



The Law Society of
Upper Canada | Barreau
du Haut-Canada

August 29, 2016

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

His Excellency Dato' Sri Mohd Najib bin Tun Haji Abdul Razak
Prime Minister of Malaysia
Office of the Prime Minister
Main Block, Perdana Putra Building
Federal Government Administrative Centre
62502 Putrajaya, Malaysia

Your Excellency:

Re: Charges against N. Surendran

I write on behalf of the Law Society of Upper Canada to voice our grave concern in the matter of lawyer N. Surendran. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

In our letter dated November 2014, the Law Society expressed concern about the arrest of N. Surendran.

The Law Society again writes to voice its continued deep concern as a result of reports that on June 24, 2016, the High Court of Kuala Lumpur found the *Sedition Act* to be constitutional and that the sedition charges brought against N. Surendran still stand. It is our understanding that N. Surendran's lawyers have filed an appeal of this decision.

The Law Society believes strongly in the independence of the legal profession and in the rule of law. Human rights organizations have indicated that Malaysia continues to use the *Sedition Act* to silence its critics and interfere with the independence of the legal profession.

The Law Society of Upper Canada urges Your Excellency 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. drop the charges of sedition against N. Surendran immediately;
- b. guarantee in all circumstances the physical and psychological integrity of N. Surendran;
- c. guarantee all the procedural rights that should be accorded to N. Surendran, and other human rights defenders in Malaysia;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments; and
- e. urgently repeal the *Sedition Act* and quash convictions against all individuals sentenced under it for exercising their rights to freedom of expression.

Yours very truly,

Paul Schabas
Treasurer

**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.

cc:

H.E. Dato' Aminah Tun Karim Shaharudin
HIGH COMMISSION OF MALAYSIA
60 Boteler Street
Ottawa, Ontario
Canada
K1N 8Y7

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Steven Thiru, Malaysian Bar

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales