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IN CONFIDENCE

PSYCHIATRIC REPORT FOR THE ROYAL COMMISSION OF ENQUIRY
INTO THE DEATH OF TEOH BENG HOCK

1. This report has been prepared at the request of the Bar Council of Malaysia to assist the Royal Commission of Enquiry into the death of Teoh Beng Hock. The report focuses primarily on the issue of the probability that Teoh Beng Hock committed suicide, and if so, in what circumstances that could have occurred.
2. The report is based on the following:
 - i. Documents tendered to the Royal Commission including:
 - i. The statement of Teoh Beng Hock dated 01.30 hours on 16th July 2009 (with English translation).
 - ii. The English translation of a note purported to have been penned by Teoh Beng Hock whilst in custody on the 15th or 16th July 2009.
 - iii. The report of the pathologist Professor Peter Vanezis (which included a succinct account of the events leading up to the death).
 - iv. Documents supplied by Michael Squires assisting the Commission, including a list of complaints against the MACC office concerned, extracts from MACC officers' evidence and his briefing to the Commission on interrogation techniques.

- ii. Interviews conducted jointly with my psychiatric colleagues Dr Nor Hayati Ali and Dr Badiah with:
 - i. The parents of Teoh Beng Hock, his sister Teoh Lee Lan, his partner, and mother of his child, Soh Cher Wei, and his brother Teoh Meng Kee.
 - ii. His friends and work colleagues Mandy (full name?) on Ester (full name), Woo chuan Sing, and Ean Yong.
3. A visit to the offices from which Teoh Beng Hock fell, with a plan of the floor's configuration at the time.
4. Discussion with Dr Badiah and Dr Noor Hayati which were particularly helpful and covered such matters as the cultural context and local elements in suicide.
5. Discussions with Michael Squires.

6. The Evidence

There appears to be certain elements in the case about which there is some agreement including:

- On 15th July 2009 officers of the Malaysian Anti Corruption Commission (MACC) based in Selangor, carried out a raid on the political offices of State Assembly member Ean Yong. This culminated in Teoh Beng Hock being taken for questioning to the MACC offices at approximately 18.30 hours. That he drove his own car, accompanied by two officers, to the MACC offices may suggest that he was cooperating voluntarily.
- Teoh Beng Hock was questioned by MACC officers between 18.30 and 22.30 hours. At this point the questioning was transferred from the lounge area to a meeting room where it continued until 00.30 hours on 16th July 2009. The procedure is said to have then been moved to the recording of Teoh Beng Hock's statement, possibly by different MACC officers. This is said to have taken place between 0.30 and 03.30 hours on the 16th July 2009, though this is

disputed. I am led to understand that MACC officers claim to have told Teoh Beng Hock that he could leave at this point but he voluntarily chose to remain.

7. If the Commission accepts this account it indicates that Teoh Beng Hock was questioned for a total of some 8 hours whilst in custody at the MACC offices. The Commission has been informed that no audio or video recordings exist of any of the periods of questioning, nor even contemporaneous notes of the interviews.

- Teoh Beng Hock died on the morning of the 16th July 2009 as a result of falling nearly 30 metres from a window in the MACC offices situated on the 14th floor. He was alive when he fell from the window.
- Teoh Beng Hock was according to some accounts last seen alive around 0600 hours on the 16th July. His body was not discovered until 13.30 hours, by which time he had been dead for several hours.

8. There are a number of elements in the case which are in dispute. The most important from the psychiatric viewpoint is the note said to have been discovered in Teoh Beng Hock's bag, left in the MACC offices. The view the commission comes to on, firstly, whether this note was written by Teoh Beng Hock on the day of his death, and secondly, whether the content can plausibly be considered a suicide note, is critical to any consideration of the possibility of suicide.

