



17th

Kuala Lumpur Bar Annual General Meeting



AGM



2009



Thursday 26th February 2009
2:00 pm @ Grand Ballroom
The Legend Hotel, Kuala Lumpur

KUALA LUMPUR BAR COMMITTEE

2008/09



L to R (Front):

**Mary Tan (Executive Secretary), R. Ravindra Kumar (Chairman),
Brendan Navin Siva (Honorary Secretary), Reggie Wong Mew Sum**

(Back):

**Lai Chee Hoe, Lee Shih, Anand Ponnudurai, Dipendra Harshad Rai,
Datuk N. Sivananthan, Ravindran Nekoo, Abdul Rashid Ismail,
Steven Thiruneelakandan (Rep. to Bar Council), Sanjeev Kumar Rasiah,
Richard Wee Thiam Seng**

(Inset):

Dahlia Lee Wooi Mien

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R. Ravindra Kumar
Chairman

CHAIRMAN'S REPORT

A. INTRODUCTION

During my second term in leading the KL Bar in 2008/2009, the Committee had continued to engage with our relevant stakeholders with a view to improve the day to day practice of our members as well as in the administration of justice in the Court. To that extent my Committee had worked tirelessly in ensuring that these objectives were carried out in the best possible way. As members will realise, this year we decided to produce our Annual Report on CD Rom to save costs and in our efforts to help protect the environment. We have nevertheless made limited hardcopies of the Annual Report for the AGM.

The panel of inquiry which was set up to investigate several allegations made against the KL Legal Aid Centre ("KL LAC") during the last AGM has exonerated the KL LAC and its office bearers. It is hoped that with this finding, the KL LAC will continue to receive the support that it deserves in carrying out its objectives to provide Legal Aid.

Much of the work and efforts of the KLBC would not have been possible without the support and dedication of my Committee. To this end, I thank my Committee and their members in the Sub-committees for their continuing support and commitments shown in carrying out their tasks. Members will note from the accompanying reports, the various activities undertaken by them during this term.

B. COMMITTEE ACTIVITIES

i) Updates from KLBC

The KLBC revived the sending of a general statement after each KLBC meeting to update members on the activities of and work that was being carried out by the KLBC and its Sub-committees.

ii) Motion to Abolish the Internal Security Act 1960 passed at the 16th AGM of the KL Bar on 21.02.2008

The KLBC, upon taking office, wrote to the Prime Minister and the Minister of Internal Security calling on the Government of Malaysia to repeal the Internal Security Act 1960 and to immediately release all ISA detainees and where appropriate, to charge them in an open and public trial.

iii) Appeal towards the release of the 4 lawyers detained under the ISA

On 30.04.2008, the KLBC wrote to the Minister of Internal Security and copied to the Prime Minister, calling for the release of our Bar members detained under the ISA.



iv) Funds for the 4 lawyers detained under the ISA

The KLBC assisted the Bar Council in co-ordinating the collection of funds for the 4 lawyers detained under the ISA. An account with Maybank was opened for the said purpose. A sum of over RM65,000 had been collected thus far and the Bar Council had disbursed to each family a sum of RM16,000. The account is kept opened and the Bar Council together with the KLBC is continuing its efforts to raise funds for the 4 lawyers.



v) Visiting the 4 Bar members detained under the ISA

The KLBC, represented by its Chairman and KL Bar's representative to the Bar Council, together with a representative from the Bar Council Human Rights Committee visited the JI detainees as well as the Bar members (except Uthayakumar who declined to receive visitors) detained under the ISA at Kamunting on 24.06.2008.



vi) Courtesy Calls and Meetings

- The KLBC met the Senior Sessions Court Judge on 07.03.2008 to thrash out the suggestion by the Courts to revert mentions to the mornings.
- The KLBC paid a courtesy call on YAA Tan Sri Dato' Seri Alauddin bin Dato' Mohd Sheriff on 02.04.2008 (who was then the Chief Judge of Malaya) and met up with His Lordship again on 07.07.2008 and 05.09.2008 to raise several issues of concern and follow up on the issues that were raised at the courtesy call on 02.04.2008 including the urgent need for at least an additional Judge to be appointed to the Appellate & Miscellaneous Matters Division of the KL High Court. The KLBC was pleased to note that two additional Courts had since been set up at the said Division.
- The KLBC paid a courtesy call on Datuk Mohd Zaid bin Ibrahim on 14.05.2008 (who was then the Law Minister).
- The KLBC, represented by its Chairman, joined the Bar Council for a meeting with the Chief Registrar on 09.07.2008 to thrash out the Chief Registrar's directive requiring payment for filing to be by way of bank drafts or money orders.
- The KLBC met the KL Members of Parliament on 01.07.2008 and raised





various issues of concern such as the No Fault Liability Scheme, Federal Government Funding for Legal Aid and a number of environmental issues.

- The KLBC met up with the Finance Committee of the Bar Council on 12.09.2008 to discuss the administrative charges imposed by the Bar Council for provision of secretariat services to members of the Bar including the high fee charged for Professional Standards & Development Seminars and the Ethics Course and Exam following feedback from members expressing unhappiness over the charges. The Bar Council had since reduced some of its charges.
- The KLBC paid a courtesy call on the new Chief Justice, President Court of Appeal and Chief Judge of Malaya on 11.12.2008. Many issues of concern were raised and there was a frank and fruitful exchange of ideas. The Chief Justice had suggested meeting on a regular basis, perhaps once in every 3 or 6 months, with the mutual aim of further improving the administration of justice. A report on the meeting was circulated to members by e-mail and posted on the KL Bar website.

vii) Compendium of Personal Injury Awards

The KLBC continued to push for the approval of the Compendium that was prepared in 2007 by a joint working committee comprising 6 Personal Injury Lawyers and 4 Senior Sessions Court Judges which was intended to ensure uniformity in the awards for quick disposal of personal injury cases.

The KLBC took the matter up with the Chief Justice, President Court of Appeal and the Chief Judge of Malaya at the courtesy call on 11.12.2008. The KLBC had been informed that the Chief Judge of Malaya is prepared to approve the guidelines and is studying the same.

The Chief Justice and Chief Judge of Malaya are also prepared to meet up with the Personal Injury Lawyers to discuss ways to expedite running down cases and arrangements are being made to have the meeting in February 2009.

viii) Other Events

i) Besides participating in the many events organised by the Bar Council, the KLBC also participated in the following events at the invitation of the respective Bodies:

- **Disciplinary Board**

Dialogue Session with all legal and lay members of the IT and DC Panels in the centre region to promote a better understanding of the procedures and legal principles involved in the conduct of disciplinary proceedings.

- **SUHAKAM**

- Launching of Report of the Follow-up Forums on the Right to an Expeditious and Fair Trial (Civil and Criminal Courts).
- Dialogue Session with NGOs on the Societies Act 1966; Immunity of Local Authorities (Highland Towers' case); Ouster Clause; and Power of the Minister to postpone the operation of the laws or some provisions thereof.
- Malaysian Human Rights Day 2008 Conference on "Human Rights and Administration of Juvenile Justice".
- Mass Endorsement of Memorandum Demanding the Abolition of the ISA 1960 initiated by GMI, KL Selangor Chinese Assembly Hall together with few others and the Bar Council.



- ii) The KLBC arranged a visit to the KL Court Complex on 29.10.2008 for the Japanese and other Asian Delegates who were in Kuala Lumpur for the Conference on Access to Justice jointly organised by the Japan Federation of Bar Association and Malaysian Bar Council. The visit was arranged at the request of the co-organising Chair of the Conference.

ix) **Collaborations**

• **CrimsonLogic**

On 08.08.2008, the KLBC entered into a collaboration with CrimsonLogic, initiated by the Professional Development Committee, to introduce and promote Legal Workbench to members of the KL Bar and for CrimsonLogic to provide sponsorship and 2 user IDs of Legal Workbench for members' use. The 2 user IDs had been installed in the computers at the Left Wing Bar Room on Level 5 of the KL Court Complex. A "mini launch" was held on 25.08.2008 at the Left Wing Bar Room.

• **LexisNexis Malaysia**

The KLBC once again collaborated with LexisNexis to organise the LexisNexis-KL Bar Treasure Hunt 2008 and the project was undertaken by our Social, Arts & Culture Committee. The Hunt was held on 09.08.2008 and a sum of RM22,000 was raised. LexisNexis donated its share of RM13,200 to Philea Home while the KL Bar's share of RM8,800 was donated to the Persatuan Dialisis Touch Petaling Jaya.

On 27.08.2008, the KLBC entered into a collaboration with LexisNexis to publish a book, "From Law Student to Lawyer", specifically targeting final year law students in universities and colleges. This book is being authored by the KL Bar Young Lawyers Committee.

