



**Circular No 232/2012
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To Members of the Malaysian Bar

Malaysian Bar Receives United Nations Malaysia Organisation of the Year Award 2012

On the occasion of the 2012 United Nations (“UN”) Day yesterday, 24 Oct 2012 (Wednesday), the Malaysian Bar was conferred the UN Malaysia Organisation of the Year Award 2012 at a ceremony at the Renaissance Hotel, Kuala Lumpur.

According to the UN, the award “has since 1998 recognized the outstanding contributions of individuals and organizations in the country on issues of human rights, social justice and equality”.

The Malaysian Bar received the award in recognition of how, “[t]hroughout its 66-year existence, [it] has admirably fulfilled its role as guardian of the rule of law, and defender of human rights and the public interest, in Malaysia”. The Bar was described as “an organization that through its cumulative work best exemplifies a commitment to democracy in the country”.

The citation for the Malaysian Bar read out by Kamal Malhotra, UN Resident Coordinator, Malaysia, is reproduced below and is accessible [here](#). The acceptance speech made by Lim Chee Wee, President of the Malaysian Bar, is also reproduced below, and is accessible [here](#).

The UN Malaysia Organisation of the Year Award 2012 is undoubtedly the most prestigious award ever received by the Malaysian Bar. Congratulations to all Members of the Malaysian Bar for this achievement!

Tony Woon Yeow Thong
Secretary
Malaysian Bar

Citation for the Malaysian Bar

UN Malaysia Organisation of the Year Award 2012

Throughout its 66-year existence, the Malaysian Bar has admirably fulfilled its role as guardian of the rule of law, and defender of human rights and the public interest, in Malaysia. The Malaysian public has come to know it and look towards it for guidance on what the law is, what the law should be, and what the law must never be.

As a statutory body set up under the Legal Profession Act 1976, the Malaysian Bar is tasked to “uphold the cause of justice without regard to its own interests or that of its Members, uninfluenced by fear or favour”, and to “protect and assist the public in all matters touching ancillary or incidental to the law”. The Malaysian Bar has been exemplary in discharging its responsibilities. In particular, the Malaysian Bar has shown unfailing commitment in standing up, and unwavering zeal in speaking out, against abuse of power by those in authority.

The Malaysian Bar’s history has been marked by opposition to legislation that is draconian and against the interests of justice. In the 1970s it stood against the Essential (Security Cases) Regulations 1975 that amended the law for the trial of offences against national security, which included changes in the basic rules of evidence and removal of a judge’s discretion in sentencing. In the early 1980s a contingent of lawyers marched to Parliament House to oppose amendments to the Societies Act, which infringed on the freedom of association and curtailed the self-regulation of registered societies. 42 lawyers were subsequently charged in court for taking part in an unlawful assembly, found guilty, admonished and discharged.

In the late 1980s the Malaysian Bar protested the Executive’s assault on the independence of the judiciary, which led to the suspension of the Lord President and five judges of the Supreme Court, and which culminated in the dismissal of the Lord President and two judges of the Supreme Court.

Throughout the 1990s and 2000s, the Bar continued to consistently advocate for the independence of the Judiciary, and has persisted in calling for the assertions of judicial misconduct to be investigated, even to the extent of calling for a royal commission of inquiry, to which the government agreed.

One aspect of the Malaysian Bar’s work that sets it distinctively apart from many other law associations is its robust defence of democracy and human rights — particularly civil and political rights — and its intolerance of discrimination.

Since 2000 in particular, the Malaysian Bar has been vocal in promoting the right to freedom of belief, and mutual respect and acceptance of all faiths. The Malaysian Bar has actively engaged with the authorities on proposed amendments to relevant legislation, and provided its views on conflicts of laws issues that face families caught between the separate jurisdictions of civil and Syariah laws. In addition, it has repeatedly called for the open and constructive exchange of views as a means of fostering national unity.

In more recent years the Malaysian Bar has championed the rights of the Orang Asli community, persons with disabilities, and the freedoms of assembly and association. The landmark native title case of *Sagong Tasi*, which recognised the proprietary interest of the Orang Asli in their ancestral lands, was undertaken completely on a *pro bono* basis by a team of lawyers from the Malaysian Bar. The “Walk for Justice” in 2007 and the “Walk for Freedom” in 2011 were bold moves to highlight travesties of the administration of justice and rule of law, and to oppose unjust laws.

Undeterred by threats, and allegations of political bias, the Malaysian Bar has continuously and unhesitatingly taken a stand in favour of human rights, fundamental freedoms and civil liberties, greater constitutionalism, access to justice, and an independent Bench and Bar.

