAR PENTING PERAKAUNAN

4.1 Pengiktirafan Pendapatan

Sumber pendapatan Suruhanjaya terdiri daripada terimaan Geran Mengurus daripada Kerajaan, pendapatan faedah atas simpanan tetap dan pendapatan faedah atas simpanan semasa. Pengiktirafan pendapatan adalah seperti berikut:

a) Pendapatan Geran Kerajaan
Pendapatan Geran Kerajaan diiktiraf apabila hak menerima geran dikenalpasti.

b) Pendapatan Faedah
Pendapatan faedah diiktiraf apabila faedah diterima.

Pendapatan lain Suruhanjaya terdiri daripada bayaran balik perubatan bukan tahun semasa, bayaran balik emolumen bukan tahun semasa dan bayaran balik pemendekan notis perletakan jawatan.

4.2 Hartanah, Loji dan Peralatan; dan Susutnilai

Hartanah, Loji dan Peralatan adalah terdiri daripada Kenderaan, Peralatan Pejabat, Perabot & Kelengkapan, Peralatan Komputer, Perisian Komputer dan Peralatan Keselamatan di mana perolehan asalnya RM2,000 atau lebih setiap satu berkuatkuasa pada 10 Mac 2016 melalui Mesyuarat Suruhanjaya Bil.3 Tahun 2016 berdasarkan Pekeliling Perbendaharaan Malaysia AM 2.1 (1PP) iaitu bidang Pengurusan Aset (AM).

Ianya dinyatakan pada kos ditolak susutnilai terkumpul dan kerugian atau rosotnilai harta jika ada. Susutnilai dikira sama rata berasaskan kaedah garis lurus pada kadar berdasarkan penilaian di sepanjang tempoh anggaran hayat penggunaannya.

Susutnilai dikira bermula pada bulan perolehan dalam sesuatu tahun sehingga tamat tempoh hayat penggunaannya. Sekiranya perolehan tersebut berlaku selepas 15hb pada bulan perolehan, maka susutnilai akan dikira bermula pada bulan berikutnya.

Kadar utama susutnilai tahunan yang digunakan adalah seperti berikut:

	Peratus (%)	**Jangka Hayat (Tahun)**
Kenderaan	20	5 Tahun
Peralatan Pejabat	20	5 Tahun
Perabot dan Kelengkapan	20	5 Tahun
Peralatan Komputer	20	5 Tahun
Peralatan Keselamatan	20	5 Tahun
Perisian Komputer	33.33	3 Tahun

Pada akhir setiap tempoh pelaporan, nilai sisa, jangka hayat guna dan kaedah susut nilai bagi Hartanah, Loji dan Peralatan disemak semula untuk kewajaran. Sebarang perubahan dalam anggaran aset diselaraskan secara prospektif kepada jangka hayat yang tinggal, bermula dalam tempoh semasa.

4.3 Tunai dan Kesetaraan Tunai

Suruhanjaya menggunakan kaedah tidak langsung bagi menyediakan Penyata Aliran Tunai. Tunai dan kesetaraan tunai termasuk wang tunai di tangan, di bank dan simpanan tetap.

4.4 Pelbagai Pemiutang

Pemiutang dinyatakan pada kos iaitu nilai saksama jumlah yang akan dibayar pada masa depan untuk belian dan perkhidmatan yang diterima.

4.5 Peruntukan Liabiliti

Peruntukan Liabiliti diiktiraf apabila Suruhanjaya mempunyai kewajipan hasil daripada peristiwa lampau dan adalah berkemungkinan aliran keluar sumber yang mengandungi manfaat ekonomi diperlukan untuk menyelesaikan kewajipan tersebut dan anggaran yang munasabah boleh dibuat bagi jumlah tersebut. Peruntukan akan dikaji semula pada setiap tarikh penyata kedudukan kewangan dan diselaraskan untuk menggambarkan anggaran semasa yang terbaik. Di mana kesan nilai masa wang adalah ketara, jumlah peruntukan adalah nilai kini perbelanjaan yang dijangka perlu untuk menjelaskan kewajipan tersebut.

4.6 Instrumen Kewangan

Instrumen kewangan adalah terdiri daripada baki tunai dan di bank. Kaedah pengiktirafan yang digunapakai telah dinyatakan di dalam penyata polisi perakaunan yang berkaitan.

a) Objektif dan Polisi Pengurusan Risiko Kewangan

Pendekatan keseluruhan Suruhanjaya bagi pengurusan risiko adalah untuk mengurangkan kesan pendedahan terhadap risiko kecairan dan risiko aliran tunai.

b) Risiko Kecairan

Risiko Kecairan diambil kira untuk memastikan kecairan tunai, memadai bagi memenuhi tuntutan perbelanjaan melalui langkah kawalan kredit, penerimaan hasil

dan geran.

c) Risiko Aliran Tunai

Aliran tunai Suruhanjaya adalah mencukupi bagi tujuan pembangunan dan pengurusan.