• **Hewlett Packard ("HP")**

The IT Committee had negotiated with HP and managed to secure exclusive deal of various HP products for KL Bar members and advertisements for the KL Bar's newsletter, Relevan.



x) YLC Charity Nite 2008

Credit must go to our Young Lawyers Committee for their efforts in making the 2008 Charity Nite another tremendous success and raising RM29,430 for the Persatuan Penjagaan Kanak-Kanak Cacat, Klang.

xi) KL Bench & Bar Get-Together 2008

This year's Bench & Bar Get-Together was again undertaken by the Court Liaison Committee and was held on 17.10.2008 at Rick's Café Casablanca, Bangsar. A farewell was held for YAA Tun Abdul Hamid whose last day of work as the Chief Justice fell on the day of the function. The function was well attended.

xii) KL Bar Annual Dinner & Dance

The Social, Arts and Culture Committee brought a magical evening to all who attended this year's Annual Dinner & Dance, themed "Magical Fairytale - A Whole New World", on 29.11.2008 at One World Hotel. The occasion was graced by the President of the Court of Appeal and the Chief Judge of Malaya besides many other distinguished guests. The creativity of the Social, Arts & Culture Committee in producing this year's souvenir programme in the form of a desk calendar and tickets in the form of a bookmark for members to keep as a memento deserves special mention.

xiii) Legal Career Fair 2009

Organised by the Pupils Welfare Committee, this event was held for the second year on 17.01.2009 at the Legend Hotel and the participation from legal firms was very encouraging.

xiv) Walk for Justice DVD and Bar Council LawCare Legal Diary and Legal Journal 2009

The KLBC assisted the Bar Council in selling the DVD which documents the Walk for Justice on 26.09.2007 and the Legal Diary and Legal Journal 2009 to raise money for the LawCare Fund. The items are still available for sale at the Left Wing Bar Room of the KL Court Complex and the KL Bar Secretariat at 8th Floor, Wisma Kraftangan.

xv) KL Bar Blog

The KLBC, through its IT Committee, started a Blog with the intention of offering members an avenue to express their thoughts and as an alternative channel for us to reach out to members. The KLBC would like to encourage members to visit the Blog (klbar.blogspot.com) and post their comments.

xvi) KL Bar Website

The KLBC, recognising the need to provide members with a more informative and interactive website, had endorsed the IT Committee's proposal to revamp the KL Bar Website. This revamping exercise however had yet to take off as the quotes received thus far were on the high side because of the interface between the membership system and the website. The IT Committee is looking at ways to revamp the website at a lower cost and hope to be able to do it in the new term.

xvii) KL Bar Building

An Ad Hoc Committee was set up to pursue the acquisition of a building for the KL Bar. A few areas were explored but the prices were too exorbitant. The Ad Hoc Committee is now looking at the fire sales, which the KLBC had been given to understand, would start somewhere in March or April 2009 according to all the property reports. The search for a building thus had been put off temporarily until then.



xviii) **Committee Meetings**

As at 31.12.2008, the Committee met 11 times and the attendance of each member was as follows:

R Ravindra Kumar	-	11
Brendan Navin Siva	-	11
Anand Ponnudurai	-	11
Datuk N Sivananthan	-	8
Lee Shih	-	11
Dipendra Harshad Rai	-	11
Dahlia Lee Wooi Mien	-	9
Sanjeev Kumar Rasiah	-	10
Lai Chee Hoe	-	11
Richard Wee Thiam Seng	-	10
Abdul Rashid Ismail	-	9
Ravindran Nekoo	-	9
Reggie Wong Mew Sum	-	10

Steven Thiru, the representative to the Bar Council was invited to attend the Committee meetings as observer and also to report to the Bar Council on relevant matters as and when pertinent and necessary. He attended a total of 6 meetings and worked closely with the KLBC.

xix) **Finance, Subscriptions and Non-Subscription Income**

The financial position of the KLBC remains stable with a sum of RM RM683,226. in Fixed Deposit and RM298,821 in Trust Account with Amanah Raya Berhad. Details of the financial position are set out in the Audited Accounts ending 31.12.2008.

The subscription for the year 2008 was fixed at RM100 at the last AGM on 21.02.2008. At the closing of the KLBC's financial year on 31.12.2008, 165 members were in arrears of the 2008 subscription.

Mindful of the increasing financial burden of costs and overheads and being aware that the KLBC has an obligation to ensure that the finances of the KLBC are handled responsibly and carefully, the Secretariat carried out an informal audit of the financials of the KLBC. This assisted the KLBC to identify areas that could be improved in terms of efficiency and savings of costs and expenses.

Measures to decrease spending that were proposed and implemented include the streamlining of the Bar rooms at the KL Court Complex and the delivery of the Annual Report to members by CD Rom. All Sub-committees also worked diligently to ensure their activities either generated income or minimised the level of expenditure required.

It also allowed the KLBC to stress the importance of non-subscription income in order to strengthen the financial position of the KLBC. Various measures and initiatives, more specifically described earlier in this report, were put in place to generate non-subscription income.

This term, the KLBC managed to raise a total of RM98,376 from sponsorships, website and newsletter advertisements, PDC and PWC lectures and the Legal Career Fair.

C. **SUB-COMMITTEE ACTIVITIES**

12 Sub-committees were established to facilitate the organisation of the KLBC's various activities and to cater to the needs of members. The Sub-committees were ably led by the respective KLBC members as follows:

- i) **Civil Court Liaison**
Dahlia Lee Wooi Mien
- ii) **Corporate & Conveyancing Practice**
Brendan Navin Siva



- iii) **Criminal Practice**
Datuk N Sivananthan
- iv) **Environmental Law**
Sanjeev Kumar Rasiah
- v) **Information Technology**
Richard Wee Thiam Seng
- vi) **Legal Aid**
Ravindran Nekoo
- vii) **Professional Development (formerly known as Continuing Legal Education)**
Abdul Rashid Ismail
- viii) **Publications**
Lee Shih
- ix) **Pupils Welfare**
Reggie Wong Mew Sum
- x) **Social, Arts & Culture**
Lai Chee Hoe
- xi) **Sports**
Anand Ponnudurai
- xii) **Young Lawyers**
Dipendra Harshad Rai

The accompanying reports of the various Sub-committees are a reflection of the work performed by the Sub-committees.

D. OBITUARIES

We record with deep sorrow the passing of the following members of the Kuala Lumpur Bar during the year under review:

Vinod Roshan Nathan on 12.03.2008
Dato' Haji Abu Mansor bin Ali on 02.04.2008
Khoo Eng Chin on 13.07.2008
T. Kuhanandan on 01.09.2008
Amir bin Nordin on 15.12.2008

The Reference Proceedings in memory of the abovenamed members is scheduled to be held on 17.02.2009. The Proceedings will be presided over by Y.A. Dato' Alizatul Khair bte Osman Khairuddin.

E. SECRETARIAT

The Secretariat supports the work of the KLBC and its Sub-committees besides carrying out other regular functions such as keeping records of meeting proceedings, processing of Petitions for Admission to the Bar, maintaining the accounts, register of members and BC Box system, collection of annual subscriptions, BC Box rental, attending to day-to-day enquiries from members of the Bar, pupils-in-chambers and members of the public, just to name a few. With a strength of 10 (including 1 based in the Bar Room at the KL Court Complex), the secretariat staff had worked tirelessly to ensure the smooth running of the Secretariat and that the projects and activities of the 11 Sub-committees (Legal Aid has its own staff) were successfully carried out.

In 2008, one of the Executive Officers, Azura Zakaria, left the Secretariat to move forward in her career path. The vacant position was filled by Norhayati Rahmad who joined on 28.10.2008. Another staff, Thirumahil who was based in the Right Wing Bar Room at the KL Court Complex, too left but on medical ground. The KLBC paid her



compensation on a gratis basis computed based on the Employment (Termination & Layoff Benefits) Regulations 1980. The KLBC is not looking at a replacement for Thirumahil, but instead would engage an additional support staff for the Secretariat where the work has increased many folds and in particular to help maintain a good e-mail database since almost all notifications to members from the KLBC are now sent via the e-mail.

Two members of the Secretariat staff received their long service award on 01.04.2008; Uvanarajan Sinniah, the Administrative Officer, had served the KLBC for 20 years and Masni Abu Bakar, a General Clerk, for 15 years.

Towards the end of 2008, it was decided to restructure the job scope of some of the staff to further improve the provision of secretarial and administrative support to the KLBC and its Sub-committees. This would take effect in the new term.

F. ACKNOWLEDGEMENT AND CONCLUSION

The KLBC acknowledges the continued cooperation and dialogues held with the Judiciary and the various stakeholders. The Judiciary and in particular the Chief Justice, President Court of Appeal and Chief Judge of Malaya have opened a channel of discussion with the KLBC with a view to enhance and improve the administration of justice in our Courts. The KLBC welcomes these dialogues and is prepared to work with the Judiciary in this regard.

I wish to record my appreciation to members of the KL Bar who have rendered us assistance throughout this term. Their continued assistance in various activities, representations and advice has helped us become a more progressive Bar in facing the challenges ahead.

It has indeed been a privilege and honour for me to have worked with the members of the KLBC and their Sub-committees. Their dedication, support and commitment have been relentless and speaks well for the future of the KL Bar.

My sincere thanks to Brendan Navin Siva, the Honorary Secretary and Mary Tan, the Executive Secretary for their dedication and assistance rendered during my last term in office. My thanks also to the staff at the Secretariat who have continued to service us with distinction despite the growth in the membership.

If indeed there has been any shortcoming during my tenure, I take full responsibility for this and seek your understanding.

I wish the incoming Committee all the best and am confident that they will continue to strive and serve our members in the best possible way.

