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A POLICE POWERS AND REMAND PROCEEDINGS

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INTRODUCTION

C The purpose of this paper is to consider the law relating to the remand of an accused person, the safeguards accorded by the law as well as the actual problems and abuses of the system. Practical difficulties and real life examples will be used to bring out the magnitude and seriousness of the situation. The paper also sets out proposals for changes and the way forward.

D *The big picture*

E Certain minimal rights of man based on the concept of 'equality and liberty' were recognized early in human civilization. These were accorded international recognition in the Universal Declaration of Human Rights 1948 and to some extent incorporated into the Federal Constitution of Malaysia. The Judiciary in Malaysia is entrusted as the guardian of these rights under the Constitution. To further enhance the protection of such rights a National Human Rights Commission was established in 1999 under the National Human Rights Act. The Act specifically incorporated that 'regard shall be had to the Universal Declaration of Human Rights...'²

F Consideration of the abuse of s 117 detentions³ and the need for reforms cannot be done in abstract, but in relation to the interest of a democratic society and the rights and personal freedoms of the individual.

G It has often been said that an important measure of society's civilization is the extent to which human rights are respected and protected within the context of criminal proceedings.⁴ On the other side of the coin are the rights of society protected by the Government who must do so within the laws promulgated by a democratically elected legislature (Parliament).⁵

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