

**BY AIRMAIL**

Minister of Home Affairs  
Blok D2, Parcel D,  
Pusat Pentadbiran Kerajaan Persekutuan,  
62546, Putrajaya  
**MALAYSIA**

Amsterdam, 25 April 2016

Re: sedition investigations against Karen Cheah, Charles Hector Fernandez, Francis Pereira and Shanmugam Ramasamy

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 initiation of sedition investigations against four lawyers of the Malaysian Bar: Karen Cheah, Hector Fernandez, Francis Pereira and Shanmugam Ramasam. Lawyers for Lawyers has reason to believe that these proceedings are connected to their legitimate activities as attorneys.

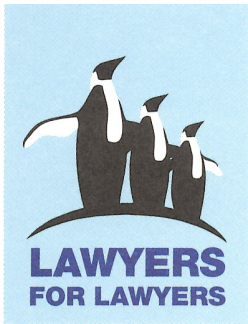
According to our information, on 19 March 2016, a motion was tabled at the Annual General Meeting of the Malaysian Bar calling on Attorney General Mohamed Apandi Ali, to resign over his handling of a corruption case involving Prime Minister Najib Razak concerning the misappropriation of hundreds of millions of US dollars from the state-owned investment company 1Malaysia Development Berhad (1MDB). The motion was approved by 744 members of the Bar who voted in favor and whilst 62 voted against and 12 abstained.

It is our understanding that, following the motion, on 31 March 2016, four lawyers Karen Cheah – the Secretary of the Malaysian Bar – Charles Hector Fernandez, Francis Pereira and Shanmugam Ramasamy were picked up by the police to record their statements. All four lawyers are currently under investigation under Section 4(1)(a) of the 1948 Sedition Act.

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:

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<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 drop the sedition investigations against Karen Cheah, Charles Hector Fernandez, Francis Pereira and Shanmugam Ramasamy
- 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 den Biesen,

Yours sincerely,

**Lawyers for Lawyers**



Adrie van de Streek  
Executive director

A copy of this letter was sent to:

- Tan Sri Khalid Abu Bakar, Inspector General of Police
- Mohamed Apandi Ali, Attorney General
- Steven Thiru, President of the Malaysian Bar
- Embassy of the Netherlands in Kuala Lumpur, Malaysia