R. Ravindra Kumar
Chairman
KL Bar Committee 2008/09

The Secretariat Staff



Mary Tan
Executive Secretary



Melissa
Executive Officer



Norhayati
Executive Officer



Rajan
Admin Officer



Siti Affaeza
Accounts & General Admin
Officer



Indira
Admission Clerk



Rosilawati
Admin Clerk



Masni
General Clerk



Yazid
Despatch Clerk



Norhafizah
General Clerk
(Bar Room)



Dahlia Lee Wooi Mien

Chairperson

Deputy Chair

Andrew Teh

Committee members

Annou A Xavier

Yap Lai Lian

Arthur Wang

Harjinder Singh

Robert Low

Habizan Rahman

Selva Rani Thiyagarajan

R Rangunathanan

Mahendran Gnasamoorthy

Shamsul Bahrin Abdul Manaf

Civil Court Liaison Committee

The 2008/2009 term started well in that by mid-term, the Civil Court Liaison Committee (“CCLC”) has already met with the Judiciary of the Subordinate Courts, the Commercial and Civil Divisions of the High Court to discuss and follow-up with administrative and operational issues both new and carried forward from the previous term, amongst which were standardisation of formats for orders/judgments, prior notification of leave of judicial officers, timely provision of cause lists, procedures for file searches, uniformity of practices and so on. The meetings carried out included:

- Formal meetings with the Subordinate Court Judges, Registrars and the Head Judge on 15.04.2008, 22.05.2008 and 27.06.2008. There were also many informal meetings and discussions between the Head Judge of the Subordinate Court who is in charge of the administration of the Court Complex with/without the sub-heads of the respective committees in charge of different aspect of the administration, to discuss problems pertaining to internal car parking for members, security of parking areas, drop-off zone accessibility, putting up the KL Bar notice board in the Court Complex, management of the cafeteria, smoking area, accessibility of lifts and so on.
- A meeting with the High Court Civil Division Head Judge, Y.A. Datuk Abdul Wahab Patail and the Registrars of all the Civil Courts on 06.06.2008.
- A meeting with the Head Judge of the Commercial Division, Y. A. Dato’ T. Selventhiranathan and all the Registrars of this Division on 30.05.2008.
- A meeting with the two Judges of the Appellate and Miscellaneous Matters Division, that is, Y.A. Datuk Abdul Kadir Musa and Y.A. Puan Lau Bee Lan on 05.06.2008 to discuss long hearing dates, shortages of Judges and so on.
- A meeting with the Registrars of the Power of Attorney Division of the High Court on 04.07.2008 where concerns of PAs for registration being returned by the PA division were discussed and resolved. Arising from the feedback received from the Registry that they were rejecting registration of the Power of Attorneys because of defects in the documents for filing, a talk and dialogue session between the Registrar of that Division with our members has been organised for 19.02.2009.
- A follow-up meeting with the Insolvency Department at Putra Jaya attended by all department heads on 06.05.2008.

The minutes of the various meetings have been circulated to members by e-mail and posted at the KL Bar website.

The CCLC also made a commitment to work closer with its counterpart in the Selangor Bar and arising therefrom, our CCLC had attended meetings organised by the Selangor Bar with the Judiciary at the Shah



Alam High Court to raise members' perennial problems (such as shortage of Civil Court Judges, lengthy lag time for extraction of cause papers and so on).

By September 2008, the CCLC's attention was focused on organising the Annual Bench and Bar function which was successfully held (despite a heavy downpour just 2 hours before the function) and attended by more than 200 members of the Bar on 17.10.2008 at Rick's Café in Bangsar. Coincidentally, the event day was the last day of the term of the previous Chief Justice, Yang Amat Arif Tun Hamid (as he was then), hence, the function also served as a farewell do for him.



Due to the uncertainty in the Judiciary pending the appointment of a new Chief Justice and the expected re-shuffling and new appointments of Judges in the latter part of the year, an intended second round of meeting with the Judiciary was shelved. The many attempts at setting up a meeting with the Family Court to follow up on matters discussed in January 2008 also could not get off the ground and a new Judge has since taken over the said Court and a meeting has still to be scheduled at the time of this report.



Other outstanding issues to be carried forward for the next CCLC include beefing up the security at the external car parks (as members' cars have been periodically broken into) which have been raised with the police in charge of the area and awaiting their conclusion of their own survey, lack of parking spaces at the internal compound for members (suggestion to the Judiciary and the Minister concerned to build a multi-tiered car park within the compound), file search procedures and so on. With the good rapport established with the Judiciary presently, it is expected that these issues will be resolved in due course.



Clearly, the previous gulf between the Bench and the Bar has been bridged over the last few years and consultation with the KLBC for implementation of new programmes and procedures have increasingly become a norm.

In the coming year, there are many exciting developments and programmes planned and pending implementation, the impetus of which is led by the new Chief Justice Tan Sri Dato' Seri Zaki Bin Tun Azmi and the Chief Judge of Malaya, Dato' Ariffin Bin Zakaria, who are single-minded in clearing the backlog of cases and improving the delivery system. The most productive endeavour is the recent creation of more courts in the Appellate and Miscellaneous Matters Division and the Commercial Division of the Kuala Lumpur High Court and increasing the number of Civil High Courts in Shah Alam as well as re-organising the Court system and processes (dividing Courts into Trial Courts and Courts hearing Interlocutory applications).

Some coming events to look forward to is the establishment of E-Courts which would incorporate introducing a new mode of recording notes of proceedings called court-recording transcription (CRT), the e-filing of cause papers and the accompanying necessary changes in the Rules and so on. So the incoming CCLC for 2009/2010 will be entrusted with even more tasks and activities as it plays a vital role in linking the Bench and the Bar in a new era in the Court system.

I end this report by thanking all my CCLC members chiefly, my deputy Andrew Teh, Arthur Wang, Harjinder Singh, Robert Low, Lai Lian,



Annou Xavier, Selva Rani and Ragunathanan whose invaluable support and effort beyond the call of duty has made my term a wonderful and meaningful experience. I cannot thank you enough.

There is also the capable, efficient and ever practical Mary Tan and our 2 executives Azura and Norhayati, who have always rendered timely assistance without any complaint that I wish to say thank you from the bottom of my heart.

Last but not least, I would like to thank my Chairman, Mr Ravindra Kumar, who has given me strength to carry on during trying times and more importantly, who has been untiring and dogged in his effort to create and better the relationship with the Judiciary that has led to the success.

Dahlia W.M. Lee

Chair

Civil Court Liaison Committee



Corporate & Conveyancing Practice Committee



Brendan Navin Siva

Chairperson

Committee members

Rita Sabrina Wong Kee Ling

Chong Wai Kuan

Noor Arianti Osman

Agnes Chan

Sudharsanan Thillainathan

Suzanne Tang

Kalathevy Sivagnanam

Jeremiah R Gurusamy

Ong Theng Soon

The Corporate & Conveyancing Practice Committee (“CCPC”) identified the following as its focus for the 2008/2009 term - (i) to identify and resolve issues and complaints of members of the Kuala Lumpur Bar in the area of Corporate & Conveyancing; and (ii) to identify and implement initiatives that enhance, assist and facilitate members of the Kuala Lumpur Bar in the discharge of their duties and performance of their functions as solicitors in the area of Corporate & Conveyancing in a professional, efficient and timely manner.

At the beginning of the term, the CCPC prepared and issued a survey form pertaining to problems faced by members of the Kuala Lumpur Bar in dealing with corporate & conveyancing matters, in particular in dealings with the land offices and other government bodies. All complaints and feedback received were deliberated upon and raised with the appropriate authorities.

A meeting was organised on 26.06.2008 between the CCPC and Encik Zainuddin bin Tala, the Director of the Wilayah Land Office (“WLO”) and several other officers of the WLO to address the issues faced by members. Among the issues discussed at the meeting were the mode of payment of quit rent, the administration of the collection counter, the introduction of the biometric system, the required documents for presentation, the mode of attestation by lawyers, service of legal process and rejection of documents. The minutes of the meeting was circulated to members by e-mail and is available on the website.

The CCPC also sought to enhance the relationship and communication with the WLO. Developments within the WLO are now being forwarded to the CCPC in a timely manner for their onward transmission to members.

This term, the CCPC also forged closer ties with the Selangor Bar Conveyancing Committee. As most KL Bar members do also have dealings with authorities in the State of Selangor, it was important that members be updated on the developments in the various land offices and authorities in Selangor and for members’ concerns to be raised during meetings with these authorities. Several members of the CCPC attended meetings with the various land offices in Selangor when such meetings were organised by the Selangor Bar Conveyancing Committee.

At the time of preparation of this report, the CCPC proposed to organise a forum to discuss the Solicitors Remuneration Order and its enforcement. The CCPC intends to invite speakers from the Bar Council Conveyancing Committee to speak on various aspects of the SRO enforcement.



I would like to take this opportunity to express my gratitude and appreciation to the members of the CCPC for their time and effort during the term.

