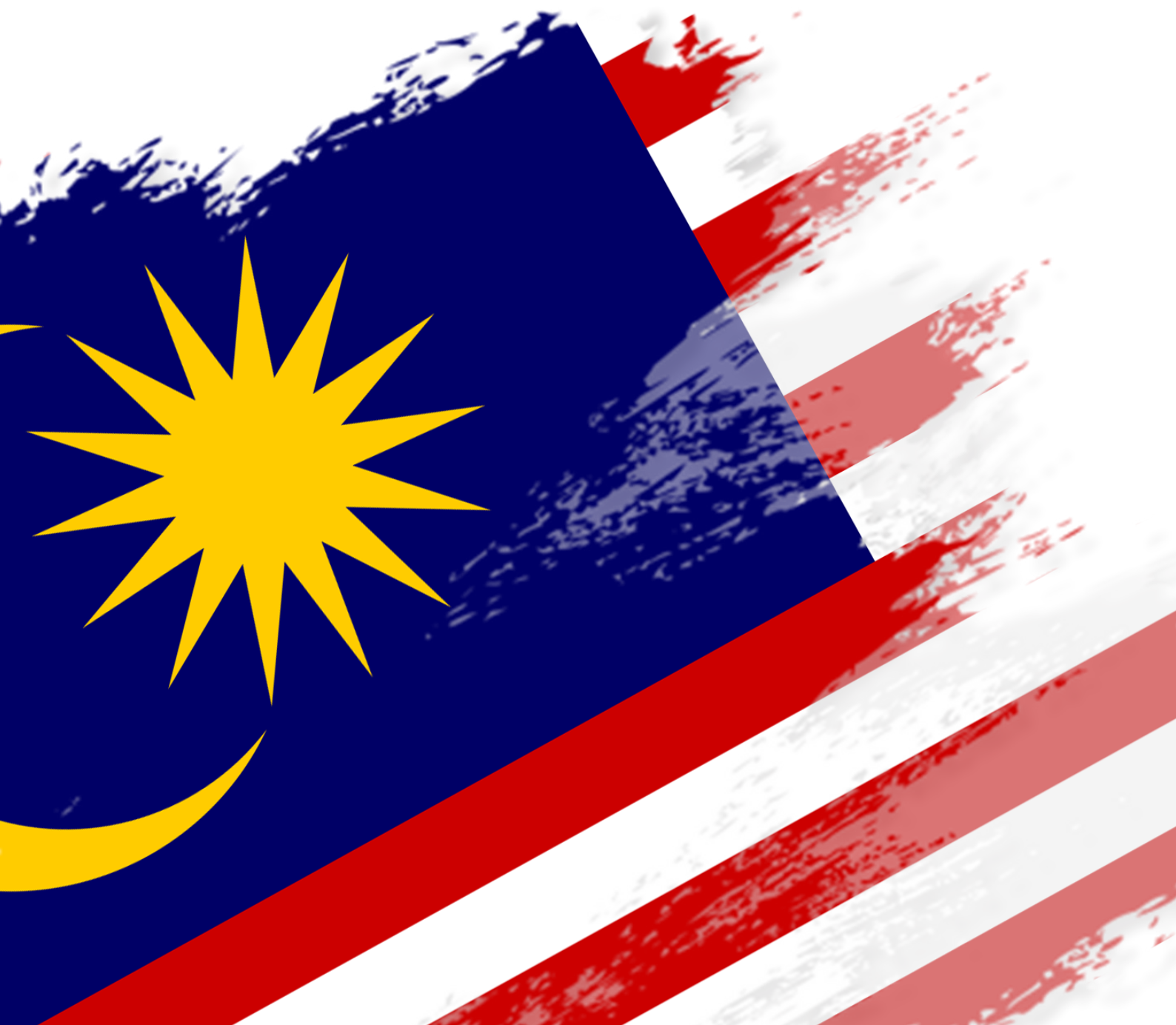


Real Rights: young people engaging with law enforcement

 Malaysia



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest, the Police have the right to use reasonable force to arrest you.

[Red Book — The Police and Your Basic Rights \(English\)](#)

Can the police arrest you for refusing to answer questions?

If the Police ask for your basic information, such as, your name, address or ID card number, you should provide the details. If you don't provide the details, the Police can arrest. For other questions, you have the right to remain silent if answering the questions will put you into trouble, like if it would expose you to a criminal charge or penalty.

[Red Book — The Police and Your Basic Rights \(English\)](#)

What if the officers do not identify themselves?

Ask for their Police authority card (also known as their "kad kuasa").

