



Dato' Sri Haji Mohammad Najib bin Tun Haji Abdul Razak  
Prime Minister of Malaysia  
Main Block, Perdana Putra Building  
Federal Government Administrative Centre  
62502, Putrajaya  
MALAYSIA

13<sup>th</sup> October, 2014

Dear Prime Minister,

### **Repeal and Replacement of the Sedition Act 1948**

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.

For some time the CLA has monitored with great concern the growing number of cases brought to the courts under the colonial-era Sedition Act 1948.

CLA noted its concern that on the 21st February, the Kuala Lumpur High Court found that the late distinguished constitutional lawyer Mr Karpal Singh was guilty of sedition for saying in 2009 that the decision of the Sultan of Perak to replace the state's Mentri Besar was justiciable and therefore could be challenged in a court of law. There have been numerous other examples of the use of the Sedition Act to curb free speech by prosecution of lawyers, academics, journalists and civil society activists.

The CLA believes that a sedition law introduced in the colonial era to combat communist terrorism is unsuited for criminalising free speech and certainly should not be used against a lawyer expressing an opinion on a matter of legitimate public interest. Sedition, like scandalizing the Court, was part of the armoury of criminal laws designed by the imperial power to suppress opposition to colonial rule. Such laws have no place in any modern democratic society.

The CLA notes the decision taken by the Malaysian Bar Council at its Extra-Ordinary General Meeting of 19<sup>th</sup> September 2014 to take peaceful action in the form of a protest in order to draw the attention of the Malaysian Government to the need for reform of this Act. We would advise that a CLA observer has been invited to report back to the CLA on the events of the 16<sup>th</sup> October.

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Venkat Iyer – Editor

The CLA calls upon you and 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 have access their clients without any hindrance and freely discharge their duties in the interest of effective administration of justice.

The CLA urges you and the government of Malaysia to recognise that there is an urgent need to repeal and replace the Act in accordance with assurances given to Parliament in 2012. We further ask that you and your Government take action 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. We hope that you will respond favourably to the concerns of the legal community throughout the Commonwealth.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mark Stephens', with a long horizontal line extending to the right.

Mark Stephens CBE  
President  
Commonwealth Lawyers Association

Open letter in support of the Malaysian Bar Council for distribution to news networks.