

GUIDELINES FOR FINANCIAL AID SCHEME

1. Objective

To provide financial aid to family ("*the Affected Family*") whose immediate family member dies while in the control and custody of law enforcement agencies.

Immediate family member herein shall include the spouse parent or child of the Affected family.

The aim of the financial aid is to help to defray some of the costs and expenses which may be incurred by the Affected Family in pursuing the determination of the cause of death of its immediate family member particularly for cases where there is reasonable ground to believe that the death is caused directly or indirectly by criminal unlawful improper and/or irresponsible conduct of member(s) of the law enforcement agency.

2. Scope of Support

2.1 The financial aid shall include the costs and/or expenses incurred by the Affected Family (not exceeding 2 family members) and its solicitors, if any as follows:-

- a) Meals and traveling expenses to attend inquest and/or judicial proceedings within 80 km of the place of abode of the Affected Family ("local claim").
- b) Meals traveling and accommodation to attend inquest and/or judicial proceedings held 80km or more away from the Affected Family's place of residence ("out station claim")

2.2 This scheme shall not cover the cost of medical report.

3. Supporting Documents

Application for financial aid shall be made to the Board of TBH Trust ("the Board") in writing by the Affected Family or through sponsoring NGO, as the case may be, and shall be supported by documentary proof such as employer's letter of confirmation of employment together with tax returns and/or EA Form, salary slip, EPF statement, other source/form of income, water and electricity bill and any other documents which the Board may deem necessary or may request from time to time.

4. Determination and Approval

4.1 The Board shall upon receipt of such application, convene a Board meeting within fourteen (14) working days to deliberate and decide on the application. Any four (4) Board members present shall constitute sufficient quorum and a simple majority decision shall suffice.

4.2 When in doubt, the Board may direct any 2 of its members or any 2 secretariat members, as the case may be, to make a home visit to the Affected Family to ascertain its status and conditions thereafter to report their findings to the Board for consideration.

4.3 Any approval including the quantum of the financial aid ("the said amount of financial aid") made by the Board shall be in writing jointly sign by all four (4) members including the dissenting board member(s). Notwithstanding any such approval, the Board shall have the power and be entitled to revoke the same should the application and/or the supporting documents are found to have been tempered, fabricated, not genuine or there is a positive change in the Affected Family's financial position.

5. Quantum

5.1 Upon completion of the verification and that the Board is satisfied with its authenticity, the Board shall decide on the quantum of financial aid to be. In any event, the financial aid not exceed 50% of the estimated expenses applied for by the Affected Family/sponsoring NGO or a sum of RM6,000 only, whichever is lower. Thereafter, the Board shall authorize and direct the payment of the said amount of financial aid to the Affected Family. The quantum and manner of payment is subject to paragraph 6 below.

5.2 For the avoidance of doubt, the maximum quantum in any one case (from coroner court to high court or court of appeal) shall not exceed RM10,000.00 only.

6. Manner of Payment

6.3 The Affected Family and its solicitor, if any, shall be paid on per attendance basis in accordance with the rates as stipulated in paragraph 7 below, and every payment for both the Affected Family and its solicitor shall not exceed RM1,000 only.

6.4 Notwithstanding sub-paragraph (1) above, in the event that the matter is been remitted to High Court and/or Court of Appeal, the Board may, upon further application by the Affected Family/sponsoring NGO and in its discretion deem fit, increase the number of legal representation to 2 persons. In such event, the payment for each attendance for the solicitors and the Affected Family shall not exceed RM1,500.

7. Rates

The quantum of financial aid and the payment thereof on per attendance basis shall be tabulated and determined base on the following:-

- (a) Transport - 70 cent / km including toll fee
- (b) Accommodation – RM60- RM120 per day for a maximum of 4 days per trip (for out station claim only)
- (c) Meals - RM20 per day per pax (restricted to 2 members of the Affected Family only)

8. Other Source of Financial Aid

8.1 Percentage to be covered by TBH Trust shall not exceed 50% of the estimated expenses stated in the Application save and except for matter remitted to High Court, Court of Appeal and/or Federal Court.

8.2 TBH Trust may, as the circumstances deems expedient, assist sponsoring NGO to raise fund from public for the purpose of providing financial aid to the Affected Family and its solicitors.

8.3 The sponsoring NGO and the Affected Family shall maintain and submit to the Board a detailed account on the expenditure of the financial aid at the end of the inquest and/or the judicial proceedings or at such time as may be required by the Board.

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