4.7 Manfaat Kakitangan

a) Manfaat kakitangan jangka pendek

Upah, gaji, cuti tahunan dan cuti sakit, bonus dan manfaat-manfaat bukan kewangan dikira sebagai perbelanjaan dalam tahun di mana perkhidmatan diberikan oleh kakitangan tersebut kepada Suruhanjaya.

b) Manfaat selepas tamat perkhidmatan

Suruhanjaya mempunyai skim yang dikenali sebagai sumbangan kepada Kumpulan Wang Simpanan Pekerja (KWSP) dan dana persaraan tanpa sumbangan yang diluluskan.

i. Sumbangan kepada KWSP dan dana persaraan tanpa sumbangan yang diluluskan.

Suruhanjaya membuat sumbangan kepada KWSP dan diakaunkan dalam penyata pendapatan sebagai perbelanjaan tahun perkhidmatan. Suruhanjaya tidak mempunyai tanggungan untuk lain-lain bayaran sebaik sahaja pembayaran sumbangan dibuat. Suruhanjaya turut mempunyai skim dana persaraan yang dibuat bagi semua kakitangan Suruhanjaya yang layak dan disahkan jawatan.

5. PERTIMBANGAN KRITIKAL DAN ANGGARAN KETIDAKPASTIAN

5.1 Suruhanjaya tidak mempunyai pertimbangan dan anggapan yang menyebabkan penyediaan penyata kewangan tidak munasabah.

5.2 Ketidakpastian Anggaran

Pengukuran beberapa aset dan liabiliti memerlukan pihak pengurusan menggunakan anggaran berdasarkan pelbagai input yang boleh diperhatikan dan andaian lain. Perkara yang tertakluk kepada ketidaktentuan anggaran penting adalah dalam mengukur (a) peruntukan; dan (b) susutnilai Hartanah, Loji dan Peralatan.

(a) Penilaian Peruntukan

Suruhanjaya menggunakan anggaran terbaik sebagai dasar penilaian peruntukan. Pihak pengurusan menilai berdasarkan pengalaman, isu semasa dan isu akan datang dengan kemungkinan munasabah yang berlaku.

(b) Susutnilai

Setiap kos Hartanah, Loji dan Peralatan disusutnilai dengan kaedah garis lurus yang menunjukkan manfaat ekonomi hayat aset tersebut. Anggaran digunakan dalam pemilihan kaedah susut nilai, hayat berguna dan nilai sisa.

Penggunaan sebenar manfaat ekonomi bagi Hartanah, Loji dan Peralatan mungkin berbeza daripada anggaran yang digunakan dan ini boleh membawa kepada keuntungan atau kerugian pada masa pelupusan.

6. HARTANAH, LOJI DAN PERALATAN

2016 Kos	KENDERAAN RM	PERALATAN PEJABAT RM	PERABOT & KELENGKAPAN RM	PERALATAN KOMPUTER RM	PERISIAN KOMPUTER RM	PERALATAN KESELAMATAN RM	JUMLAH RM
Baki pada 1 Januari 2016	1,110,199	416,165	16,680	219,180	80,228	54,966	1,897,418
Penambahan	-	20,806	-	38,250	-	24,900	83,956
Baki pada 31 Disember 2016	1,110,199	436,971	16,680	257,430	80,228	79,866	1,981,374
Susutnilai Terkumpul							
Baki pada 1 Januari 2016	425,406	219,102	4,841	70,798	67,887	15,805	803,839
Susutnilai	222,040	83,905	3,336	47,386	11,195	11,824	379,686
Baki pada 31 Disember 2016	647,446	303,007	8,177	118,184	79,082	27,629	1,183,525
Nilai Buku Bersih	**462,753**	**133,964**	**8,503**	**139,246**	**1,146**	**52,237**	**797,849**

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2015 Kos	KENDERAAN RM	PERALATAN PEJABAT RM	PERABOT & KELENGKAPAN RM	PERALATAN KOMPUTER RM	PERISIAN KOMPUTER RM	PERALATAN KESELAMATAN RM	JUMLAH RM
Baki pada 1 Januari 2015	964,488	398,401	16,680	219,180	80,228	51,716	1,730,693
Penambahan	145,711	17,764	-	-	-	3,250	166,725
Baki pada 31 Disember 2015	1,110,199	416,165	16,680	219,180	80,228	54,966	1,897,418
Susutnilai Terkumpul							
Baki pada 1 Januari 2015	208,223	137,875	1,505	26,962	41,147	5,354	421,066
Susutnilai	217,183	81,227	3,336	43,836	26,740	10,451	382,773
Baki pada 31 Disember 2015	425,406	219,102	4,841	70,798	67,887	15,805	803,839
Nilai Buku Bersih	**684,793**	**197,063**	**11,839**	**148,382**	**12,341**	**39,161**	**1,093,579**

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7. PEMBAYARAN TERDAHULU

Pembayaran terdahulu yang dinyatakan adalah nilai deposit bagi langganan perkhidmatan Sistem Tol Automatik (Touch & Go).