If police fails/refuses to produce their authority card, you should call the real police immediately. The phone number for Malaysia Emergency Response Services, including the Royal Malaysian Police, is 999. You can also call your local police station or go there to report the encounter. You can find information about your area's police station at:

<https://www.rmp.gov.my/direktori/direktori-pdrm/bukit-aman>.

<https://asklegal.my/p/how-to-identify-malaysian-plainclothes-police>

[Red Book — The Police and Your Basic Rights \(English\)](#)

<https://www.malaysia.gov.my/portal/content/30602>

What if an officer just begins speaking to me but does not order me to do anything?

You can refuse to answer and walk away. If they persist, you should ask "Am I under arrest?" You will know that you are under arrest if:

- The Police tell you "yes";
- Do not allow you to leave/want to take you to the Police station; or
- handcuff you.

If you are not under arrest, you may walk away and refuse to follow the Police back to the police station or anywhere else.

[Red Book — The Police and Your Basic Rights \(English\)](#)

What if the officer is not in uniform or identified as an officer but I think it is one?

You should confirm the person is a police officer by asking to see their Police authority card.

Say: "Please, show me your Police authority card."

Police authority cards have different colors to indicate different levels of authority the police officer may have:

- Red color: Suspended Police Officer. He has no authority to do anything to you. Walk away.
- Blue color: Rank of inspector and above. This allows these officers to carry out most commands.
- Yellow color: Below the rank of inspector. These officers can only carry out certain commands on their own and the rest must be overseen by an inspector or higher-ranked officer.
- White color: Reserve police

Police officers' authority cards also should indicate their name and ID number.

[Red Book — The Police and Your Basic Rights \(English\)](#)

<https://vulcanpost.com/793057/police-roadblocks-malaysia-legal-rights-what-to-do-stopped/>

Can I tell police I do not want to speak without a lawyer?

Yes. You have a right to call your lawyer and to have a lawyer present when being questioned or giving a witness statement.

[Red Book — The Police and Your Basic Rights \(English\)](#)

If I sit down, am I resisting?

If you just sit down, it doesn't mean that you are resisting the Police. Resisting usually means trying to stop the police from doing their job, like running away or blocking them.

However, if the Police ask you to stand or move and you don't, they might think you're not cooperating.

[Red Book — The Police and Your Basic Rights \(English\)](#)

If I am stopped by the police, other kids are running, should I also run?

If you are not being placed under arrest, if you have not been informed of the reason for your arrest, or if the officer attempting to arrest you is suspended and does not have authority to act (as determined by the police officer's red Police authority card), it is lawful for you to safely walk away from the officer.

If the Police are arresting you and you try to run, this is not allowed in Malaysia. Running to avoid being arrested is against the law.

A Police Officer must inform you of the reason for arrest and if they do not, the arrest itself is unlawful.

[Red Book — The Police and Your Basic Rights \(English\)](#)

<https://vulcanpost.com/793057/police-roadblocks-malaysia-legal-rights-what-to-do-stopped/>

Can I tell others (siblings, for example) to run?

Yes, but only if (1) police officer is suspended and does not have the authority to act (this is determined if the police officer has a red Police authority card), or (2) if the Police Officer does not inform you of the reason you are under arrest. In these situations only, you can safely walk away from them and tell others to do the same.

<https://asklegal.my/p/how-to-identify-malaysian-plainclothes-police>

[Red Book — The Police and Your Basic Rights \(English\)](#)

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes. You can let the Police know if their language is not your first language. This will not take away any of your rights.

In Malaysia, when you are making a 112 / Witness Statement, the Police should write the statement down if they can. Then, they have to read back to you in the language you used, so you can check it and ask them to amend the statement if anything is incorrect.

[Red Book — The Police and Your Basic Rights \(English\)](#)

If I did not do anything, can they stop me?

If a Police Officer attempts to stop you but you are not under arrest, you may walk away and refuse to follow the officer to the police station or anywhere else.

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The Police must give you a reason for why they are arresting you. In other words, if the Police do not have a reason to arrest you, then they may not do so. If they do not inform you of a reason for your arrest, then the arrest is unlawful.

If the Police arrest you, they can only detain you for up to 24 hours for investigation. It is the duty of the Police to complete the investigation within 24 hours and release you as soon as possible. If the Police cannot complete the investigation within 2 hours, they must bring you before a Magistrate for a remand order to extend your detention beyond 24 hours.

[Red Book — The Police and Your Basic Rights \(English\)](#)

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

Body search without arrest

The Police can search your body/bags without arresting you, if you are at a place (example: karaoke/clubs/entertainment outlets where the Police are conducting a raid or looking for something (example: drugs). The search must be done in the presence of a Police officer who is an inspector, or of a higher rank.