Brendan Navin Siva

Chairperson

Corporate & Conveyancing Practice Committee





CRIMINAL PRACTICE COMMITTEE



Datuk N Sivananthan

Chairperson

Deputy Chair

Abd Shukor Bin Ahmad

Committee members

Suresh Thanabalasingam
Bernard Francis
Venkateswari Alagendra
Saha Deva Arunasalam
Sivaruben R Balasekaran
Ken Yong Chie Man
Mohd Zaharudeen Harun
Lee Teong Hooi
Saranjeet Kaur Sidhu
G Nanda Goban

The Criminal Practice Committee (“CPC”) was set up with the principal aim of ensuring the existence of a body focusing specifically on issues with regard to members of the Kuala Lumpur Bar and other bodies involved in the practice of criminal law.

This year the CPC was involved in several activities as follows:-

OVERVIEW

The CPC has met 6 times since taking office and has had regular meetings with the Senior Judge in charge of the Criminal Division of the Kuala Lumpur Lower Courts with regard to matters pertaining to the administration of Criminal Justice in Kuala Lumpur which amongst others included the following:-

1. Magistrates and Judges should come up by 9.30am and manage their cases so that parties need not wait all morning to find out if a matter is going on and for trials, specific times should be given for parties to come back to Court;
2. The prosecution must be able to inform the Court of the status of the matter at 9.30am and cases should not be stood down for the prosecution to check on the status of witnesses etc as this should have been done earlier;
3. Ensuring a strict system of having all witnesses available to try and ensure that once a trial commences, it is concluded expediently;
4. Having a common approach to the requirements of Section 51A of the Criminal Procedure Code to ensure that documents are given before the trial when matters have not commenced and for part-heard matters to ensure that documents are given before the next trial date and that failure to do so would result in the documents not being allowed to be tendered; and
5. To inform lawyers in advance if a Judge is not going to be around so that the lawyers can proceed with other matters.

The CPC also had a meeting with the Head of Prosecution, Kuala Lumpur, the Officer-in-Charge of Criminal Investigation, Kuala Lumpur and the Officer-in-Charge of the Prosecution Division of the Kuala Lumpur Lower Courts.

The CPC has also from time to time been taking stands on issues of public interest and its statements have been carried by the press. The CPC hopes to organise a forum to discuss matters of interest to criminal practitioners where it hopes to have representatives from the Bench, the Prosecution, the Police, the Bar and the Chambers in Putrajaya so that problems can be ironed out.



FORUM ON PREVENTIVE LAWS

The CPC also successfully organised a Forum entitled “Preventive Laws - Past, Present & Future” on Saturday, 28.06.2008. The Forum was held at Auditorium Tun Mohamed Suffian, Law Faculty, University of Malaya beginning at 9.00 a.m. The Forum amongst others discussed the different types of preventive laws that exist in the country i.e. the ISA, the Emergency Ordinance and the Drug Preventive Laws. The Forum was also an opportunity to explore the reasons why these preventive laws were introduced, how these laws were being used currently, the safeguards that exist (if any) and the way forward.



The speakers for the Forum were Dato’ Muhammad Shafee Abdullah in his capacity as a Commissioner of Suhakam, Professor Dr. Shad Saleem Faruqi, a prominent academician and frequent commentator on this area of law and Mr. M.M. Athimulan, a leading lawyer in the area of preventive laws. The Home Minister, Y.B. Dato’ Seri Syed Hamid Albar had also been invited but did not attend.

The Forum was very successful and was very informative. Participants who attended all agreed that they had a better understanding of the area and there were many questions to which the speakers provided very detailed explanations.



MEETING WITH THE JUDGES OF THE CRIMINAL DIVISION, HIGH COURT, KUALA LUMPUR

The meeting was attended by all 5 High Court Judges, their Registrars and representatives from the CPC, the Bar Council Criminal Law Committee and the Kuala Lumpur Prosecution Unit.

The following issues were discussed:-

Issue No. 1

The current situation of trial dates being given almost 15 months or more later and whether a system of running two parallel cases can be introduced, one in the morning and one in the afternoon.

The rationale for the Bar’s proposal is to reduce the length of remand time and for cases to be concluded more expeditiously. However, the Judges present (Court) and the AG’s Chambers (AGC) shared the view that the proposed system of running two parallel cases may not be feasible for the following reasons:

1. The duration of a case is difficult to estimate. Depending on many external factors, it may take longer than expected.
2. If two different cases are scheduled on the same day, it is highly probable that the 1st scheduled case may become part-heard. The Court particularly stressed that they prefer cases to be concluded in one sitting and not become part-heard.
3. There is a serious lack of sufficient DPPs assigned to cases. Currently only 2 DPPs are assigned per Court and these DPPs would inevitably be handling more than 1 case in the same Court.





4. Logistical problems:-
 - a) Due to lack of manpower, the same DPP may be handling another case in a different Court; and
 - b) Difficulty in getting witnesses ready as they may have to appear in more than 1 case in different Courts. E.g. Key witnesses like the Chemist may be required to appear in several trials fixed on the same day.
5. Besides trials, the Court also hears other matters fixed for the day, e.g. appeals.
6. Court-assigned cases - there are currently 55 cases that need to be assigned, and thus the fixing of trials will depend on the availability of Counsel.

This proposal may not be feasible at this juncture. However, the Court confirmed that trial dates fixed thus far are within the year 2009 and assured parties that the Court does bear in mind the duration of the remand when fixing dates. The Court also invited lawyers to bring to its attention if the trial date is too far off and they will try their level best to reschedule earlier so that the remand period will not be too long.

Issue No. 2

Ensuring a strict system of having all witnesses available to try and ensure that once a trial commences, it is concluded expediently i.e. up to the end of the Prosecution's case.

Parties were fully agreeable to this proposal, but noted the common practical difficulties in securing witnesses / ensuring their presence in Court for the following reasons:-

1. The government Chemist in many of these cases is overseas and the Prosecution will have to wait for a suitable time for him to return to give evidence.
2. The lackadaisical attitude of Investigating Officers (IOs) in Kuala Lumpur:
 - Witnesses not ready/available
 - Accused not present in Court
 - Exhibits or "barang kes" not ready/available
 - IO not ready/available - engaged in another matter/ Court.
3. If witnesses are not ready, it is still not advisable for the High Court to grant a DNAA because of the nature and seriousness of the charges concerned.

Therefore, the following steps were suggested by the Court to ensure that the Prosecution's case can be completed at one sitting:

1. The Prosecution as far as possible, especially for drug cases, to have witnesses ready to proceed.
2. The Bar to address the non-cooperative attitude of IOs as it



hampers the conclusion of cases. The Bar was requested to write to the Criminal Investigation Division (CID), PDRM highlighting this issue, with a copy to the Senior Criminal Judge of the High Court.

3. Prosecution / Defence not to apply for adjournments lightly, but in very critical circumstances only. The Courts are under a directive to deal with requests for adjournments very seriously, as adjournments directly impede the smooth running of cases thereby causing a backlog.

Issue No. 3

Whether a list of lawyers who are willing to turn up at short notice can be compiled so that if any matters do not go on or charges are amended, other cases can be slotted in. Alternatively, case management could be implemented where the matter is called up before the Registrar one month before the trial commences.

List of lawyers willing to turn up at short notice

Parties were agreeable to this suggestion but the Court cautioned lawyers to be mindful not to accept cases on dates they are engaged elsewhere. The Bar Council was requested to issue a Circular to members of the Bar and compile a list of members willing to attend Court at short notice. The list is to be forwarded to the Court in due course.

Case Management

The Bar strongly advocated this proposal as Case Management not only cuts down unnecessary 'false-starts' but also serves to monitor parties' preparation of their respective cases and thus helps to avoid undue delays.

Parties discussed and noted the following benefits of implementing Case Management:-

1. Where there is a reduction of charges, Prosecution/Defence can confirm and inform the Court early so that the trial date may be brought forward to record a plea.

On the timing of the notification, the Court urged parties to give their fullest cooperation to notify the Court as soon as possible as even one week before may not be practically sufficient for the Court to call up and slot in another case.

- It was recognised that the delay in notifying the Court is largely because all decisions on representation are currently made by the Head of Prosecution Division, AGC at Putrajaya and the Prosecution Unit usually receives instructions 1 week, and sometimes even 1 day, before trial.
- The following suggestions were offered to address the delay issue:
 - (i) Increase the frequency of the review system adopted by the AG's Chambers, whereby IPs are called up every few months for review by the Prosecution Head.
 - (ii) Prosecution must be more proactive to offer reduction even where it is not initiated by the Defence. It must act with the objective of closing cases as effectively and as fast as possible.
 - (iii) The AGC should revert to the previous system where power to decide on representations was vested in the State Prosecution Units.

Notwithstanding the administrative problems, the Court cautioned the Prosecution / Defence to maintain frank and open communications from the onset on the possibility of a reduction in the charge. Invariably, an accused would be minded to plead guilty on a reduced charge, which would prevent a protracted trial, and thereby reduce the backlog.

2. Case Management will ensure that supply of documents under **Section 51A Criminal Procedure Code** is complied with before the commencement of trial.
3. Availability of witnesses can be confirmed.



It was agreed to implement Case Management at least (1) month before the trial commences to be heard before the TP/Judge subject to the following conditions:-

1. Defence to be proactive and immediately confirm clients' instructions on his position if the charge is reduced.
2. Prosecution to put in place a standard operating procedure (SOP) whereby representations are dealt with immediately. The DPPs concerned should be proactive to seek the Head of Prosecution's urgent decision, by briefing him personally, if necessary, instead of relying on an unending exchange of letters.

