

Govt should stop interfering with foreign lawyers' rights
The Sun Daily
August 23, 2011
By Hemananthani Sivanandam

PETALING JAYA (Aug 23, 2011): The Bar Council today urged the government to stop interfering with the rights of foreign lawyers to meet with their local clients in respect of foreign legal proceedings.

In a statement, Bar Council president Lim Chee Wee said it is counter-productive for the government to turn away foreign lawyers who take up causes that are "unpopular" with the government.

"This lack of respect for the independence of lawyers does not bode well for the international reputation of Malaysia," said Lim.

He was referring to the recent action by the government on prohibiting UK-based lawyer Imran Khan from entering Malaysia.

Khan had traveled from London to Kuala Lumpur to meet with his clients, speak to various parties about his clients' case and gather further information about the marginalisation of the Indian community in Malaysia.

This is the subject of a class-action law suit by the Indian community in Malaysia against the British Government.

However, Khan was prevented from entering Malaysia on the basis that he was a "prohibited immigrant".

Lim said the government should state which particular provision of section 8(3) of the Immigration Act 1959/1963 Khan violated, which resulted in him being declared a "prohibited immigrant".

"Pursuant to section 8(4), the burden of proof that any person seeking to enter Malaysia is not a prohibited immigrant shall lie upon that person, but this is rendered impossible if Khan was never informed of the specific allegation against him," explained Lim.

He said Khan's prohibition follows the earlier deportation of William Bourdon, the Paris-based lawyer for human rights non-governmental organisation Suara Rakyat Malaysia (SUARAM).

SUARAM has initiated legal proceedings in France in relation to the purchase by the Malaysian Government of two Scorpene submarines.

"The crude manner of Bourdon's expulsion and Khan's prohibition gives rise to speculation of the motive underlying the government's action, and begs the question of why the government appears afraid of these two foreign legal proceedings.

"In both instances the government breached the principle of natural justice, a foundational element of administrative law.

"By failing to inform either person of the specific grounds for his deportation or prohibition, and by refusing to afford either of them an opportunity to challenge the order, the

government failed to uphold a basic tenet of administrative law, thus breaching their human rights," said Lim.

The Sun Daily

Copyright © 2011 Sun Media Corporation Sdn. Bhd.

Source:<http://www.thesundaily.my/news/121400>