

June 27, 2008

Prime Minister  
Datuk Seri Abdullah Haji Ahmad Badawi  
Prime Minister's Department  
Federal Government Administration Centre  
Bangunan Perdana Putra  
62502 Putrajaya  
Malaysia

Dear Prime Minister,

**Re: Lawyers P. Uthayakumar, M. Manoharan, R. Kenghadharan, and V. Ganabati Rao**

The Law Society of Upper Canada is the governing body for the more than 38,000 lawyers in the Province of Ontario, Canada and the Treasurer is the head of The Law Society. Our mandate is to govern the legal profession in the public interest. Fundamental to our system of democracy in Canada is the maintenance of an independent bar and of the rule of law. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

In this regard the governing board of the Law Society of Upper Canada, on the recommendation of its Human Rights Monitoring Group, has requested that I write to you to express our deep concern over reports that P. Uthayakumar, M. Manoharan, R. Kenghadharan, and V. Ganabati Rao, legal advisors for the organization Hindraf, the Hindu Rights Action Force, have been repeatedly arrested and detained. Since December 2007, the lawyers have been in detention under the provisions of the *Internal Security Act*. The Act has been criticized by many governments and human rights organizations as draconian and outdated as it essentially allows the government to detain individuals without trial on national security grounds for up to 2 years, after which the government may extend the detention for a further two years.

We strongly believe that lawyers should be free to promote human rights and perform their legitimate duties as lawyers, without being targeted, harassed or detained. The *UN Declaration on Human Rights Defenders*, adopted by the General Assembly on December 9, 1998, especially its Article 1, states “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”. Article 12.2 further provides “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with

others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

The Law Society of Upper Canada urges the Government of Malaysia to,

- a. guarantee in all circumstances the physical and psychological integrity of lawyers P. Uthayakumar, M. Manoharan, R. Kenghadharan, V. Ganabatirau and T. Vasanthakumar;
- b. ensure that the lawyers are granted all necessary medical treatment and, if necessary, in specialist medical facilities outside the prison, such as in the case of Mr. Uthayakumar;
- c. guarantee their right to receive visits and communicate with their lawyers and relatives;
- d. take prompt action to ensure the immediate release and unconditional release of human rights lawyers when their detention is arbitrary and aims at sanctioning their human rights activities;
- e. conform with basic principles of international law as provided in United Nations conventions and declarations, including the UN *Declaration on Human Rights Defenders* and the United Nations *Basic Principles on the Role of Lawyers*;
- f. put an end to all acts of harassment and intimidation against human rights defenders in Malaysia;
- g. ensure that human rights lawyers can carry out their peaceful and legitimate activities without fear of arbitrary detention, torture or ill treatment, or other human rights violations.

Yours sincerely,

W.A. Derry Millar  
Treasurer

Cc.: Tan Sri Musa Hassan, Inspector General of Police  
Ibu Pejabat Polis Diraja Malaysia, 50560 Bukit Aman  
Kuala Lumpur, Malaysia

Mr. Tan Sri Abu Talib bin Othman, Chairman of the National Human Rights  
Commission of Malaysia (SUHAKAM), Tingkat 29, Menara Tun Razak, Jalan Raja  
Laut, 50350  
Kuala Lumpur, Malaysia

Malaysian Ambassador in Canada  
Diplomatic Missions High Commission for Malaysia  
60 Boteler Street  
Ottawa, Ontario  
K1N 8Y7