

**The Honourable Dato' Sri Mohd Najib bin Tun Abdul Razak
Office of The Prime Minister of Malaysia
Main Block, Perdana Putra Building
Federal Government Administrative Centre
62502, Putrajaya
Malaysia**

Brussels, 20 April 2015

Re: Concerns regarding the harassment and detention of Ms Michelle Yesudas and Mr Eric Paulsen, human rights lawyers

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further twelve European countries' bars.

The CCBE places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concern over the situation of Ms Michelle Yesudas and Mr Eric Paulsen, human rights lawyers, who were both detained in March 2015. Mr Paulsen and Mrs Yesudas are respectively the co-founder and Legal and Campaign Coordinator of the human rights organisation Lawyers for Liberty.

According to the information we have received, on 20 March 2015 Ms Michelle Yesudas and the Inspector-General of Police exchanged comments on Twitter concerning threats of rape made against a television presenter. The human rights lawyer had criticised the tweets made by the Inspector-General, calling on the police to investigate the threats of rape. After the Inspector-General made a threat via Twitter to summon her for questioning, Ms Yesudas was detained on 23 March 2015. She was released the same day.

The CCBE has been informed that on 22 March 2015 her colleague, Mr Paulsen, was detained after having received similar threats from the Inspector-General of Police. Mr Paulsen had made critical comments on Twitter regarding proposed legislation in the state of Kelantan related to expanding the application of Islamic law. According to the reports, the arrest came after the Inspector-General of Police had declared that Mr Paulsen should "watch his mouth" and refrain from commenting on religious matters. The Inspector-General also made a comment on Twitter stating that the police would review the lawyer's comments and take action. A court magistrate ordered Mr Paulsen's release on 23 March 2015, refusing the police's request to extend his detention by four days.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states 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, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to drop the police investigations into Ms Michelle Yesudas and Mr Eric Paulsen, and to guarantee their security and physical and psychological integrity. In addition, the CCBE asks you to take all necessary measures to guarantee that lawyers in Malaysia are able to carry out their professional activities in all circumstances, without fear of reprisal, intimidation or judicial harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,



Maria ŚLAZAK
President