

Law Council supports Malaysian Bar's 'Walk for Peace and Freedom'

The Law Council of Australia joins with LAWASIA in supporting the Malaysian Bar's resolution at its Extraordinary General Meeting of 19 September to host a peaceful public protest by its members against the continued use of the *Sedition Act 1948*.

Law Council of Australia President, Mr Michael Colbran QC, said the Law Council shares the concerns of the Malaysian Bar and others in the international legal community that the continued use of sedition laws in Malaysia is stifling freedom of speech and expression.

Law Council of Australia President-elect, Mr Duncan McConnel, will travel to Malaysia this week to act as an Observer in the 'Walk for Peace and Freedom' which is taking place on 16 October.

The Law Society of England and Wales and the Union Internationale des Avocats, also deeply troubled by the use of the *Sedition Act* in Malaysia, have requested that the Law Council's Observer, Mr McConnel, represent them at the 'Walk for Peace and Freedom'.

The Law Council is strongly supportive of the Malaysian Bar's efforts to advocate for the repeal of the *Sedition Act*, and its call for the withdrawal of criminal charges against all persons currently facing persecution.

"The Law Council is deeply concerned by reports that the *Sedition Act* is being used in such a way that those who are viewed as critical of the Government are subject to investigation and prosecution under its powers.

"The Law Council has been keeping a watching brief on this issue and is alarmed by reports that a number of those that have been prosecuted under the *Sedition Act* are members of the Malaysian legal community.

"Lawyers must be free to represent their clients without interference and to advocate fearlessly for the practical acceptance and application of the Rule of Law.

"Such advocacy is not in opposition to the authority of any government to make law, but rather strengthens that authority.

"If citizens and organisations can question laws that appear to infringe basic rights and liberties – whatever those rights may be within a legal jurisdiction – then the system has greater integrity, which strengthens respect for the system.

"It is this focus on the system – the rule of law – that necessitates independence: independence from Government and political interference and independence from public sentiment," Mr Colbran said.

The Council also notes that the United Nations *Basic Principles on the Role of Lawyers* indicates 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...*"

The Law Council encourages political discussions to focus on the merits and technical application of the law rather than attacking those whose duty it is to uphold the rule of law and advocate within the law.

Together with LAWASIA, the Law Council calls on Malaysian authorities to ensure that Malaysian lawyers are able to carry out their mandated duty through actions including the 'Walk for Peace and Freedom', without fear of reprisals from those elements of Malaysian society who oppose their views.

Vanessa Kleinschmidt, Director, Government and Corporate Affairs

P. 02 6246 3716 // M. 0408 014 110

E. vanessa.kleinschmidt@lawcouncil.asn.au // www.lawcouncil.asn.au