9. Vulnerability to Suicide

There is a far greater risk of suicide among men and women in prison and in custody than among the general population. A number of studies indicate that the risk is highest in the first 24 hours after being taken into custody. Those facing charges of homicide or serious sexual offences are at greater risk. Persons with no previous experience of arrest, particularly if they have been respectable and respected members of the community, are at higher risk. Shame and fear are probably important elements predisposing to suicide in this group. Recently in Australia police entrapment led to the arrest of over 100 men, many married and in respectable occupations, on charges related to internet child pornography. Totally unexpected were a number of attempted suicides in this group, six

of whom killed themselves after being charged. There is to my knowledge no evidence about, or even reported cases of people who have killed themselves when having witness statements taken by authorities.

10. The risk of suicide in those recently taken into custody is usually related to panic. This can be induced by confusion and/or disorientation. Most commonly this relates to intoxication and/or the withdrawal effects from drugs and alcohol. It can also reflect physical illness, particularly head injury. Sleep deprivation contributes. A state of panic can also be induced by interrogation techniques which induce fear through frightening threats, serious bullying, or overwhelming physical stress and/or deliberately inducing disorientation in time and place.
11. Suicide is commoner among those with depressive illness, and those with impulsive or disorganized personalities. A history of prior suicide attempts and recent threats to kill themselves is common in this group. Those with psychotic illnesses of a schizophrenic type also have a greatly increased suicide rate. A less substantial association is with rigid, obsessional personalities who become depressed or cannot accommodate themselves to major life stresses. The suicides among those with depressive illnesses and obsessional disorders are usually planned and prepared in advance. Suicide among disorganized personalities and those with schizophrenia are typically impulsive and unexpected. Suicides among those recently taken into custody are most likely to be among those with impulsive and disorganized personalities, though in certain circumstances the rigid obsessional personalities may also be vulnerable.
12. The risk of suicide is higher in those with a family history of suicide, particularly in a parent, and among the recently bereaved.
13. The states of mind associated with suicide are primarily despair and fear, though anger and shame may also play a role.

14. Factors Which Protect Against Suicide

Suicide is very uncommon among those with robust social networks in the form of close family ties, a range of friends, and positive relationships at work. Being in an intimate relationship is protective, as is having the care of children, the latter being particularly important in women.

15. Financial security and social stability mitigate against suicide. Good physical and mental health make suicide most unlikely. Having prospects to look forward to which are positive and provide a commitment to the future reduces the risks of suicide. Those with faith be it in religious or secular beliefs are less likely to suicide. The active members of religions with a strong prohibition on suicide, such as the Muslim and Catholic faiths, are said to have a much reduced rate of suicide.

16. Teoh Beng Hock's Characteristics of Potential Relevance to Committing Suicide

The Commission has considerable information of Teoh Beng Hock's background and situation at the time he was taken into custody. He was a 30 year old man with a university education who had been employed as a teacher, a journalist, and finally as political secretary to Ean Yong, an Assemblyman in the Selangor State Government.

17. The interview with Teoh Beng Hock's parents, a sister, a brother, and his partner was, as might be expected, a difficult and distressing event. The family cannot believe Beng Hock killed himself and are therefore understandably deeply aggrieved at what seems to them not just a delay but a denial of justice. In such circumstances there was initially considerable distrust.

18. Beng Hock's sister presented a picture of a kind man, happy and concerned for the welfare of others. She said he was devoted to his family and concerned not just about the welfare of his parents, but also such matters as the education of his nephews and nieces. Though, inevitably, the picture she presented was partial and, to some extent idealized, there was confirmation of her central themes from other we interviewed and from what

we know of Ben Hock's behaviour. Beng Hock travelled regularly to Malacca to visit his family. When he purchased a car it was not what might have been expected of a young, and at that time a single man, but a large vehicle designed for carrying multiple passengers. We were informed this was to enable him to take the family on outings and holidays.

