

LAWASIA CONCERN AT KARPAL SINGH CONVICTION ON SEDITION CHARGES

As the Law Association for Asia and the Pacific, LAWASIA joins others in the international legal community in recording its concern at the recent conviction of senior lawyer and leader of the Malaysian opposition party, Karpal Singh, on sedition charges.

Mr Singh faced charges under the *Sedition Act 1948* for a statement made by him to the media during a constitutional crisis in Perak in 2009 where he indicated his view as a lawyer that the Sultan of Perak's actions in removing the Chief Minister of the Perak government would be justiciable.

While appreciating that the conviction is a matter for the courts, LAWASIA's concern arises where the Malaysian government had, in 2011, indicated its intention to repeal the *Sedition Act*, which is widely regarded as draconian and a relic of colonial era laws.

In this context, it notes the view of the Malaysian Bar that *"the decision to proceed with the prosecution of YB Karpal Singh under a law that the government has slated for repeal is inexplicable and raises the spectre of selective prosecution."*

Further, it notes that the United Nations *Basic Principles on the Role of Lawyers* indicate at Article 23 that lawyers *"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..."*

In addition, it endorses the view of the Malaysian Bar that *"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 [Malaysian] Constitution."*

As an association comprised of the peak legal bodies of Asia and the Pacific, as well as individual judges and lawyers, LAWASIA is dedicated to protecting human rights and upholding the rule of law. It shares the concerns of others that the prosecution of Karpal Singh in these circumstances indicates a disregard for fundamental constitutional rights of freedom of expression as well as the universally-accepted responsibilities that adhere to members of the legal profession.

Isomi Suzuki
PRESIDENT
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