



BY AIRMAIL

Prime Minister of Malaysia
Main Block, Perdana Putra Building
Federal Government Administrative
Centre
62502, Putrajaya
MALAYSIA

Amsterdam, 30 August 2017

Re: Criminal charges against Siti Kasim

Dear Prime Minister,

Lawyers for Lawyers is an independent and non-political 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 to learn of the criminal case currently pending against Malaysian lawyer and human rights defender Siti Kasim.

According to our information, on 3 April 2016, the Federal Territories Islamic Department (JAWI) carried out a raid on a private event held by a group of members of the transgender community. Siti Kasim, a lawyer and human rights defender was present at this event in her capacity as lawyer and, in that capacity, questioned the legitimacy of the raid since the religious authorities conducted the raid without a warrant and were not accompanied by the police, as required under Malaysian law.

On 7 April 2016, Siti Kasim was arrested and investigated for "criminal intimidation" and for allegedly "obstructing a public servant" after she demanded to know if JAWI officers had a warrant to conduct the raid. She was subsequently released and decided to initiate a civil action for unlawful arrest. She was informed on 13 June 2017, shortly after having initiated her civil case, that she was going to be charged at the Kuala Lumpur Magistrates' Court for "obstructing a public servant" under the Penal Code. If convicted, she faces up to two years in prison, a maximum fine of RM10,000 (USD 2,331) or both.

Lawyers for Lawyers fears that the prosecution of Siti Kasim is connected to, and serves to curb her legitimate activities as an attorney. We have reason to believe that the criminal charges brought against her are connected to the civil case she has initiated against JAWI.



In this context, we would like to draw your attention to the UN Basic Principles on the Role of Lawyers,¹ and in particular Principle 16, which reads as follows (emphasis added):

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.

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


- Immediately and unconditionally drop all charges that have been brought against Siti Kasim; 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 important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

Yours sincerely,

LAWYERS FOR LAWYERS

p.o.


Phon van den Biesen
President

Cc:

- Department of Federal Territory Islamic Affairs
Kompleks Pusat Islam
Jalan Perdana,
50676 Kuala Lumpur
- Tan Sri Mohamed Apandi Ali, Attorney General of Malaysia
Attorney General's Office, No. 45 Persiaran Perdana Precinct 4,
62100 Putrajaya, Wilayah Putrajaya,
Malaysia
Email: pro@agc.gov.my

¹ 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.