Issue No. 4

Having a common system in all 5 Courts so that time can be used on an optimum basis and the waiting period for cases to proceed can be reduced and also getting the Prosecution and the Defence to inform the Court early if a charge is being amended resulting in a guilty plea so that other matters can be brought forward. See case management proposal above.

This was agreed to.

Issue No. 5

Having a common approach to the requirements of Section 51A of the Criminal Procedure Code to ensure that documents are given before the trial where matters have not commenced and for part-heard matters prior to the amendment to ensure that documents are given before the next trial date and that failure to do so would result in the documents not being admitted into evidence.

This was agreed to in principle subject to issues of admissibility being decided by the Court concerned.

To the Court's query as to why documents cannot be provided within 3 weeks as agreed between the AGC and the Bar, the Prosecution informed as follows:-

- Documents are sometimes delayed because of the issue of payment, which is still in dispute.
- Where there is a change in Counsel, the former Counsel does not hand over the documents to the newly appointed one.
- Where documents are given to an unrepresented Accused who subsequently appoints Counsel, his Counsel re-applies for the same documents.

The Prosecution confirmed that in almost all cases at the High Court, the 3-week rule is being complied with. However, at the Lower Courts, it has not been as successful but they are trying their best.

Prosecution / Defence to implement a workable system to ensure compliance of Section 51A and the Bar to advise its members not to make repeated applications for documents.

Issue No. 6

To inform lawyers in advance if a Judge is not going to be around so that the lawyers can proceed with other matters.

This was agreed to.

Issue No. 7

Issuing of subpoenas for Defence witnesses during Prosecution's case for the purposes of identification.

This proposal is important for the benefit of the Defence during the Prosecution case. There is no prejudice caused because it is for identification purposes only. The CPC sought the cooperation of the Court to allow applications for subpoenas in such situations. The Court was agreeable but requested the Prosecution not to unreasonably object. Parties were reminded that they should be transparent and cooperative as all are here to play a part in dispensing justice.



The Court agreed provided that details of the witness concerned are furnished by the Defence in advance, to assist the Court in effecting service of the subpoena and officials of the High Court Registry present were instructed to take note of this and assist in processing the subpoenas without delay.

Issue No. 8

To confirm whether there is a directive to the effect that part-heard cases will take priority and that fresh cases will not begin until all part-heard cases are completed.

It was decided that generally, part-heard cases will take priority to fresh cases, for the benefit of the Accused and currently they are fixed as such.

General

Issues raised by the Court

1. Lawyers mentioning on behalf to be adequately prepared

The Court reiterated that:

- Counsel must inform Court early that he cannot attend.
- The lawyer who appears and mentions on his behalf must be properly prepared to assist the Court so that the matter at hand can proceed. It was pointed out that many times lawyers attend unprepared and are not even able to provide basic information or Counsel's free dates.

The Bar duly noted the Court's advice and suggested that in appropriate situations where the lawyer falls short or breaches the legal profession/ethical conduct, the Court may refer the case for the attention or action of the Bar Council.

2. Applications for DNAA not be made for frivolous reasons

The Courts took a firm position that a DNAA can be granted only where the charge is obviously groundless. Prosecution / Defence must be mindful as to the purpose and application of a DNAA. Parties agreed.

3. Court-assigned Counsel

The Courts urged the Bar to review the appointment criteria and eligibility of assigned Counsel because of the unsatisfactory conduct of some lawyers.

The Bar informed that work is in progress to review and revise the Court-Assigned Counsel List with the joint efforts of all State Bar Committees. The updated List will be forwarded to the Court as soon as possible.

4. To adhere to dates fixed for Written Submissions

The Court observed that quite often lawyers wait until the last minute to file and serve their written submissions, in which case opposing Counsel will invariably seek an adjournment to reply. Particularly, in a capital offence, the Courts will oblige. This causes unnecessary delay.

Where a date is fixed for Decision, and parties have the option to submit orally or provide full or skeletal submissions; or where a date(s) is fixed to file written submissions, the Court urged the cooperation of Prosecution / Defence to comply with the dates set. Parties agreed.

Issues raised by the Bar

1. Prosecution to ensure witnesses are ready for trial to proceed.

2. Touting at the Subordinate Courts.



The Bar sought the assistance of the High Court to place signages / notices at prominent places at the Court building to state that touting is strongly prohibited and that free legal services is available at the Bar Council Legal Aid Centre (Kuala Lumpur). The Court agreed and will provide the necessary assistance.

3. Invitation to Sessions Court Judges and Magistrates to conduct seminars on mitigation for Pupil-in-Chambers

As part of their pupillage, pupils participate in Dock-Brief and legal aid programmes. They have contributed quite substantially in mitigation cases. It would therefore be useful for these pupils to receive a briefing and training session on mitigation by the relevant Judges and Magistrates.

The Court agreed and requested the Bar to officially write in with their request.

MEETING WITH THE HEAD OF PROSECUTION KUALA LUMPUR

The CPC met up with the newly appointed Head of Prosecution, Kuala Lumpur to discuss matters of concern to members of the Criminal Bar especially with regard to the implementation of Section 51A of the Criminal Procedure Code, the response time to representations made and the problem of touting at the Magistrate's Courts. The KUP assured the CPC that all the above matters would be given his immediate attention and he welcomed any suggestions which could improve or speed up the administration of the criminal justice system and the AGC would try and accommodate whenever possible.

LEGAL AID

Members of the CPC have all volunteered their time to take on matters on an urgent basis upon being informed of the same by the Court. This is especially so in the Sessions Court for offences which are not bailable and where more experienced criminal practitioners are required.

ASSISTANCE TO MEMBERS ENCOUNTERING DIFFICULTIES WITH THE AUTHORITIES

At all times, members of the CPC are ready to provide and indeed have provided assistance to any member of the KL Bar in need of such assistance. This includes dealing with the Court through discussions held with the Criminal Division, the Kuala Lumpur Subordinate Courts, the police and the Prosecution Division and the Registrar of the Criminal Division of the Kuala Lumpur Subordinate Courts.

APPRECIATION

I would like to express my deepest appreciation to the members of the Criminal Practice Committee for their support and cooperation in ensuring that all activities were successfully carried out. I also would like to thank all parties involved in the activities carried out during this term for their cooperation and attention. I sincerely hope that the efforts of this committee would in some way facilitate in bringing about a positive change for practitioners of criminal law.

Datuk N. Sivananthan

Chairperson

Criminal Practice Committee



Sanjeev Kumar Rasiah

Chairperson

Committee members

Colin Andrew Pereira

Rajinder Kaur Gill

Kathleen Cheong Chor Khuan

Maria Mohd Haris

Wong Ee Lynn

Environmental Law Committee

The Environmental Law Committee (“ELC”) 2008/2009 took office with 9 members from the KL Bar on 09.04.2008 when the ELC under review held its first meeting. Some of the ELC members who volunteered their time and effort for the year under review were also part of the ELC for 2007/2008.

During the first meeting, the ELC members decided that they will continue to finalise some of the projects that were still pending from the ELC 2007/2008.

The following were the projects undertaken by the ELC under review:

URGENT REFORM OF PROTECTION OF WILD LIFE ACT 1972

The ELC was invited to attend the press conference held by Malaysian Nature Society on 13.05.2008 calling for urgent review of the outdated Protection of Wild Life Act 1972. Issues and recommendations were raised jointly by Malaysian Nature Society, TRAFFIC Southeast Asia, Wildlife Conservation Society and WWF-Malaysia. The ELC also made enquiries with the Attorney General’s Chambers regarding the status of the above recommendations and were informed that the Protection of Wild Life Act will be amended and the proposed amendments by the Attorney General’s Chambers are ready.

CLIMATE CHANGE SEMINAR - “BETWEEN BALI AND POZNAN: CONCRETE ACTIONS ON CLIMATE CHANGE”

This seminar was jointly organised by CETDEM and the Kingdom of Netherlands in conjunction with the World Environment Day on 05.06.2008. The ELC supports the Kyoto Protocol and subsequent Bali Conference 2007. The seminar discussed the climate changes since the Bali Conference and expectations for the Poznan and Copenhagen conferences which were to be conducted in 2009. Ms. Wong Ee Lynn represented the ELC in this seminar.

KUALA GANDAH ELEPHANT SANCTUARY

Following the overwhelming success of the previous years, the ELC again organised a day trip to the Elephant Sanctuary on 28.06.2008. 21 members of the Bar participated in the field trip and ELC also donated RM245 to the sanctuary. Our appreciation goes out to Ms. Reggie Wong, KL Bar Committee member, who headed this trip and ensured there were no hitches.

SEA HORSE DATA COLLECTION AND MONITORING PROJECTS

The project is initiated, coordinated and run by Save Our Seahorse (SOS) Malaysia, a marine special interest group within the Malaysian Nature Society. These volunteering trips, conducted every 6 months, are essential for conducting the needed surveys as there are no available



funds allocated for it. 12 members of the KL Bar and guests volunteered for the project which was held on 02-03.08.2008 at Pulau River Estuary located in Johore. The volunteers assisted in tagging the sea horses and collecting data.

