

Our ref: 2014000010 EB / AHA

Date: 16 March 2020

Your ref: *please advise*

Sent by: email (ceo@malaysianbar.org.my) & fax
(03 2034 2825 / 03 2026 1313)

URGENT

To: Mr Rajen Devaraj
Chief Executive Officer
Bar Council

Dear Mr Devaraj

COVID-19 AND COURT PROCEEDINGS

Ever since some lawyers were infected in the second wave, we wanted to write this letter, but we refrained from so doing. We wanted to wait for the Bar Council's direction.

But on 11 March 2020, WHO characterised COVID-19 as a pandemic. Yesterday, it was reported that recent cases had taken Malaysia's tally to 428 – the highest number in Southeast Asia. 16,000 people gathered at a religious event at Masjid Jamek Sri Petaling. Not all of them have been tracked down or tested. 40 Malaysian attendees have so far tested positive. We are unsure how many of the 16,000 are Malaysian lawyers. 45 of the 50 cases in Brunei have been linked to this event. East Malaysians have been infected.

We think that it is time to write this letter.

We urge the Bar Council to take the following step: *To immediately write to (and do its utmost lobbying with) the Chief Justice to cancel all court proceedings which require the physical attendance of people. It may be for one week at first. Then, to monitor for regular updates. The usual e-reviews or e-mentions or e-case managements can go on. Alternatively, if there is a system in place to have hearings online, then that could be put in place.*

It is insufficient just to have matters in open court and to wear masks.

We have directed all at our firm to work from home and to self-isolate. Meetings are to be online. However, every time a court date comes up that requires us to be physically present, there is but no choice to put our lawyers in harm's way. We had earlier asked for adjournments when some in the fraternity were infected, but we cannot go on doing this on the possibility that there may be further infections.

We have a responsibility to our lawyers and our clients hence this urgency. We cannot keep having our lawyers being exposed to the virus. We would be derelict in our obligations.

The Bar Council has a responsibility to us as members and society. The Council wields considerable power. Even if the Government is unwilling to order a shutdown of official business, the Chief Justice can

act in relation to the courts. The Council should do its best to facilitate this goal. It would be better to take the hit for a short period than face the risk of having a total lockdown if the virus cannot be contained any further.

With the spike, we are now in the third wave. The Ministry of Health has declared that Malaysia has moved to a stage of "late containment". Next would be "mitigation". It is unclear what the Government intends to do, but Malaysia has been foolish to have waited this long for firm action to be taken.

Could you kindly raise this letter with the EXCO for a quick decision? Let us not be as foolish as the administration. Thank you.

Stay safe. We will never walk alone.

Sincerely,
for AmerBON



Edmund Bon Tai Soon



Amer Hamzah Arshad