8. TUNAI DAN BAKI DI BANK

	2016 RM	2015 RM
Baki tunai di bank	1,020,035	3,881,513
Baki tunai di tangan	1,000	1,000
	1,021,035	3,882,513

9. SIMPANAN TETAP

	2016 RM	2015 RM
Bank Rakyat	2,000,000	-
	2,000,000	-

10. PELBAGAI PEMIUTANG DAN AKRUAN

	2016 RM	2015 RM
Pelbagai Pemiutang	15,198	88,958
Peruntukan Yuran Audit	9,918	6,840
Perbelanjaan Pejabat Terakru	280	-
Elaun Pelajar Praktikal Terakru	-	615
Tuntutan Perubatan Terakru	1,400	1,487
Tuntutan Perjalanan Terakru	1,241	892

Tuntutan Perjalanan Pesuruhjaya Terakru	146	1,302
Tuntutan Elaun Pesuruhjaya Terakru	456	1,480
Perbelanjaan Telefon Kakitangan Terakru	190	30
Ganjaran Terakru	664	-
Bayaran Gaji Pekerja Sambilan Harian (PSH) Terakru	1,985	-
KWSP PSH-Caruman Pekerja Terakru	175	-
KWSP PSH-Caruman Majikan Terakru	284	-
	31,937	101,604

11. GERAN KERAJAAN

Geran Kerajaan yang diterima bagi perbelanjaan mengurus Suruhanjaya tahun 2016 adalah seperti berikut:

Peruntukan Disalurkan	**2016 RM**	**2015 RM**
Suku Tahun Pertama	1,142,280	1,737,900
Suku Tahun Kedua	1,142,280	1,480,434
Suku Tahun Ketiga	-	498,617
Suku Tahun Keempat	1,219,795	1,378,754
Peruntukan Tambahan		
Suku Tahun Ketiga	2,100,000	-
Suku Tahun Keempat	143,494	-
	5,747,849	5,095,705

Peruntukan Tambahan bagi suku tahun ketiga diterima pada 28 November 2016 manakala bagi suku tahun keempat diterima pada 16 November 2016.

12. LAIN-LAIN PENDAPATAN

Lain-lain pendapatan Suruhanjaya diperolehi daripada faedah simpanan tetap, faedah akaun semasa di bank tempatan yang diiktiraf berdasarkan kadar semasa yang telah ditetapkan dan pendapatan lain. Butiran terperinci seperti berikut:

	2016 RM	2015 RM
Faedah Simpanan Tetap	49,030	-
Faedah Akaun Semasa	8,033	27,103
Pendapatan Lain	18,074	2,802
	75,137	29,905

13. KOS KAKITANGAN

	2016 RM	2015 RM
Upah, Gaji dan Bonus	3,093,378	2,914,232
Sumbangan Berkanun	600,976	627,677
Pakaian Seragam	9,052	16,941
Latihan dan Kursus	18,127	15,962
	3,721,533	3,574,812

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14. PENTADBIRAN DAN PENGURUSAN

	2016 RM	2015 RM
Elaun Pesuruhjaya	1,233,919	1,040,479
Pengiklanan	11,946	65,293
Tuntutan Perjalanan Kakitangan	79,165	183,827
Penginapan dan Kemudahan	114,142	169,453
Bayaran Telefon Kakitangan dan Pentadbiran	81,158	63,352
Kemudahan Pos	6,196	10,837
Alatulis dan Percetakan	36,533	23,907
Perbelanjaan Mesyuarat	41,616	66,199
Perbelanjaan Pejabat	155,297	184,343
Perbelanjaan Am	427,001	101,434
Perbelanjaan Kakitangan Kontrak	28,133	20,300
Perbelanjaan Utiliti	6,188	5,350
Seminar dan Konvensyen	3,296	1,500
Juruperunding Luar	51,600	130,266
Yuran Langganan Perkhidmatan	53,640	52,595
Yuran Audit	9,918	6,840
Barangan Promosi	83,530	86,057
Langganan Buku/Majalah	6,375	7,234
Belanja Petrol dan Tol	66,950	66,816
Penyelenggaraan Kenderaan	77,313	52,037
Penyelenggaraan Peralatan Pejabat	92,012	31,473
Sewaan	78,564	158,813
Cukai Perkhidmatan Kerajaan	66,703	43,748
	2,811,195	2,572,153

15. KOS KEWANGAN

Kos Kewangan Suruhanjaya terdiri daripada bayaran perkhidmatan daripada bank-bank tempatan yang diiktiraf.

16. MAKLUMAT KAKITANGAN

Jumlah kakitangan Suruhanjaya pada akhir tahun 2016 adalah 76 orang (2015:69).

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17. PENDEDAHAN PIHAK BERKAITAN

Suruhanjaya dianggotai oleh 7 orang Pesuruhjaya yang dilantik oleh Yang di-Pertuan Agong dan terdiri daripada seorang Pengerusi, seorang Timbalan Pengerusi dan 5 orang Pesuruhjaya. Pesuruhjaya bertanggungjawab untuk merancang, mengarah dan mengawal aktiviti Suruhanjaya secara terus atau sebaliknya. Jumlah manfaat Pesuruhjaya sepanjang tahun kewangan adalah seperti berikut:

	2016 RM	2015 RM
Jumlah Elaun Pesuruhjaya	1,233,919	1,040,479

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