



The Law Society of
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du Haut-Canada

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April 28, 2014

Prime Minister Datuk Seri Najib Tun Razak
Prime Minister's Department
Federal Government Administration Centre
Bangunan Perdana Putra
62502 Putrajaya
Malaysia

Dear Prime Minister Najib Razak:

Re: Conviction of Karpal Singh for sedition

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the conviction of human rights lawyer and parliamentarian Karpal Singh, for sedition. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Karpal Singh was arrested, tried and convicted for sedition based on his response to media questions during a February 6, 2009 press conference. Reliable reports indicate that Karpal Singh recently died in a car accident as he was traveling between Kuala Lumpur and Penang to attend a court hearing. The death of Karpal Singh does not lessen the Law Society's concern over the rule of law violations by Malaysian authorities.

During the press conference, Karpal Singh remarked that the removal of Mohammad Nizar and the Sultan of Perak's appointment of Datuk Sier Dr. Zambry Abdul Kadir as the new Menteri Besar, chief executive of Perak's state government, could be questioned in court. His comment was considered seditious and he was charged under Section 4 (1) (b) of Malaysia's *Sedition Act, 1948*.

On June 11, 2010, the High Court acquitted and discharged Karpal Singh. However, the prosecution appealed his acquittal and the Court of Appeal ordered a new trial. The High Court found Karpal Singh guilty of sedition on February 21, 2014. He was then sentenced on March 11, 2014 to pay a fine of RM 4,000. The effect of this sentence meant that Karpal Singh could be disqualified and removed as a member of parliament for answering media questions.

Karpal Singh resigned as the Democratic Action Party (DAP) Chairman following his conviction under Malaysia's *Sedition Act*.

There is an impact to both political speech and free speech when lawyers and lawmakers who are commenting on events while discharging their duties are convicted for sedition. The Malaysian government's use of the *Sedition Act* against groups and individuals is considered both improper and arbitrary. Individual freedom of expression has been disproportionately affected by the government's use of the Act. Karpal Singh was responding to the media in his role as both a lawyer and a lawmaker.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Article 18 states "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

The Law Society urges the government of Malaysia to,

- a. guarantee all the procedural rights that should be accorded to human rights defenders in Malaysia;
- b. put an end to all acts of harassment against human rights defenders in Malaysia;
- c. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,200 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

Cc.: Mr. Tan Sri Hasmy Agam
Chairman of the National Human Rights Commission of Malaysia (SUHAKAM)
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