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Doctors' Concern About Social Justice & Democracy

In 2010, Amnesty International published a report entitled "A Blow to Humanity — Torture by Judicial Caning in Malaysia" (Amnesty International Publications 2010, ASA 28/013/2010, available at http://www.amnesty.org.uk/uploads/documents/doc_21090.pdf). In this report, they detailed the practice of judicial caning in Malaysia, estimated to be done to 10,000 people per year, many of whom are foreign nationals. The British colonialists introduced caning for criminal offences to Malaya. The UK has long since abolished caning, but it is still practiced today in a small number of former British colonies, including Singapore and some Caribbean and Pacific island states.

According to the Amnesty International report, "Under the international human rights law, corporal punishment in all its forms constitutes torture or other cruel, inhuman or degrading punishment, which is prohibited in all circumstances."

The report gives graphic details of the act of caning... "The cane shreds the victim's naked skin, turns the fatty tissue into pulp, and leaves permanent scars that extend all the way to muscle fibres." And quoting from a person who had received three strokes of the *rotan*... "In all the 29 years of my life I have never experienced pain like this... My body shivered. Everything went black because of the pain..."

Of grave concern to us is the fact that doctors take part in this ... "Doctors and other health workers are directly involved in the process of caning ... They certify victims for caning, and have the authority to reject victims on medical grounds. When victims lose consciousness on the scaffold, they resuscitate victims so they can receive further blows of the cane." Although doctors are not forced to participate, young doctors from government hospitals are usually the ones called to do this, and they see it as part of their duty. A doctor who had served as the physician in a caning of two prisoners at Kajang Prison said, "Witnessing it was part of my duty Caning is quite painful to watch, no matter what. It's very traumatic to witness this."

Resolutions passed at previous MMA AGMs

It was interesting to review the resolutions from past AGMs as part of my exercise of looking into the history of the Association; I found two resolutions which are as relevant today as they were 10 and 20 years ago — they are reproduced below, for the information of our younger members, and as a reminder to the rest of us as to what the MMA stands for:

In 1989, MMA members resolved:

"... to urge that all persons deprived of their freedom be treated with respect in accordance with their inherent dignity as human beings entitled to basic human rights as citizens, and no such person or their families, wives and children be subjected to physical or psychological torture, or psychological pressure, ill treatment, or unlawful extraction of confessions, intimidation or harassment, or be subjected to cruel punishment, or be deprived whilst in custody, of their right to prompt medical care for their physical mental or emotional ailments."

"Doctors who are members of the MMA shall not willingly obey any order to abet, aid or participate in any way in the torture, of persons who are deprived of their liberty. This House resolves to urge doctors to confidentially, report promptly to the MMA President and to the authorities in Malaysia any findings, or injuries, signs or symptoms of torture of patients they attend to, and obtain the prior consent of the patient for doctors to divulge such information to prevent further torture..."

In 1999, the following resolution was passed:

"Recognising that the medical profession has unique responsibility for the health and welfare of society and therefore has a duty to articulate concern about issues that effect the health and welfare of the community, the Malaysian Medical Association affirms its commitment to:

- The 1948 Universal Declarations of Human Rights, which among others states that:
 - Article 5 : No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
 - Article 9 : No one shall be subjected to arbitrary arrest, detention or exile.
 - Article 10: Everyone is entitled in full equality to fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligation and of any criminal charge against him.
 - Article 11: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
 - Article 12: Everyone has the right of freedom of peaceful assembly and association.
- The 1975 World Medical Association Declaration of Tokyo, which states that “The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty and whatever the victim’s belief or motives, and in all situations, including armed conflict and civil strife”.
- The 1990 World Medical Association Resolution on Human Rights, which calls upon its member association “to review the situation in their own countries so as to ensure that violations are not concealed as a result of fear of reprisals from the responsible authorities and to request strict observance of civil and human rights when violations are discovered”.

In fulfilling these responsibilities, the MMA resolves to:

- Work with other professional and interested groups to study conditions in police lock-up and prison with a view to achieving the necessary reforms to ensure that prisoners in police custody and inmates of prison are not subject to torture or other forms of cruel inhuman or degrading procedures but are treated humanely in an environment that promotes their mental and physical health and rehabilitation as well as receive adequate health care when necessary.
- Call upon the Government of Malaysia to repeal the Internal Security Act and to legitimise the right to peaceful assembly and association.