If the Police wish to search you:

- Do not allow the Police officer to put his or her hands into your pocket, clothes or bag.
- Clear your pocket or bag in front of the Police officer voluntarily so that you can monitor your belongings. Take out your belongings one by one, and name each of the items you are taking out. (example: "purse", "keys", "IC", etc.)
- When your pockets or bags are empty, turn your pockets and bags inside out.

If you are female, you can only be body searched by a female Police officer. All body searches must be carried out in a professional manner and with decency (example: a search cannot be done by the Police officer on areas of your private parts). There are no laws allowing the Police to force you to strip naked.

Body search upon arrest

If you are arrested, the Police have the power to search your body for any object relating to the suspected offence. The body search must be conducted in a confined place. It is your right and you may choose to be body searched in private.

Even if you are under arrest, there is no law allowing the Police to force you to strip completely naked. If you are forced or threatened by the Police to strip completely naked, you should:

- protest;
- remember the Police officer's name; and
- lodge a report after the incident.

[Red Book — The Police and Your Basic Rights \(English\)](#)

What if a Police officer wants to search my phone?

The Police are allowed to check your phone, but they cannot do so without a valid reasonable cause. The Police are allowed to check your phone only if:

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- they suspect that you have done something illegal; or
- you are being investigated for a crime; or
- you have been arrested on suspicion of committing a crime.

What to do if the Police want to check your phone:

- request to see their authority card or kad kuasa;
- take note of their name, rank, and service ID number;
- take note of their vehicle registration number;
- ask for the reasons why they want to check your phone; and
- ask whether you are being investigated or suspected of committing any crimes.

If you are unsure of what to do:

- Call a lawyer for advice; and
- Request to be taken to the nearest Police station for your phone check to be conducted.

[Red Book — The Police and Your Basic Rights \(English\)](#)

What if a Police officer asks me for my password to my phone?

If the Police have a valid, reasonable cause to search your phone, you are required to give the Police the necessary passwords and any other access codes needed by the Police to view the information on your phone. This includes log-in passwords to social media accounts and email accounts, and codes to unlock a smartphone screen.

If you refuse to provide your password to the Police, further action may be taken against you by the Police or other authorities. However, you have the right to remain silent and refuse to answer questions or provide the password to your phone, if doing so would incriminate you (example: if giving the password to your phone will suggest that you have committed a crime, or expose you to criminal prosecution).

<https://www.malaymail.com/news/malaysia/2020/05/17/can-the-police-ask-for-our-passwords-what-if-we-forget-them-experts-weigh-i/1866881>

What if they tell me to give them my password or other access to my phone?

If the Police have a valid, reasonable cause to search your phone, you are required to give the Police your password or other access codes to view the information on your phone.

You have the right to refuse to provide your password to your phone, but only if doing so would incriminate you.

<https://www.malaymail.com/news/malaysia/2020/05/17/can-the-police-ask-for-our-passwords-what-if-we-forget-them-experts-weigh-i/1866881>

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

Yes. If the Police have a valid, reasonable cause to search your phone, you are required to give the Police your device password even if you are not under arrest.

You have the right to refuse to provide your password to your phone, but only if doing so would incriminate you.

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What tools can Police use to search me? What technology? (Facial recognition, hidden cameras, fingerprint searches, etc.)

If the Police have a valid, reasonable cause to search you, there are no laws in Malaysia that prevent the Police from using facial recognition technology or asking for your fingerprint in the process of searching you.

Remember that even if you are under arrest, there is no law allowing the Police to force you to strip completely naked. If you are forced or threatened by the Police to strip completely naked, you should:

- protest;
- remember the Police officer's name; and
- lodge a report after the incident.

However, the Police may conduct a partial strip search on you only if:

- if you have been arrested by the Police; and
- the Police has reasonable suspicion that you are concealing an object, evidence, contraband or weapon on you.

A partial strip search cannot be conducted unless the Police Officer conducting the search has obtained the prior approval of a Police Officer not below the rank of Inspector.

When conducting a partial strip search, the Police must conduct the search in a private room out of the view of anyone outside the room and no cameras, phones or other recording and communicating devices are allowed in the private room during the entire search.

Other technology that may be used by the Police during a search are:

- Police may ask you to take a breath test if they have reasonable cause to suspect that you are driving or attempting to drive under the influence of alcohol.
- Police may also require you to take a blood/urine test at the Police station if you are suspected of driving under the influence of alcohol.
- If you are arrested, Police may collect your DNA to use in criminal investigations.

<https://jeraldgomez.com/publications/rights-of-accused-persons-are-safeguards-being-reduced/>

<https://mahwengkwai.com/faq-on-drink-driving-in-malaysia/>

<https://www.ge.com/news/reports/dna-analysis-new-technologies-for-speedier-crime>

Can they search my backpack or other item I am carrying?