The volunteering and nature appreciation trip includes overnight stay at the Kukup Island National Park, visit to floating fish farm, the seahorse survey/data collection and cleaning up beaches. Last but not least was the visit to the SOS headquarters where participants were given t-shirts and certificates as token of appreciation. Our appreciation goes out to Ms. Wong Ee Lynn who organised this trip for the ELC and who headed our group on this trip



FORUM: ENVIRONMENTAL IMPACT ASSESSMENT - 20 YEARS ON, WHAT NEXT?

The ELC was invited to participate in this by invitation only Forum organised by ERE Consulting Group with the support of the Department of Environment Malaysia and ENSEARCH. It was held on 12.08.2008 at the Holiday Villa, Subang, Selangor.

The Forum was attended by 99 participants from various bodies including government and non-government agencies, private organisations, as well as industry and trade associations that have interest in the environment.



7 technical papers were presented with a panel discussion held afterward. Summary of recommendations was then done by end of day including setting up a data bank in which all studies and recommendations achieved from the forum may be accessible to all. Ms. Rajinder Kaur represented the ELC in this forum.

TECHNICAL VISIT TO COASTAL PROTECTION SITES IN PORT DICKSON

This one-day visit were jointly organised by the ELC and the Institution of Engineers Malaysia (IEM) and was successfully conducted on 18.10.2008. Participants of the visit include 7 members of the KL Bar along with 2 registered non-members.



Main problem in Port Dickson is beach erosion; the technical visit covered the ongoing solution and some success of the Beach Management System (BMS). Sites visited included Bagan Pinang, man-made mini marina (located behind Pulau Burong), Saujana Beach, Fourth Mile, Sri Cahaya Beach at Pulau Sri Rusa and the Selesa Hotel Beach. Our appreciation goes out to Cik Maria Haris who organised this trip and headed the KL Bar group to Port Dickson.



EU-ASIA SOLID WASTE MANAGEMENT PARTNERSHIP MATCH-MAKING

A representative from the ELC had presented a paper during the conference which was held on 28-31.10.2008. The presentation was during the Multi-stakeholders Meeting which was held on 31.10.2008, by our Ms. Rajinder Kaur entitled 'Federalisation vs. Local Government's Authority in Solid Waste Management - Interpretation of Solid Waste and Public Cleansing Management Bill 2007'.



EVALUATION OF THE AMENDMENTS TO THE ENVIRONMENTAL QUALITY ACT 1974

The ELC has also undertaken to review and comment on the amendments to the Environmental Quality Act 1974 that was amended in 2007. The review is ongoing and upon completion, the comments and evaluation report will be submitted to the Minister of Natural Resources & Environment for further action and study to be undertaken by the Ministry as well as the Attorney General's Chambers.

CONCLUSION

In conclusion, I would like to thank all the ELC members for their support to the ELC and their efforts in organising the above events. I am especially grateful to all the ELC members who have sacrificed their time to attend meetings, the conferences and the events organised by the ELC.

Sanjeev Kumar Rasiah
Chairperson
Environment Law Committee





Information Technology Committee



Richard Wee

Chairperson

Deputy Chair

Lee Shih

Members

Raja Riza Shazmin
 Fahri Azzat (left in May 2008
 to Selangor Bar)
 Andrew Teh
 Foong Cheng Leong
 Sarah Kambali
 Krishna Roy Sreenivasan
 Steven Wong
 Mohamad Reza Abu Hassan
 Mohd Izral Mohamed Khairy
 Dato' Muzzafirah Ahmad Fairuz

The Information Technology Committee (ITC) embarked on 3 areas of activities:-

1. The Web and Internet
2. Hardware and Software Collaborations
3. Law Review and Awareness

1. THE WEB AND INTERNET

The ITC launched the interactive KL Bar Blog at <http://klbar.blogspot.com/>. The Blog, initiated at no cost at all, is KL Bar's entry into the highly popular blogosphere, and is also KLBC's additional window to our members. The interactive Blog allows members to leave comments and discuss issues on the Blog

Another feature is the KL Bar group in Facebook. Also set up at no cost at all, this social-interactive website allows KLBC to upload all relevant events, and thereafter utilise the free e-mail blasts provided by Facebook to e-mail to all our members who are on Facebook. Unfortunately, not all our members are on Facebook, but we encourage our members to sign up, in order for us to utilise the free tools provided there.

The KL Bar Website should be revamped, though the ITC is finding ways to revamp it at a low cost. Efforts to do so will continue.

Nonetheless, the Website continues to rake in income for KLBC by way of advertisements and job vacancies. This income goes a long way in reducing our reliance on the subscription, still at RM100, since 1992.

2. HARDWARE AND SOFTWARE COLLABORATIONS

The ITC has secured a special collaboration with Hewlett Packard (HP) to gain better pricing and deals for our members when purchasing new computer-related items. HP has also agreed to advertise on our newsletter, *Relevan* and that will bring in more revenue to the KL Bar.

Panda Anti-Virus, an anti virus software used largely by our Government, has agreed to offer KL Bar members specially priced deals. We continue to negotiate other deals related to IT products; to get better pricing for our members.

In addition, a project initiated by last term's ITC, the Bar Room on the left wing of the Kuala Lumpur Court Complex at Jalan Duta is equipped with 2 new Internet-connected Lenovo Computers for use at a charge. Connected Printers are available too. Wi-fi is also installed at the said Bar Room, where KL Bar members are required to gain the password from the KLBC's clerk in charge of that room, for free access to



the Wi-fi.

Efforts by our Professional Development Committee saw collaboration with Legal Workbench, a search engine for Law Reports and Statutes. That effort saw our Computers in that Bar Room uploaded with Legal Workbench Search Engine, and it is free for use, though members have to pay a nominal fee to use the Computers.

3. LAW REVIEW AND LEGAL AWARENESS CAMPAIGN

The ITC was keen to embark on legal awareness on IT related laws, and initiated a series of Forums. In 2008, 2 Forums were hosted:-

- a. Forum on Blogging & Defamation Laws;
- b. Forum on Identity Theft in Cyber Space.

The former saw prominent blogger, Jeff Ooi speaking and also Nizam Bashir who came all the way from Malacca to speak, together with our very own Foong Cheng Leong. This Forum was well received and we have received requests to have more Forums on this topic.

The latter saw Professor Abu Bakar Munir from University Malaya, our own Deepak Pillai, and Shamsul Jafni Salleh - former Director of Security, Trust and Governance Department of Malaysian Communication And Multimedia Commission (MCMC). Despite the Forum being held in the afternoon of a working day, more than 40 people attended the Forum, some from major IT Companies and also other interested members of the local universities. Like the former Forum, this forum was also very well received. We may host another Forum on this topic again.

In 2009, before our term ends, the ITC hopes to host another Forum on a topic yet to be decided.

CONCLUSION

The ITC has tried to offer members, particularly those who practise IT Law an avenue to discuss issues related to IT law. We also attempted to get attractive deals for KL Bar members for IT related products.

We have tried to be as thrifty as we can; though we foresee in the near future, KL Bar may have to incur a substantial cost to improve the KL Bar Website and also the Membership and Payment System (MAPS) currently used to generate paperless receipts for KLBC subscription.

I wish to thank the KL Bar Committee members who were supportive of the IT Committee's projects. I wish to salute and applaud the efforts of the IT Committee members, all of whom are busy practitioners. My gratitude also goes to Dato' Cecil Abraham, Nahendran Navaratnam, Ranjit Singh and K. Shanmuga for their advice and assistance accorded on legal issues, particularly pertaining to the KL Bar Blog.

We also wish to thank KL Bar members who supported many of our



KL Bar Blog



events, which continue to provide us inspiration to continue our projects.

Finally, my personal thanks to Mary Tan and Melissa Dass, members of our Secretariat who constantly ensure all loose ends were tied up during all our projects.

Richard Wee Thiam Seng
 Chairperson
 Information Technology Committee

KL Bar Facebook





Abdul Rashid Ismail
Chairperson

Committee Members

Joanne Long
Wong Tat Chung
Mohamad Reza Abu Hassan
Megat Abdul Munir
Mohd Izral Mohamed Khairy
Sunita Sankey
Gan Khong Aik
G Nanda Goban
Kavitha Thilagar
Jeremiah R Gurusamy
Atan Mustaffa
Eileen Othman
David Mathew
Alan Wong

Professional Development Committee

The KL Bar Continuing Legal Education Committee (“CLE Committee”) was renamed the Professional Development Committee (“PDC”) consistent with the name adopted by the Bar Council. The PDC’s objective was to continue to offer members and pupils, through its programmes, the opportunity to fortify their basic legal skills and to keep themselves abreast of developments in various areas of practice.

In order to meet these objectives, we divided our programme into 5 different modules.

