

MACC's Actions Tantamount To Intimidation Of Lawyers
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The Malaysian Bar condemns the Malaysian Anti-Corruption Commission ("MACC") for ordering Latheefa Koya and Murnie Hidayah Anuar, the two lawyers who acted as legal counsel for Shamsubahrain Ismail and accompanied him during his questioning by MACC, to be similarly questioned, in the name of assisting an investigation into an offence.

The presence of a lawyer when an individual is questioned promotes accountability, because lawyers serve as a crucial safeguard for the rights of the interviewee, and also function as a check-and-balance, on the spot, against any excess.

MACC's actions are tantamount to harassment of lawyers, as such behaviour threatens the independence of the Bar and interferes with a lawyer's obligation to act for clients without fear or favour. In addition, such questioning of a lawyer makes a mockery of the fundamental principle of solicitor-client confidentiality by which lawyers are bound.

It is internationally recognised that lawyers perform a vital function when they act for their clients in the pursuit of justice, and that they must be permitted to carry out these functions freely. For example, Article 16 of the United Nations Basic Principles on the Role of Lawyers provides that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.

The Malaysian Bar urges MACC to give due recognition to the right of access to legal representation, which is a fundamental tenet of the Rule of Law and should be an unfettered right that can be freely exercised in any democratic society. We also call for MACC to withdraw its notice to the lawyers to attend for questioning, and to respect the principle that lawyers must be allowed to discharge their professional duties without interference.

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(The views expressed above belongs to the author in its entirety and does not represent the opinion of Malaysian Mirror in any way)