Yes. The Police may search your backpack or other belongings if the Police have reasonable cause to suspect that there is evidence concealed, or if you are at a place (example: karaoke/clubs/entertainment outlets where the Police are conducting a raid or looking for something (example: drugs). The search must be done in the presence of a Police officer who is an inspector, or of a higher rank.

If the Police wish to search you:

- Do not allow the Police officer to put his or her hands into your pocket, clothes or bag.

- Clear your pocket or bag in front of the Police officer voluntarily so that you can monitor your belongings. Take out your belongings one by one, and name each of the items you are taking out. (example: "purse", "keys", "IC", etc.)
- When your pockets or bags are empty, turn your pockets and bags inside out.

[Red Book — The Police and Your Basic Rights \(English\)](#)

Can they take my picture or record me?

There are no laws in Malaysia that prevent anyone from taking pictures or videos of another person in public as long as the pictures or recordings are not obscene. Therefore, if you are in a public place, the Police may take your picture or record you.

<https://asklegal.my/p/record-pdrm-stop-driver-highway-evidence>

Can they ask me where I am going and why?

The Police has the power to ask you any questions, including questions about where you are going and why.

However, you are only required to give the Police your personal particulars (full name, age, address and occupation). Other than your personal particulars, you have the right to remain silent and cannot be forced to tell the Police where you are going and why.

If you choose to exercise your right to remain silent, you can say: "I will answer in court".

[Red Book — The Police and Your Basic Rights \(English\)](#)

Reasons the police may detain or arrest you

Proposed Information

It is important to follow this advice:

- The Police may arrest you because they suspect you of committing (or having committed) a violation of the law.
- Sometimes Police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- If the police arrest you without a warrant, they can only detain you for 24 hours. It is the duty of the Police to complete the investigation within 24 hours and to release you as soon as possible. If the police cannot complete the investigation within 24 hours, they must bring you before a Magistrate for a remand order to extend your detention beyond 24 hours.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What if I did not do anything illegal, must I speak with the police and answer questions?

If you are under arrest: You must provide the Police with your personal particulars (i.e., your full name, age, address and occupation), but you cannot be forced to tell the police anything else. You have the right to remain silent after providing your personal particulars.

If you are not under arrest: You may walk away from the Police and are not required to speak to them. If the Police are investigating a case and think you have information/knowledge about the case, they may examine you and take down your answers. This is known as a 112/Witness Statement. If the place and time the Police attempt to take your 112/Witness Statement is inconvenient for you, tell the police you will give the statement at a convenient time and place. If you completely refuse to cooperate, the police may issue a formal order in writing, signed by an investigating officer (Police Order) to ask

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you to cooperate. **If you disobey a Police Order, you cannot be arrested.** However, if you disobey a Police Order, the police may request the Magistrate to issue a warrant against you to compel you to cooperate.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What if they tell me something they are investigating that is wrong? Must I correct them?

The law in Malaysia is not clear on whether you must correct the Police if they tell you something they are investigating is wrong. After providing your personal particulars (i.e., your full name, age, address and occupation), but you have the right to remain silent. If you decide to correct the Police, you should be polite. However, if you are under arrest and you choose to correct the Police, your statement could be considered a 113 Statement which can and will be used as evidence against you in Court.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What if an officer just begins speaking to me but does not order me to do anything?

You should only give your personal particulars (name, ID card number and address), and should ask "Am I under arrest?"

You will know you have been placed under arrest if the Police:

- Tell you "yes;"
- Do not allow you to leave/want to take you to the Police station; or
- Handcuff you

If you are not under arrest, you may walk away/refuse to follow the Police back to the Police station or anywhere else.

[ThePoliceandYourRights-English.doc \(ptfmalaysia.org\)](http://ptfmalaysia.org/ThePoliceandYourRights-English.doc)

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

If you are under arrest: You must provide the Police with your personal particulars (i.e., your full name, age, address and occupation), but you cannot be forced to tell the police anything else. You have the right to remain silent after providing your personal particulars.

If you are not under arrest: You may walk away from the Police and are not required to speak to them. If the Police are investigating a case and think you have information/knowledge about the case, they may examine you and take down your answers. This is known as a 112/Witness Statement. If the place and time the Police attempt to take your 112/Witness Statement is inconvenient for you, tell the police you will give the statement at a convenient time and place. If you completely refuse to cooperate, the police may issue a formal order in writing, signed by an investigating officer (Police Order) to ask you to cooperate. **If you disobey a Police Order, you cannot be arrested.** However, if you disobey a Police Order, the police may request the Magistrate to issue a warrant against you to compel you to cooperate

[ThePoliceandYourRights-English.doc \(ptfmalaysia.org\)](http://ptfmalaysia.org/ThePoliceandYourRights-English.doc)

The difference between police TELLING me what to do and asking me to do something.