MODULE 1: FUNDAMENTALS OF LEGAL PRACTICE

- Target: young lawyers/pupils
- Frequency: one/two seminars per month
- Purpose: to provide fundamental instructions to pupils and young lawyers.
- Areas: Opinion Writing, Drafting of Court Documents, Advocacy, Procedure/Evidence, Conveyancing, Corporate Documentation etc

MODULE 2: SPECIALIST SEMINARS

- Target: mid to senior practitioners
- Frequency: one/two seminars per month
- Objective: to update practitioners on current developments/frontiers of particular areas of law
- Areas: ADR, IT Law, Insurance Law, Administrative Law, Medico Legal, Company Law, Securities Law, Criminal Law etc.

MODULE 3: PRACTICAL WORKSHOPS

- Target: any lawyers interested in this area
- Frequency: once a month
- Objective: to equip practitioners with the necessary skills in handling trials or practical aspects of the law
- Areas: Criminal law, Corporate law etc

MODULE 4: PUPILS’ PROGRAMME

- Pursuant to the resolution passed at the Annual General Meeting of 2006
- Target: pupils
- Frequency: once a month
- Objective: to provide pupils with the basic knowledge of legal practice
- Areas: Civil litigation, Criminal law, Conveyancing, File Management etc

MODULE 5: SPONSORSHIPS FOR YOUNG LAWYERS TO INTERNATIONAL CONFERENCES

- Target: lawyers of less than 7 years’ standing



- Frequency: depends on the availability of the seminar
- Objective: to give lawyers international exposure - the lawyers selected are required to talk about his/her experience or write a report for publication in Relevant and/or uploaded to the KL Bar Website, if the KLBC so decides.

The PDC continued with its pupils programme. However, this year, the topics of the Pupils Seminars were varied and the PDC also included workshops as part of the programme. The areas covered in the seminars for pupils were:

- The Fundamentals of Conveyancing
- Bankruptcy Proceedings and Winding Up
- The Fundamentals of Civil Litigation
- Human Rights Law & Advocacy
- Wills, Probate & The Administration of Estates
- The Fundamentals of Commercial Drafting

The PDC also continued to emphasise practical workshops on various areas of legal skills and the law to provide maximum interaction during the learning process. The following were some of the practical workshops held by the PDC.

- Modern Legal Writing - Advanced Course
- Sale & Purchase of Property Transactions
- Islamic Financing: Structures & Documentation
- Conducting Due Diligence 101
- Conducting Summary Judgment and Striking Out Applications
- Affidavits - Drafting and admissibility
- Preparing Witness Statements

This term, the PDC organised 44 events between May 2008 to February 2009, covering areas such as Maritime, Conveyancing, Securities Law, Commercial Law, Syariah Law, Taxation, Criminal Law, Arbitration, Intellectual Property, Company Law, Cyber Law and Medical Law. A further 2 Seminars were scheduled for March 2009 and 1 for May 2009.

Like previous years, the PDC continued to offer sponsorships for KL Bar members to attend conferences. This year the PDC sponsored 5 KL Bar members to attend the 21st LAWASIA Conference which took place on 29 October to 1 November 2008.

To date, the response for the PDC events has been very encouraging and it is our hope that members will continue to benefit from the programmes lined-up for the remainder of the term. We would like to express our gratitude to all committee members, speakers, trainers and moderators who have taken part in the events held thus far and those who agreed to be involved in the upcoming events.

Abdul Rashid Ismail

Chairperson

Professional Development Committee



The full programme for 2008/09 is set out below:



DATE / TIME	TOPIC	SPEAKER(S) / PROPOSED SPEAKER(S)	MODERATOR(S)
17.05.2008 (Saturday) 10.00am	SEMINAR: Leave Application at the Court of Appeal	Y.A. Dato' Gopal Sri Ram	
21.05.2008 (Wednesday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Conveyancing	Jeremiah R. Gurusamy	
23.05.2008 (Friday) 3.00pm	SEMINAR: Practice and Procedure : Fundamentals of Interlocutory Injunctions	Izral Khairy Tharminder Singh	Izral Khairy
28.05.2008 (Wednesday) 4.00pm	SEMINAR: Maritime Law: Ship Financing	Joanne Long	
30.05.2008 (Friday) 2.30pm	SEMINAR: Taxation Law : Taxation issues during Mergers and Acquisitions	S Saravana Kumar	Alan Wong
06.06.2008 (Friday) 3.00pm	SEMINAR: Practice and Procedure : How to utilise discovery and Norwich Pharmacal applications to win your cases	Vijay Kumar Ganason	
20.06.2008 (Friday) 3.00pm	SEMINAR: Securities Law : Fundamentals of Takeover	Wong Tat Chung	Wong Tat Chung
21.06.2008 (Saturday) 9.00am to 5.00pm	WORKSHOP: Modern Legal Wring (Advanced Course)	Jackie Yeoh	
25.06.2008 (Wednesday) 9.30am to 4.00pm	PUPILS PRACTICAL WORKSHOP: Sale & Purchase of Property Transactions	Joanne Long Jeremiah R Gurusamy	
27.06.2008 (Friday) 3.00pm	SEMINAR: Company Law : Company Secretarial Practices	Eng Bee Hong	G Nanda Goban
08.07.2008 (Tuesday) 2.30pm	SEMINAR: Capital Market : Overview And Latest Developments On Malaysian Capital Market Law	Tang Ming Lee Yeat Soo Ching Yoon Ming Sun	Wong Tat Chung
15.07.2008 (Tuesday) 3.00pm	SEMINAR: Inheritance Under Syariah Law	Halimatunsa'adiah	Megat Abdul Munir
19.07.2008 (Saturday) 9.00am to 4.30pm	PRACTICAL WORKSHOP: Islamic Financing : Structures & Documentation	Ismail Mohd Shariff Assoc Prof Dr Mohamad Ismail Bin Hj Mohamad	Joanne Long





DATE / TIME	TOPIC	SPEAKER(S) / PROPOSED SPEAKER(S)	MODERATOR(S)
23.07.2008 (Wednesday) 2.30pm	SEMINAR: Director's Duties and Liabilities	Lee Swee Seng	G Nanda Goban
24.07.2008 (Thursday) 3.00pm	SEMINAR: Adjudication of Collective Agreement Disputes in the Industrial Court	Tuan Haji Yusoff Ahmad	Muhendaran Suppiah
25.07.2008 (Friday) 3.00pm	SEMINAR: Criminal Law	Sivanesan Nadarajah	G Nanda Goban
30.07.2008 (Wednesday) 3.00pm	PUPILS SEMINAR: Bankruptcy Proceedings and Winding-up	Peter Perera Alex Chang	
08.08.2008 (Friday) 3.00pm	SEMINAR: Ship Arrest	Jeremy M. Joseph Mary Thomson	Sitpah Selvaratnam Joanne Long
16.08.2008 (Saturday) 9.30am to 1.00pm	PRACTICAL WORKSHOP: Conducting Due Diligence 101	Geraldine Chan	
19.08.2008 (Tuesday) 3.00pm	SEMINAR: Asset Backed Security	Vincent Chan	Jeremiah R Gurusamy
26.08.2008 (Tuesday) 3.00pm	SEMINAR: Enforcement of Securities Law - The Principles	Roz Mawar Rozain	Datuk N Sivananthan
27.08.2008 (Wednesday) 3.00pm	SEMINAR: Practice and Procedure : Supervising Solicitors - their roles and duties	James Khong	Izral Khairy
29.08.2008 (Friday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Civil Litigation	Izral Khairy Tharminder Singh	
10.09.2008 (Wednesday) 3.00pm	SEMINAR: Medical Law : Consent & Confidentiality	Sagadaven Thangavelu	Eileen Othman
11.09.2008 (Thursday) 2.30pm	SEMINAR: Issues Pertaining to Divorce in Syariah Courts in Malaysia	Fahda Nur	Mohd Reza Abu Hassan
23.09.2008 (Tuesday) 3.00pm	PUPILS SEMINAR: Human Rights Law & Advocacy	Edmund Bon	
26.09.2008 (Friday) 3.00pm	SEMINAR: Taxation of Land Transaction : Strategies to Minimise Tax Incidence	S Saravana Kumar	





DATE / TIME	TOPIC	SPEAKER(S) / PROPOSED SPEAKER(S)	MODERATOR(S)
24.10.2008 (Friday) 3.00pm	SEMINAR: Commercial Law: Joint Venture - What do you need as a Practitioner	Syed Naqiz Shahabuddin	Jeremiah R Gurusamy
31.10.2008 (Friday) 5.00pm	SEMINAR: Which Arbitral Institute & Place of Arbitration : The Differences & Suitability	Michael Hwang SC Dato' Noorashikin	Joanne Long
12.11.2008 (Wednesday) 3.00pm	SEMINAR: Financial Assistance : An Analysis on Section 67 of the Companies Law, 1965 and Para 8.23 of the Listing Requirements	Ooi Huey Ling	
19.11.2008 (Wednesday) 3.00pm	PUPILS SEMINAR: Wills, Probate & The Administration of Estate	Hendon Mohamed	
25.11.2008 (Tuesday) 3.00pm	SEMINAR: The Tribunal For House Buyers Claims : Jurisdiction, Procedure and Award Enforcement	Pretam Singh a/l Darshan Singh	G Nanda Goban
26.11.2008 (Wednesday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Conveyancing	Jeremiah R Gurusamy	
13.12.2008 (Saturday) 9.30am to 1.00pm	PUPILS PRACTICAL WORKSHOP: Conducting Summary Judgment and Striking Out Applications	Alan Wong Sunita Sankey	
17.12.2008 (Wednesday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Commercial Drafting	Natalie Peh	
10.01.2009 (Saturday) 9.30am	SEMINAR: Preparing Witness Statements for use at Trial	Maidzuara Mohammed	





