



## Public Statement

### **The Law Society of Upper Canada expresses grave concerns about the harassment of lawyers Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy in Malaysia.**

On 31 March 2016, lawyer and Secretary of the Malaysian Bar Association, Karen Cheah Yee Lynn, and lawyers Charles Hector, Francis Pereira, and Shanmugam Ramasamy were arrested and placed under investigation for sedition pursuant to section 4(1)(a) of the *Sedition Act 1948*. Reports indicate that the criminal investigation is a political response to a motion tabled by the lawyers at the Malaysian Bar's General Assembly on 19 March 2016. The motion, which was passed by an overwhelming majority of the Malaysian Bar, called for the resignation of Attorney-General Tan Sri Mohamed Apandi Ali following his controversial decision to end the Malaysian Anti-Corruption Commission's investigation into the Prime Minister's financial affairs.

The Law Society presently writes to voice its deep concern as a result of reports that Malaysia continues to use the *Sedition Act 1948* in order to silence the Prime Minister's critics and interfere with the independence of the legal profession.

The Law Society of Upper Canada wrote to His Excellency Dato' Sri Mohd Najib bin Tun Haji Abdul Razak, Prime Minister of Malaysia, urging the government of Malaysia to comply with Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) 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.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Malaysia to:

- a. put an end to all acts of harassment against Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy;

- b. guarantee in all circumstances the physical and psychological integrity of Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy;
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments;
- d. guarantee all the procedural rights that should be accorded to Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy; and
- e. urgently repeal the *Sedition Act 1948* and quash convictions against all individuals sentenced under it for peacefully exercising their rights to freedom of expression.

*The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 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.*

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