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

If the Police tell you they will search you or your belongings, you should cooperate as failure to cooperate may lead to further action against you by the Police.

Police may search you if: (1) they reasonably suspect you or your belongings are involved in the commission of an offense that is against the law, or (2) if you are at a place (example: karaoke/clubs/entertainment outlets) where the Police are conducting a raid or looking for something. The Police may search your body/bags without arresting you (this must be done in the presence of a Police Officer who is an inspector or of a higher rank).

Tips:

- Do not allow the Police Officer to put his hands into your pockets or bags. You should:
 - Volunteer to empty your pockets/bags in his presence so you can see all your belongings;
 - Take out your belongings one by one. Each time, say "Purse", "keys", "ID card", etc.; and
 - When your pockets/bags are empty, turn your pockets/bags inside out.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What if they tell me to give them information versus them asking and me providing answers voluntarily?

If you are under arrest:

Once you have been arrested, you have the right and should ask to see your lawyer.

If you are under arrest, you are only required to give Police your personal particulars (i.e., full name, age, address, and occupation). Otherwise, you have the right to remain silent and are not required to give answers. If the Police attempt to make you say more things or force you to make a written statement you should:

- stay calm and remain silent
- If you have been threatened, beaten or forced, lodge a police report against the Police Officer at the first opportunity.

If you voluntarily want to give the Police information (this means without being threaten, beaten, forced, or otherwise coerced to provide information) by making a written 113 Statement you are able to do so, but your 113 Statement can/will be used as evidence against you in court to prove:

- you have admitted/confessed to the criminal offense you have been charged with; or
- you have admitted/confessed certain facts that may show you are guilty of the offense you have been charged with.

When giving your 113 Statement you should;

- Bring along a notebook or writing paper with you (Personal Notes);
- Write down every question asked in your Personal Notes;

- Make sure you understand every question asked in your Personal Notes;
- Take your time and think carefully before writing answers in your Personal Notes;
- Read your answers aloud to the Police Officer questioning you;
- Keep your Personal Notes for future reference.

If you are not under arrest:

If police are investigating a case and think you have information/knowledge about the case, they may examine you and take down your answers. This is known as a 112 Witness Statement. In this situation, you should cooperate at a time and place that is convenient for you. If you refuse to cooperate, the Police can issue a formal order in writing signed by an investigating officer (Police Order) to ask you to cooperate. If you disobey a Police Order, you cannot be arrested. However, it is an offense and the Police may request the Magistrate to issue a warrant against you to compel you to cooperate.

If you are giving a 112 Witness Statement, you have the right to refuse to answer any question/remain silent if the answer is likely to expose you to a criminal offense. You also have the right to have a lawyer accompany you to make your 112 Witness Statement.

When giving your statement you should:

- Bring along a notebook or writing paper with you (Personal Notes);
- Write down every question asked in your Personal Notes;
- Make sure you understand every question asked in your Personal Notes;
- Take your time and think carefully before writing answers in your Personal Notes;
- Read your answers aloud to the Police Officer questioning you; and
- Keep your Personal Notes for future reference.

Before signing your 112 Witness Statement, read the questions and the answers written by the Police Officer carefully to ensure there are no inconsistencies. The 112 Witness Statement should be in the language you made it in. You should compare questions and answers in the 112 Witness Statement with your Personal Notes. You have the right to make any corrections/changes to the 112 Witness Statement before signing. Once you confirm the 112 Witness Statement is consistent with your Personal Notes, sign your signature or affix your thumb print immediately below the last sentence of your 112 Witness Statement.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

No. Police can arrest you with or without a warrant. However, if you are arrested without a warrant you should only be detained for a "reasonable" amount of time, not to exceed twenty-four hours. If the Police are unable to complete the investigation within 24 hours (including weekends and public holidays), they must release you or bring you before a Magistrate and the Magistrate can authorize a longer detention period.

If I did not do anything, can they stop me?

Yes. If you are stopped, only give the Police your name, ID card number and address. Then ask "Am I under arrest?" If you are not under arrest, you may walk away/refuse to follow the Police back to the police station or anywhere else.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Can I ask for the reason they stopped me?

Yes. You may politely ask for the reason you are being stopped. You should also ask "Am I under arrest?" If you are not under arrest, you may walk away/refuse to follow the Police back to the police station or anywhere else.

If you are under arrest, you may ask for the reason the Police are arresting you. The Police must inform you of the reason for the arrest. If they do not, the arrest is unlawful.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Can I advocate for another young person stopped by police if we are stopped together?

The law in Malaysia is not clear on whether you may advocate for another young person stopped by Police if you are stopped together.