19. On direct questioning his sister agreed he was a precise, well organized person. This characteristic was elicited from several of those we interviewed. One female friend described him as always keeping his room tidy, though added, for a man. The impression gained was of a reasonably well organized individual but not one who was overly concerned with order or greatly distressed when things were out of place. There was nothing to suggest from the accounts the obsessional traits of rigidity, insistence on routine, excessive concerns with cleanliness or ritualistic behaviours.
20. Teoh Beng Hock's partner, a school teacher, said they had known each other for 4 to 5 years and had been in a relationship for 2 years. He was apparently the one pressing the issue of marriage. Both of them were happy about the pregnancy and enthusiastic about their wedding plans. She painted a picture of a good tempered man, somewhat overtalkative, endlessly curious, and not reluctant to express his feelings. There had been no change in Beng Hock's sleeping pattern, appetite, or loss of interest in his work and recreational activities. She and his family had been very involved in wedding preparations in the week prior to his death. The pregnancy was welcome and accepted by their families and friends. Ean Yong expressed the view that in their age group and circle pregnancy prior to marriage was neither unusual or a subject for shame or negative comment.
21. Ean Yong, who had known and worked closely with Beng Hock provided a less idealised, and therefore more balanced account. Though he also emphasized his positive qualities of responsibility and commitment to his family he described other more robust traits. Ean Yong's view, though not given to confrontation or angry outbursts, Beng Hock was not slow to let people know when he disagreed. He could express his views strongly. Apparently he was an articulate man who could be argumentative, using all his

verbal skills to get his way. Ean Yong agreed that some people might have found his manner challenging or even aggravating.

22. Ean Yong last saw Beng Hock on the afternoon of the 15th July 2009. He described him as understandably concerned but calm.

23. The Fourteenth Floor

The configuration of floor 14 when I visited had been radically altered from the time of Teoh Beng Hock's death. It was possible, with the assistance of the original floor plan to picture the corridor and window as it would have been. It would have dominated the corridor. It seemed to my eye to be more like a large glass door out into the night than the image usually conjured up by the word window. The window was, as now, not locked or secured but can easily be pushed to create a large opening.

24. Opinion

Suicide is a rare cause of death and Malaysia has a particularly low rate (1.8 per 100,000 per annum) being one of few countries where the rate is lower than for homicide. (2.3 per 100,000 per annum). Suicide rates are higher among those in custody. We have no figures for Malaysia but in countries where figures are available rates tend to be 5 to 10 times higher than those in the general community.

25. A great deal is known about what increases and what decreases the risk of killing yourself in the general community. There is also a body of knowledge specifically about the risk factors for those in prison or custody. This enables evidence based estimates for everyone to be made about whether they fall into a high, medium, or low risk group with regard to suicide. The vast majority of those in high risk groups do not kill themselves. A small number of those in low risk groups will kill themselves if placed under sufficient stress. In the case of Teoh Beng Hock it is, in my opinion, possible to estimate the risk group for suicide into which he fell prior to being taken into custody on the 15th July 2009. This by implication would indicate the likely level of stress to which he would have had to be subjected if indeed he did kill himself.

26. Teoh Beng Hock was in regular employment, had a partner who he was soon to marry, had close family ties, a range of friends and colleagues, had not suffered a recent bereavement, and had no known financial problems. These are all social factors decreasing the risk of suicide. He was in early adult life (25-40 years), had no history of suicide attempts or self harm, did not gamble excessively, and had no family history of suicide. These are all factors which make suicide less likely. Teoh Beng Hock showed no evidence for a lowered mood, let alone depression, prior to being taken into custody, in fact, he appears to have been more elated than usual because of the prospect of marriage and fatherhood.

27. The only firm evidence linking personality factors to suicide in the community and in custody is that impulsive disorganized personalities are more suicide prone. There is a suggestion from the literature, and a clinical impression, that suicide is more common among rigid, obsessional individuals when they are placed under particular forms of stress, such as being arrested and charged with serious crimes. Enquiries made of those interviewed suggested that Teoh Beng Hock was a well organized, tidy man with a tendency to be perfectionistic. No evidence was found, however, for dysfunctional obsessional traits, or unusual rigidity. In my opinion, what we learned of Teoh Beng Hock's personality and behaviour do not suggest any increased risk of suicide.

