



COMMONWEALTH LAWYERS ASSOCIATION

## Statement on Public Prosecutor v. Karpal Singh

The Commonwealth Lawyers Association are disappointed that on the 21<sup>st</sup> February, the Kuala Lumpur High Court found well-known constitutional lawyer Karpal Singh guilty of committing sedition against the Sultan of Perak in 2009 for saying his decision to replace the state's Mentri 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. Mr. Singh, who was charged under Section 4(1)(b) of the Sedition Act, could now face a maximum three years' jail, RM5,000 fine or both.

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 Commonwealth Lawyers Association CLA, acted as trial observers with our colleagues at LAWASIA in the case brought against Mr Singh in 2009. The Malaysian Bar's Vice President, and CLA Council member Mr Steven Thiru said "The right of a citizen (in this case a senior and experienced lawyer) to voice an opinion on a constitutional law point, that is, whether the decision of a Ruler of a State is justiciable in the courts, is clearly within the scope of freedom of speech and expression guaranteed under Article 10 (1)(a) the Constitution".

The CLA expresses support to our colleagues of the Malaysian Bar Council in calling for the removal of the Sedition Act of 1948, by which charges have been brought to bear on Mr Singh. The CLA has commissioned the distinguished senior advocate and CLA Hon. Life President, Dr Cyrus Das, to hold a watching brief at the hearing for sentence of this unusual case.

We uphold Mr Singh's right as a fully qualified and highly experienced lawyer to offer a professional interpretation of the law without fear of persecution.

We urge the government of Malaysia, as a party to Commonwealth Charter and the Commonwealth (Latimer House) Principles, which provide a roadmap for democracy and good governance, to consider the proportionality, necessity and relevance of Sedition laws in a thriving twenty-first century democracy.

**Commonwealth Lawyers Association**  
**1<sup>st</sup> March, 2014**