However, if you are stopped and are not under arrest, you only need to give your name, ID card number and address. If you are not under arrest, you may walk away/refuse to follow the Police back to the Police station or anywhere else. In this case, you may also inform another young person who you are with that they may walk away/refuse to go back to the Police station or anywhere else.

If you are under arrest, both you and the other person you are with have the right to remain silent.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

If I think the stop is unjustified, what can I do?

You may do the following:

If you are not under arrest: Politely ask for the reason you are being stopped and ask if you are under arrest. If you are not under arrest, you may walk away/refuse to follow him back to the Police station or anywhere else.

If you are under arrest: Politely ask the police the reason for your arrest. The Police are required to inform you of the reason for your arrest. If they do not, the arrest is unlawful. If the police arrest you without informing you of the reason for your arrest, lodge a police report against the Police Officer at the first opportunity.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Can I get the officer's identifying information for a future complaint?

Yes. If a Police Officer stops you, you should ask for their Police authority card. Make sure to note the Officer's name and ID number (this information can also be found on the Officer's uniform). You should also note the number plate of the patrol car or motorcycle.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

When you are stopped, it is important to ask for clarification. First thing you should ask is: "Am I under arrest?"

You know you are arrest if the police officer explicitly tells you that you are being arrested and provides the reason for the arrest. If the police says "yes" or if you are not free to leave the situation (i.e. handcuff or physically restrained), this generally means you are under arrest.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Section 28, Malaysian Criminal Procedure Code

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

28206.pdf (uitm.edu.my)

Article 5(3) of the Federal Constitution

Yit Hon Kit v Minister of Home Affairs [1988] 2 MLJ 638)

What if I do not know if I am under arrest?

A proper arrest should always involve clear communication from the Police Officer. If you are unsure if you are being arrested, you should always clarify with the Police Officer.

The questions you can ask the Police Officer are as follows:

- "Am I under arrest?"
- "Why am I under arrest?"
- "Which police station am I being taken to?"

If you feel like your rights are being violated, you are allowed to seek a legal representative as soon as possible.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What is the difference between detention and arrest?

Arrest happens when a Police Officer makes a claim that someone has committed a crime. Detention occurs after an arrest has been made. That said, the law in Malaysia is not clear on whether there is a distinct difference between arrest and detention.

If you are arrested without a warrant, the Police can only detain you up to 24 for hours for investigation. The Police must complete the investigation within 24 hours and release you as soon as possible. If the Police cannot complete the investigation within 24 hours, the Police must bring you before a Magistrate for a remand order to extend your detention beyond 24 hours.

The Magistrate is a judicial officer and has the power to make a remand order to detain you for more than 24 hours. If the Police bring you before a Magistrate, they must explain why it is necessary to detain you beyond 24 hours. Typically the remand order will be for 14 days or less if the Magistrate decides to grant it. If you are brought before the Magistrate, you should:

- Tell them you want legal representation and contact the Legal Aid Center and your family;

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- Tell them you want medical treatment because you are sick or have been beaten;
- Tell them if the Police threatened or beat you during your detention;
- Tell them if you had been denied proper food/water/clothing, toilet or necessary medical attention during your detention;
- Tell them whether the Police had carried out any investigation during your detention.

You can also ask the Magistrate for a shorter remand period than what the Police asks for by giving specific reasons why a shorter remand period is justified (i.e., you can say "I will co-operate with the Police in their investigation," "I will be available," etc.).

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

If I am handcuffed, am I arrested?

Yes. You are arrested if the Police handcuff you. However, you should always clarify with the Police if you are unsure why you are being handcuffed. The Police Officer should always inform you of the reason behind the arrest. Failure to do so is a contravention of Clause 5(3) of the Federal Constitution.

Nonetheless, when faced with this situation, you should always remain calm and cooperate with the Police Officer.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

If my liberty is restricted, am I under arrest?

Generally, yes. After an arrest without a warrant occurs your liberty may also be restricted because you may be detained by the Police for up to 24 hours for investigation. The Police have to complete the investigation within 24 hours and to release you as soon as possible. If the Police cannot complete the investigation within 24 hours, the Police must bring you before a Magistrate for a remand order to extend your detention beyond 24 hours.

The Magistrate is a judicial officer and has the power to make a remand order to detain you for more than 24 hours. If the Police bring you before a Magistrate, they must explain why it is necessary to detain you beyond 24 hours. Typically the remand order will be for 14 days or less if the Magistrate decides to grant it. If you are brought before the Magistrate, you should:

- Tell them you want legal representation and contact the Legal Aid Center and your family;
- Tell them you want medical treatment because you are sick or have been beaten;
- Tell them if the Police threatened or beat you during your detention;
- Tell them if you had been denied proper food/water/clothing, toilet or necessary medical attention during your detention;
- Tell them whether the Police had carried out any investigation during your detention.

