

Public Statement

The Law Society of Upper Canada expresses grave concern about the arrest and charges against N. Surendran in Malaysia

Toronto — The Law Society of Upper Canada is gravely concerned about the arrest and charges against lawyer N. Surendran in Malaysia.

N. Surendran is a Malaysian lawyer and a representative for the Padang Serai riding in the People's Justice Party, which is member of the three-party opposition in the Malaysian Parliament. He is also the lawyer for the official leader of the opposition, Anwar Ibrahim.

Mr. Surendran is currently defending Mr. Ibrahim against charges of sodomy. Mr. Ibrahim was imprisoned from 1999 to 2004 on sodomy and corruption charges, which allegations he maintains were untrue and were politically motivated.

Although Mr. Ibrahim was originally acquitted of the current charges, the ruling was overturned by an appellate court in March 2014, resulting in his conviction and a sentence of five years in prison. This conviction was subsequently appealed and Mr. Ibrahim is out on bail awaiting another trial in October. The conviction prohibited Mr. Ibrahim from running in his local election.

We understand that Mr. Surendran made multiple statements relating to the case, alleging that the overturning of Mr. Ibrahim's acquittal and his consequent conviction by the appellate court was part of a political conspiracy. Mr. Surendran asserted that the appellate court had given insufficient consideration to defense claims that the charges stemmed from a political plot to sideline Mr. Ibrahim politically.

The reports indicated that the local authorities reacted to Mr. Surendran's statements by charging him with multiple counts of sedition under Malaysia's Sedition Act. According to credible sources, the Malaysian government has used the sedition law regularly against its critics. We understand that if Mr. Surendran is found guilty, he may face a fine and/or imprisonment for up to three years.

The Law Society expresses concern that the sedition charges against Mr. Surendran are unjustified because the charges stemmed from arguments presented in Mr. Surendran's legal defence of Mr. Ibrahim. Moreover, the Law Society anticipates that the prosecution of Mr. Surendran, as Mr. Ibrahim's lawyer, may compromise Mr. Ibrahim's right to a fair appeal, violating his Article 10 right under the *Universal Declaration of Human Rights*.

The Law Society asks your Excellency to consider Principles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Principle 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.

Principle 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

Mr. Surendran has the right to express freely his thoughts and concerns acting as a lawyer, and as a member of the political opposition in Malaysia, without fear of unlawful prosecution.

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. conduct a fair, impartial and independent investigation into any allegations of misconduct or ill-treatment in the arrest and charging of N. Surendran, in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- e. guarantee that adequate reparation would be provided to N. Surendran if he is found to be a victim of abuses;
- f. put an end to all acts of harassment against N. Surendran, as well as other human rights defenders in Malaysia;
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 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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