

**BY AIRMAIL**

The Attorney General of Malaysia  
No. 45, Jalan Persiaran Perdana,  
62100 Wilayah Persekutuan Putrajaya  
**MALAYSIA**

Amsterdam, 28 July 2016

Re: Sedition trial against N. Surendran

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned about the sedition trial brought against mr. N. Surendran. Lawyers for Lawyers has reason to believe that these proceedings are connected to his legitimate activities as an attorney.

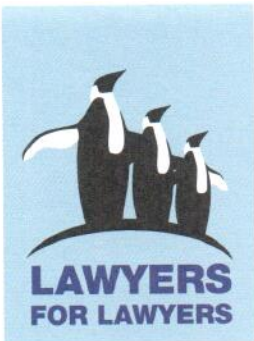
According to our information, in August 2014, two separate sedition charges were brought against mr. Surendran. We understand that both charges were connected to critical comments made by mr. Surendran in the context of the case of his client Datuk Seri Anwar Ibrahim, whom he represents in a criminal appeal against sodomy charges. The first sedition charge relates to a press statement issued by mr. Surendran, claiming the decision of the Court of Appeal in this case was 'flawed, defensive and insupportable', while the second charge concerns comments on the court decision in a video that was uploaded to YouTube.

Mr. Surendran has filed an application to the High Court, requesting the court to strike out his sedition charge. In his application, Mr. Surendran has argued that the allegedly seditious comments he made in the YouTube video on August 8, 2014, were uttered as he was emerging from the Federal Court in Putrajaya in his capacity as Datuk Seri Anwar Ibrahim's lawyer. On 24 June 2016, the High Court of Kuala Lumpur found the Sedition Act to be constitutional, and that sedition charges brought against N. Surendran are still valid. N. Surendran's lawyers filed their appeal against the decision of the High Court on 27 June 2016 to the Court of Appeal.

We would like to draw your attention to the UN Basic Principles on the Role of Lawyers,<sup>1</sup> more in particular Principles 16 and 23, which read:

---

<sup>1</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly 'welcomed' the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



16. Governments shall ensure that lawyers are (a) able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) 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.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall 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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, Lawyers for Lawyers respectfully urge you to:


- Immediately and unconditionally drop all charges that have been brought against mr. N. Surendran; and
- Guarantee in all circumstances that all lawyers in Malaysia are able to practice law without, threat, intimidation, hindrance, harassment, improper interference or reprisals.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van der Biesen,

Yours sincerely,

**Lawyers for Lawyers**

  
Adrie van de Streek  
Executive director

A copy of this letter was sent to:

- Steven Thiru, President of the Malaysian Bar
- Embassy of the Netherlands in Kuala Lumpur, Malaysia