You can also ask the Magistrate for a shorter remand period than what the Police asks for by giving specific reasons why a shorter remand period is justified (i.e., you can say "I will co-operate with the Police in their investigation," "I will be available," etc.).

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What to do after being warned of your rights

Proposed Information

How do things change if I am read my rights by police?

When you are arrested, it is your right to be informed of the exact reason for the arrest and to be informed of your right to a lawyer. If you are not informed of the exact reason for your arrest, the arrest is unlawful (Clause 5(3) of the Federal Constitution).

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

No, it does not matter. The Police should be able to tell you the reason for the arrest and your right to an attorney at any location. If you are not informed of the reason for your arrest, the arrest is unlawful. It is also your right to remain silent and/or to contact your lawyer and you should insist on doing so.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

<https://asklegal.my/p/PDRM-police-arrest-rights-malaysia-criminal-procedure-code>

Police questioning you

Proposed Information

Am I required to make a statement?

If you are not under arrest: If the police are investigating a case and think you have information/knowledge about the case, the police may ask you questions and take down your answers. This is called a 112/Witness Statement. If you refuse to cooperate in giving a 112/Witness Statement, the Police can issue a formal order in writing signed by an investigating officer (Police Order) to ask you to cooperate. If you disobey a Police Order, you cannot be arrested. However, it is an offense and the Police may request the Magistrate to issue a warrant against you to compel you to cooperate.

If you are giving a 112 Witness Statement, you have the right to refuse to answer any question/remains silent if the answer is likely to expose you to a criminal offense. You also have the right to have a lawyer accompany you to make your 112/Witness Statement.

When giving your statement you should:

- Bring along a notebook or writing paper with you (Personal Notes);
- Write down every question asked in your Personal Notes;
- Make sure you understand every question asked in your Personal Notes;
- Take your time and think carefully before writing answers in your Personal Notes;
- Read your answers aloud to the Police Officer questioning you;
- Keep your Personal Notes for future reference.

If you are under arrest: You have the right to remain silent. The Police may want to take a 113 Statement from you. You do not have to answer their questions other than providing your personal particulars (i.e., full name, age, address, and occupation). If you have been threatened, beaten, or forced to make a 113 statement, you should lodge a police report against the Police Officer at the first opportunity.

If you wish to give a 113 Statement you should:

- Bring along a notebook or writing paper with you (Personal Notes);
- Write down every question asked in your Personal Notes;
- Make sure you understand every question asked in your Personal Notes;
- Take your time and think carefully before writing answers in your Personal Notes;
- Read your answers aloud to the Police Officer questioning you;
- Keep your Personal Notes for future reference.

If you make a 113 Statement, it can/will be used as evidence against you in Court to prove:

- you have admitted/confessed to the criminal offense as charged; or
- you have admitted/confessed certain facts that tend to show you are guilty of the offense as charged.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Must police notify my guardian?

The law in Malaysia is not clear about whether the Police must notify your guardian. However, when you are arrested you have the right to make a phone call. You should:

Make a call to notify your family or friend or lawyer or the Legal Aid Centre (LAC), inform them that:

- you have been arrested;
- the time, place and reason of the arrest;
- the identity of the Police Officer; and
- the Police station you will be taken to.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

Must I confess?

No.

If you are not under arrest: Even if you must cooperate with a 112/Witness Statement, you have the right to remain silent and refuse to answer a question if it is likely to expose you to a criminal offense.

If you are under arrest: You have the right to remain silent.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

What adults can I ask to be with me?

You have the right to have your lawyer with you. If you are not legally represented, your parent, guardian, relative, or responsible person may assist you.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

http://malaysia.justiceaudit.org/?page_id=33

Who do police have to contact if I am a legal minor?

The law in Malaysia is not clear if the Police are required to contact someone if you are legal minor. However, if you are arrested, you may make a call to notify your family or friend or lawyer or the Legal Aid Centre (LAC), inform them that:

- you have been arrested;
- the time, place and reason of the arrest;
- the identity of the Police Officer; and
- the Police station you will be taken to.

You also have the right to have a lawyer to help you with your case. If you are not legally represented, your parents, guardian, relative, or other responsible person may assist you.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

http://malaysia.justiceaudit.org/?page_id=33

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

If you are arrested, you have the right to make telephone calls. You should make calls to your family, friends, lawyer or the Legal Aid Centre ("**LAC**") to inform them that:

- you have been arrested;
- the time, place and reason of the arrest;
- the identity of the Police Officer;
- and the Police station you will be taken to.