28. In brief, it is my opinion that Teoh Beng Hock was firmly in the lowest risk group for suicide when he was taken into MACC custody. Most of us fall into this the lowest risk group where the chances of killing ourselves are very small.

29. In the absence of any recordings or even contemporaneous notes of what occurred between Teoh Beng Hock entering the MACC offices and falling to his death, most of the evidence consists of the statements of MACC officers. The picture which seems to emerge from these officers' statements was of Teoh Beng Hock being cooperative throughout. Apparently Teoh Beng Hock was so relaxed about his presence in the offices

that when told he could leave he preferred to settle down for a sleep on a sofa. This, despite his car being parked outside and his own office being a short distance away. The Commission will decide what weight to give to such evidence. In my opinion it would be remarkable for anyone to voluntarily remain in a place where they had been interrogated for eight hours in preference to returning home. Teoh Beng Hock could not but have been aware of the anxiety of friends and family about his state. Given his enthusiasm for texting and phoning it is very difficult to understand that he would not have immediately reassured them, whatever the time.

30. The Commission will decide whether the document purporting to be by Teoh Beng Hock is, or is not, a suicide note.
31. If the Commission does not give credence to the note being a suicide note, in my opinion, this greatly reduces the probability that Teoh Beng Hock killed himself. If the Commission were also to accept the claims that Teoh Beng Hock was cooperative, not showing obvious distress, and willingly chose to remain in the MACC offices this, in my opinion, would virtually exclude the chances of Teoh Beng Hock having taken his own life:
32. In the event if the Commission were to conclude the document probably does constitute a suicide note, this would then raise the question of what could have occurred to transform a man who entered the MACC offices with such an apparently low risk suicide into a suicide.
33. Some increased risk of suicide attaches to simply being in custody and being charged with serious criminal offences. Teoh Beng Hock was not however charged with any offence. His statement, if it is accepted as the only statement, does not seem to clearly implicate him, or anyone else, in offences. At worst, in my non expert opinion, this statement could only open the door to further enquiries that just might have led to some form of charges. This is not a context which, in my experience, leads to suicide in custody. There seems no reason for a rational individual who had made such a statement to conclude he had shamed himself or betrayed his colleagues. There is nothing of which

I have been made aware to explain panic and distress sufficient to drive him to conclude his honor had been irreparably tarnished. The reported suicide note does nothing in my opinion to clarify this.

34. In my opinion if Teoh Beng Hock killed himself, things must have occurred in the 12 hours or so between his entering custody and falling to his death which totally undermined his pre-existing psychological stability and capacity to realistically evaluate his situation. Teoh Beng Hock, like all of us, had his vulnerabilities. His concern for his family, and for his future wife and mother of his child, could have been turned into a weapon against him by a totally unscrupulous interrogator, as could his loyalty and sense of responsibility to his colleagues. There are interrogation techniques of the type alluded to in Michael Squires' briefing note to the Commission which can totally destroy a person's mental stability and induce such fear that even death seems preferable. Particularly vulnerable to such techniques would be a law abiding citizen with no prior experience of being in the power of apparently unconstrained authority, particularly if they were cut off from all contact with sources of help and support.
35. The final issue in suicide is the availability of a method of killing yourself. Prisons and custody centres place great emphasis on removing such things as 'hanging points' to reduce suicide risk. People do not kill themselves because they have a method to hand, they use the methods at hand if they have become suicidal. The window from which Teoh Beng Hock fell would have presented an obvious and easily accessible method. That there is such a large window so easily opened on the 14th floor of any offices, let alone an interrogation centre, is to me extraordinary. That it remains so to this day is an even greater scandal.
36. In my opinion, prior to entering custody Teoh Beng Hock was in a low risk group for suicide. If he did kill himself, in my opinion things are likely to have occurred both to undermine his psychological stability and to frighten him literally to death.

17. If it would assist the Commission I could provide advice on minimizing suicide and self harm in custody. The first point is to ensure that those in authority are not acting in a manner which risks driving people to suicide.

A handwritten signature in black ink, appearing to read 'P. Mullen', with a large, sweeping flourish above the name.

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