Through the holding of watching briefs, the Malaysian Bar signals its concern on particular issues, such as conversion of children; gender discrimination; deaths in custody; constitutionality of requiring a police permit for a gathering; sedition; and excessive use of force by law enforcement personnel. The Malaysian Bar has also often been called upon to provide monitors to observe public assemblies organised by other groups. The Malaysian Bar's presence at these trials, inquests, inquiries and public assemblies reminds those responsible for the administration of justice in this country that the Bar will not sit idly by where matters of public or national interest are concerned.

Since March 2009, the Malaysian Bar's ground-breaking MyConstitution Campaign has undertaken a plethora of innovative activities and events throughout the country, in its mission to promote constitutional awareness and constitutionalism amongst Malaysians.

The launch of the National Legal Aid Foundation (Yayasan Bantuan Guaman Kebangsaan) on 25 February 2011 was a significant milestone in the history of the Malaysian Bar's involvement in ensuring access to justice through the provision of legal aid. The Malaysian Bar is one of the few law associations that run a fairly widespread legal aid scheme funded solely by a levy imposed on all its Members. Despite the scheme's existence since 1982, however, many arrested individuals are still unrepresented, as the scheme does not have adequate resources. For many years, the Malaysian Bar had lobbied for the establishment of a comprehensive legal aid scheme, and the establishment of the Foundation — a collaborative effort with the Government of Malaysia — is a momentous step forward in plugging this gap.

The UN in Malaysia believes that all this is consistent with the UN Charter, and has no doubt that the Malaysian Bar will continue to uphold its tradition, and indeed its duty, of speaking up against injustice, and unjust laws and practices.

24 Oct 2012

Acceptance Speech

Lim Chee Wee
President, Malaysian Bar

UN Malaysia Organisation of the Year Award 2012

It is a privilege for me to accept this United Nations Award on behalf of the Malaysian Bar's almost 14,800 Members, 25 past Presidents, and its past and present Bar Council members.

The Malaysian Bar is both honoured and humbled by this award, which recognises the outstanding contributions of organisations in Malaysia in the areas of human rights, social justice and equality. We, the Bar, thank the United Nations for this privilege.

This United Nations Award is undoubtedly the most prestigious award ever received by the Malaysian Bar.

The Malaysian Bar is being recognised for the work it has carried out in fulfilment of its principal statutory purpose, namely, “to uphold the cause of justice without regard to its own interests or that of its members, uninfluenced by fear or favour”. The Bar has also undertaken many initiatives in order to “protect and assist the public in all matters touching ancillary or incidental to the law”, another statutorily-mandated function.

In its sixty-six years of existence, the Malaysian Bar has consistently and unhesitatingly stood up for rights and freedoms, and for justice. The Bar has, for example:

- condemned the existence, and use, of oppressive and unjust laws such as the Internal Security Act 1960 and other security laws;
- publicly advocated for the preservation of the independence of the Judiciary, particularly during the 1988 judicial crisis, and the video clip scandal involving VK Lingam and Ahmad Fairuz;
- publicly advocated for the protection and promotion of our constitutional fundamental liberties and that Malaysia is a secular state; and
- provided legal representation to uphold the human rights of marginalised and vulnerable individuals and groups, including the Orang Asli and Orang Asal, and other minorities.

Over the years the Malaysian Bar’s work has earned it not only bouquets, but also brickbats in equal measure. Public rebuke and protests against the Malaysian Bar, and warnings of physical violence — even death threats — against its leaders have not, and will not, dissuade the Malaysian Bar from fulfilling its purpose, and acting true to its values and responsibilities.

The Malaysian Bar has come a long way in its relationship with the Executive and the Judiciary in the last twenty-five years. Whilst the passage of time has not seen any change to the values and causes that the Malaysian Bar champions, it has witnessed dramatic improvements in the Bar’s relationship with these two pillars of democracy.

It would have been unimaginable, twenty-five years ago, for the then-Prime Minister of Malaysia to have publicly acknowledged that, “The Malaysian Bar is an important partner in the rule of law and the administration of justice. When it speaks, we listen.”

Yet, almost a month ago, our Prime Minister, Dato’ Sri Mohd Najib Tun Abdul Razak uttered these words at the Malaysian Bar’s International Malaysia Law Conference 2012.

At the same event, the Chief Justice of Malaysia, Tun Arifin Zakaria, described the Bar as “an equal partner in the administration of justice”.

It is the Malaysian Bar’s hope that this collaboration will develop into an effective partnership, characterised by commonality of aspiration and purpose for a Malaysia where the rule of law and human rights are protected and promoted, regardless of class, race, gender, or membership of minority groups.

Recent events suggest that we will continue to face challenges and difficulties in the exercise of our freedoms of speech and assembly, and our right to vote, as well as in the elimination of discrimination against, and promotion of equality for, minorities.

The Malaysian Bar pledges to continue lending its advocacy, both in the public arena and in the courtroom, to defending freedoms and rights, and to realising the nation's aspirations for an inclusive and functioning democracy.

Thank you.

24 Oct 2012