You have the right to contact a lawyer. You should inform the Police that you wish to contact a lawyer as soon as you are arrested.

Once you ask to contact a lawyer, you have the right to consult the lawyer at the Police Station. The police must provide you the space and reasonable time for you to meet and consult the lawyer. The Police may, however, deny you this right, if the delay in questioning you may cause the occurrence of another crime or cause danger to others.

[Red Book — The Police and Your Basic Rights \(English\)](#)

What if I am just a witness?

When the police are investigating a case and think you have information about the case, they may examine you and take down your answers in a 112/Witness statement. As a witness, you have the right to ask a lawyer to accompany you to give a 112/Witness Statement, and you are advised to do so.

Most times, the Police make an informal request that you give a 112/Witness Statement. If the place and time is convenient to you, cooperate. If not, tell the Police you will do so at a convenient place and time. It is good to tell the police that you will do it at a later place and time if you need more time to get a lawyer.

If you completely refuse to cooperate, the Police can issue a formal order in writing signed by an investigating officer (Police Order) to ask you to cooperate. If you disobey a Police Order, you cannot be arrested. However, it is an offense to disobey a police order, and the

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Police may request the Magistrate to issue a warrant against you to compel you to cooperate. If you are compelled to give a statement, you should ask for a lawyer so that your rights are protected.

[Red Book — The Police and Your Basic Rights \(English\)](#)

Do the police always have to tell the truth?

Proposed Information

Can the police lie to me?

The law in Malaysia is not clear if Police are permitted to lie to you.

Do I have to tell the police the truth?

You should not lie to the police. However, you should use your right to remain silent.

If you are not under arrest: You may refuse to answer any question/remain silent if the answer is likely to expose you to a criminal offense.

If you are under arrest: You only have to tell the Police your personal particulars (i.e., full name, age, address, and occupation). You have the right to remain silent/refuse to answer any other questions the police may ask.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

You can call your local police station or go there to report the encounter. You can find information about your area's police station at: <https://www.rmp.gov.my/direktori/direktori-pdrm/bukit-aman>. You can also contact the Malaysia Emergency Response Services, including the Royal Malaysian Police, by calling 999.

<https://www.rmp.gov.my/direktori/direktori-pdrm/bukit-aman>.

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

The law in Malaysia does not articulate a specific procedure for dealing with discrimination or racism. However, you could attempt to lodge a complaint against the Police by calling your local police station or going there to report the encounter. You can find information about your area's police station at: <https://www.rmp.gov.my/direktori/direktori-pdrm/bukit-aman>. You can also contact the Malaysia Emergency Response Services, including the Royal Malaysian Police, by calling 999.

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

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The law in Malaysia does not articulate a specific procedure for responding to circumstances involving discrimination. However, you could attempt to lodge a complaint against the Police by calling your local police station or going there to report the encounter. You can find information about your area's police station at: <https://www.rmp.gov.my/direktori/direktori-pdrm/bukit-aman>. You can also contact the Malaysia Emergency Response Services, including the Royal Malaysian Police, by calling 999.

Some other things you may do:

- If it's allowed and if you feel safe enough to do so, take photos or video to document the incident as it is occurring, and share this record to your parents or the police.
- It is not always possible to avoid situations in which we are the target of discrimination, so finding ways of coping with what we experience, big and small, is important for our mental health, like:
 - **Practice positive self-talk.** If you're getting negative messages about your worth, it helps to focus on your strengths and your core values.
 - **Avoid dwelling.** It's very hard to shake off discrimination. Dwelling on negative experiences can actually cause higher levels of stress or anxiety.
 - **Practice mindfulness and meditation.** Being the target of discrimination can stir up a lot of negative feelings including anger, sadness, and frustration. Mindfulness and meditation can help you get in touch with your feelings without judgment.
 - **Find community.** Experiencing discrimination can be isolating. Having a strong support system among your family and friends can help. It can also be empowering to join groups of people in your community who have had similar experiences.
 - **Seek help from a mental health professional.**

[How to Respond to Discrimination and Bias | JED \(jedfoundation.org\)](https://jedfoundation.org)

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

If the police perform an improper search, you may:

- Protest;
- Remember the Police Officer's name;
- Lodge a report after the incident at the first opportunity.

If you are improperly detained and are brought before a Magistrate, tell the Magistrate about the improper detention. This includes telling them:

- You want legal representation and to contact the LAC and your family;
- You want medical treatment because you are sick or have been beaten;
- If the Police had threatened or beaten you during your detention;

- If you had been denied proper food/water/clothing, toilet or necessary medical attention during your detention; and
- Whether the Police had carried out any investigation during your detention.

<http://ptfmalaysia.org/v2/pdf/redbook-english.pdf>

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Law is generally described as of January 2025.

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