“All it takes for evil to triumph is for good men [and women] to do nothing.” (Edmund Burke)

The events of the past few weeks should have set us all thinking about what it means to be not just doctors in Malaysia but also as citizens. In particular, the arrest of Jeyakumar Michael Devaraj under the Emergency Ordinance, with the charge of “waging war against the King”, has been particularly disturbing to many of us personally. Kumar, a Life member of the MMA, has participated in many of our AGMs and is well known for bringing up resolutions urging the Association to look into working for the health of poor communities (e.g. estate workers) and questioning policies that favour the rich and disadvantage the poor (e.g. privatisation of health services). Since his arrest, many doctors have spoken/written about the Kumar they know personally, telling stories of his peaceful, simple and humble nature, and the philosophy that he has always followed — service to the people, especially the less privileged of society. He has made many personal sacrifices, living a very simple life and driving that beat up blue Volkswagen beetle for many years.

I have known Kumar since the 1970s in Penang, and I too have many stories about the great work he has done over the years, as a student and as a doctor. Organising free tuition classes for children from squatter communities, documenting carefully the occupational hazards and high accident rate (many fatal) of the logging industry in Sarawak, working to stop the demolishing of the houses of poor city council workers are just a few examples that I have personally witnessed. How could such a person be a threat to the King? He has done more good and made more sacrifices than a hundred of us put together. I join the many people who have written letters and petitions calling for the release of Dr Michael Jeyakumar Devaraj and the other five members of PSM who have been detained under the Emergency Ordinance on 2 July 2011.

First they came.... by Martin Niemöller

“... they came first for the Communists, and I didn't speak up because I wasn't a Communist.

Then they came for the Jews, and I didn't speak up because I wasn't a Jew.

Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist.

Then they came for the Catholics, and I didn't speak up because I was a Protestant.

Then they came for me, and by that time no one was left to speak up.”

Presidential visits

Sarawak was the first state I visited as President, and I managed to meet not just the branch committee

members but also other members (some lapsed), as well as doctors who are “not yet members”. Several issues were discussed, and it was great to have the opportunity to talk to doctors and to clarify why it is so important for doctors to become members of the MMA — because we are the only organisation that represents ALL doctors — public and private, houseman, medical officer and specialist, young and old. MMA is the voice of doctors in Malaysia, and we will do whatever we can to raise doctors' concerns to the relevant authorities. I hope that these meetings will help to make members realise that the MMA does play an important role; we may not be able to solve every one's problems but we can act as a conduit and raise issues at the appropriate level. However, I hope that members will not have unrealistic expectations though, as many issues may not be resolved due to the many factors that are out of our control.

Doctors' responsibility to society

Although the MMA is here to listen to you and to try to address some of your issues, as the largest doctors' organisation in the country, we also have a responsibility to address issues that affect health. As doctors, we are well respected, we have status in society and we are often in a position of influence; as such, we

have a responsibility not just to ourselves but to others, especially those who are less fortunate than us.

JK Rowling, in her speech to the graduating class of Harvard University in 2008, said

“If you choose to use your status and influence to raise your voice on behalf of those who have no voice; if you choose to identify not only with the powerful, but with the powerless; if you retain the ability to imagine yourself into the lives of those who do not have your advantages, then it will not only be your proud families who celebrate your existence, but thousands and millions of people whose reality you have helped change. We do not need magic to change the world, we carry all the power we need inside ourselves already: we have the power to imagine better.”

As doctors, therefore, we need to think about how we can use that privilege to make this a better world for all. At the very least, we need to address issues that will affect the health of our people. At a broader level, we should also be concerned about larger issues of social justice and democracy. So while the MMA should, and will, always address issues where doctors' welfare and the practice of medicine is affected, we must also take a position on issues like the Lynas project, torture of prisoners and detainees and other current socio-political issues. As responsible physicians, we cannot just hide under the “tempurung” of our white coats and stethoscopes. **M**



KPJ KAJANG
SPECIALIST HOSPITAL

KPJ Kajang Specialist Hospital is a MSQH Accredited Hospital and member of KPJ Healthcare Berhad, the Healthcare Division of Johor Corporation, one of the largest healthcare providers in Malaysia. Our corporate vision is to be the preferred provider in healthcare services. With this dynamic growth we seek highly motivated and experienced professionals who share our passion for excellence and efficiency, to join us in meeting new challenges.

CONSULTANT CARDIOLOGIST

Minimum 5 years experience in related discipline registered with Malaysian Medical Council and possess a valid annual practicing certificate in the disciplines listed as follows:

MEDICAL OFFICERS

MBBS or equivalent
Registered with Malaysian Medical Council
Posses a valid annual practicing certificate
At least 3 years working experience in various clinical disciplines including Emergency & Primary Care
Strong consideration will be given on those with OHD Certificate

Interested applicants are required to send in your resume and copy of your certificates to :

The Chief Executive Officer

KPJ Kajang Specialist Hospital

Jalan Cheras, 43000 Kajang, Selangor DE

Tel : 03 8769 2988 Fax: 03 8769 2831

Email: kpjkajang@kpjkajang.kpjhealth.com.my