



CLA SUPPORTS MALAYSIAN BAR IN CALL FOR REFORM OF 1948 SEDITION ACT

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth professional association of lawyers and exists to maintain and promote an independent legal profession and the rule of law throughout the Commonwealth.

The CLA has for some time now monitored with concern the growing number of cases brought to the courts under the outdated Sedition Act 1948.

CLA noted its disappointment that on the 21st February, the Kuala Lumpur High Court found the late well-known constitutional lawyer Mr Karpal Singh guilty of committing sedition against the Sultan of Perak in 2009 for saying his decision to replace the state's Menteri Besar (meaning the Chief Minister of the state government of Perak, one of the states in Malaysia) is justiciable and could therefore be challenged in a court of law.

CLA President, Mark Stephens, CBE, said, "Sedition is a crime introduced in a Colonial era and is unsuited for criminalising speech, and less so, to be prosecuted against a lawyer expressing an opinion in a modern democratic society. Sedition, like scandalizing the Court, was part of the armoury of criminal laws designed by an Imperial Power to shore up the position of minority white rule. These laws have no place in any modern democratic society."

The CLA supports the stand taken by the Malaysian Bar Council at its Extra-Ordinary General Meeting of 19th September 2014 to take peaceful action in the form of a protest walk on the 16th October in order to draw the attention of the Malaysian Government to the need for reform

The CLA calls upon the Government of Malaysia to respect the role of lawyers, as detailed in the United Nations Basic Principles on the Role of Lawyers (adopted in 1990) and the United Nations Declaration on Human Rights Defenders (adopted in 1998), and to ensure that lawyers are able to access their clients without any hindrance and freely discharge their duties in the interest of effective administration of justice.

The CLA urges the Government of Malaysia to recognise that there is an urgent need to reform the act. The CLA further urges the Government to reassure lawyers that they are free to carry out their functions without Executive interference.

The CLA will continue to actively support the Malaysian Bar Council and the legal profession in Malaysia in their efforts to uphold the independence of the legal profession and respect for the rule of law.

The Malaysian Bar's Walk for Peace and Freedom 2014 will take place on Thursday 16th October at 10.30am from Padang Merbok Car Park (Tempat Letak Kereta Padang Merbok), Kuala Lumpur, Malaysia.