DATE / TIME	TOPIC	SPEAKER(S) / PROPOSED SPEAKER(S)	MODERATOR(S)
14.01.2009 (Wednesday) 3.00pm	PUPILS SEMINAR: Wills, Probate & The Administration of Estate	Hendon Mohamed	
20.01.2009 (Tuesday) 2.00pm	PUPILS SEMINAR: Bankruptcy Proceedings and Winding-up	GK Ganesan Alex Chang	
21.01.2009 (Wednesday) 3.00pm	SEMINAR: Family Law : Contested Divorce	Foo Yet Ngo	
11.02.2009 (Tuesday) 3.00pm	SEMINAR: Syariah Court: Custody and Maintenance Applications	Fahda Nur	
18.02.2009 (Wednesday) 3.00pm	PUPILS PRACTICAL WORKSHOP: Affidavits - Drafting and Admissibility	Ng Sai Yeang	
20.02.2009 (Friday) 3.00pm	SEMINAR: Company Law : Just and Equitable Winding Up	Lim Kian Leong	
25.02.2009 (Wednesday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Civil Litigation	Izral Khairy Tharminder Singh	
27.02.2009 (Friday) 3.00pm	SEMINAR: Family Law : Maintenance & Custody	Chew Swee Yoke	
05.03.2009 (Thursday) 3.00pm	SEMINAR: Defamation Law: Challenges Presented by the Internet	Sudharsanan Thillainathan	
24.03.2009 (Tuesday) 3.00pm	PUPILS SEMINAR: Human Rights Law & Advocacy	Edmund Bon	
26.05.2009 (Tuesday) 3.00pm	PUPILS SEMINAR: The Fundamentals of Commercial Drafting	Natalie Peh	





Publications Committee



Lee Shih
Chairperson

Deputy Chair
Richard Wee Thiam Seng

Committee members

- Brendan Navin Siva
- Dipendra Harshad Rai
- Shanmuga Kanesalingam
- Nicole Wee
- Sukhjit Kaur Gill
- Audrey Quay
- Cheng Poh Heng
- Yudistra Darma Dorai
- Sudharsanan Thillainathan
- Chan Su-Li
- S Saravana Kumar
- Mansoor Saat
- Petrina Tan Tjin Yi

This year, the Publications Committee continued with the publication of the KL Bar publication, *Relevan*. We maintained the revamped sleek cover from last year while making some minor changes to the layout of the contents. The committee however faced the same struggle from previous years of receiving enough articles for publication.

As at the time of writing, this year's Publications Committee published its first issue in June 2008 and the second issue is ready for printing. The third and final issue should then be released by February 2009.

Relevan continues to feature articles covering all areas relating to the practice of law. The amendments to the Criminal Procedure Code have been highlighted in articles featuring the right to call one's lawyer when arrested as well as the body search provisions. We had writers contributing an article covering an aspect of conveyance of property to a non-Malaysian and another article analysing the developments in the law of legal professional privilege.

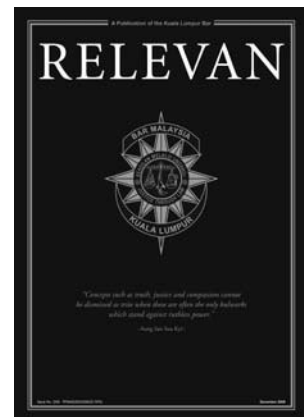
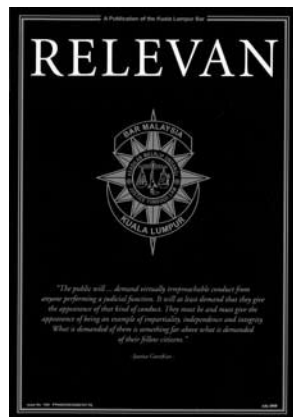
The Publications Committee also strove to flesh out recent developments, with an in-depth interview segment covering the problems in attracting and retaining legal talent while another segment covered the framework of the proposed Common Bar Course.

Relevan also featured a Legal Updates section to update members of recent developments in the law, whether in Malaysia or overseas.

In the year ahead, the world has already slipped into a slowdown and there will be increasing difficulty in attracting advertisers. We have also seen the rise of websites, online publications and blogs and the incoming committee may have to reinvent *Relevan* to continue to reach out to the members.

I would like to acknowledge and thank the committee members who have worked tirelessly throughout the year. *Relevan* would not have been possible without the effort and sacrifice of its committee members and contributing authors.

Lee Shih
Chairperson
Publications Committee





Pupils Welfare Committee



Reggie Wong Mew Sum

Chairperson

Committee Members

Colin Andrew Pereira

Selva Rani Thiyagarajan

R Ragunathanan

Vivian Victor

Molly Margrete

Richard Wee

Chong Wai Kuan

Sandesh Kabir



PROJECTS

(I) Pupils' Pamphlets

The Pupils Welfare Committee (PWC) had the opportunity to improve, update and enhance the pupils' pamphlets which are given free to pupils. These pamphlets operate as a one-stop guide for pupils and come in handy, addressing the salient points and features of pupillage. These pamphlets are easily and readily available at the Appellate and Miscellaneous Matters Division Registry as well as in the Bar Room at Level 5 of the Kuala Lumpur Court Complex. Copies are also available at the KL Bar Secretariat.

(II) Criminal Litigation Workshops

PWC was pleased to have organised 3 criminal litigation workshops for pupils-in-chambers on 29.05.2008, 06.09.2008 and 22.11.2008 respectively. These workshops were run by both Mr R. Ragunathanan and Ms Selva Rani Thiyagarajan, both of whom have vast experience in running seminars and workshops for the Legal Aid dock brief programme. These workshops covered in general the areas of client interview, mitigation, bail application and remand. These workshops were limited to 20 participants to encourage interactive participation and involvement and to deal with practical problems and scenarios.

(III) Civil Litigation Workshops

In addition to the criminal workshops, PWC successfully organised 5 civil litigation workshops on 26.06.2008, 09.09.2008, 23.10.2008, 18.12.2008 and 19.01.2009. PWC was delighted to have Mr Colin Andrew Pereira and Mr Sanjeev Kumar Rasiah run and organise these workshops. Areas covered included the retainer, opinion writing exercise, drafting of pleadings exercise and presenting a case in Court. As with the criminal workshops, the civil litigation workshops were also limited to 20 participants per session. A short introductory lecture is presented at the outset to the pupils after which the participants were divided into core work groups of 5 members each to tackle given situations and to prepare opinion writing and drafting of pleadings.

Both these criminal and civil workshops attracted overwhelming response from the pupils.

(IV) Seminar on Court Room Etiquette and Preparation of a Civil Trial

It was also with great pride that the PWC organised a seminar by Dato' Bastian Vendargon and Mr T Gunaseelan on "Court Room Etiquette and Preparation of a Civil Trial" which was held on 02.08.2008. Both Dato' Bastian Vendargon and Mr T Gunaseelan are very senior members of the Bar who had in the



past, taken time off their busy schedule to partake and share their experiences with younger members of the Bar. Despite being a Saturday morning, there were approximately 50 participants at the seminar. It was a highly informative session, with the speakers sharing their many real-life experiences and encounters.

(V) Dialogue on the Ethics and Professional Standards (EPS) Examinations

A total of 3 pupils' dialogue sessions with the Bar Council Professional Standards and Development Committee (PSDC) were organised on 29.07.2008, 04.11.2008 and 06.01.2009 for the benefit of pupils undergoing the Ethics and Professional Standards (EPS) Examinations. These dialogue sessions set a platform in which various issues and concerns of the examinations were raised by pupils concerned and to give pupils a better understanding of the Course as well as the Examinations. Members from the Bar Council PSDC were also able to provide an in depth briefing of the Course and to put forward their expectations of pupils preparing for the EPS Course and sitting for the Examinations. The attendance at these dialogue sessions was extremely encouraging.

(VI) Legal Career Fair

The 2nd Legal Career Fair was held on 17.01.2009 at the Legend Hotel, Kuala Lumpur. 23 legal firms and 3 corporate entities participated in the Fair which attracted close to 400 visitors.

This Fair set the stage for pupils seeking employment within the legal fraternity as well as a platform for employers the opportunity to recruit lawyers. The option was also opened for young lawyers and pupils-in-chambers who wished to try out employment opportunities outside the ambit of legal practice with the presence of the corporate entities at the Fair. All major local universities and many private colleges were invited to participate and a high number of their students attended the Fair.

Legal Talks on the subject of Common Bar Exam/Ethics Course, Pupillage, Young Lawyers, Legal Aid and Human Rights were also held in conjunction with the Career Fair. The speakers were Mr Steven Thiru, Mr Colin Andrew Pereira, Mr Dipendra Harshad Rai, Mr Ravi Nekoo and Mr Edmund Bon.

(VII) Bowling Nite

The PWC organised a bowling night on 16.01.2009 at The Cosmic Bowl, Mid Valley Megamall to provide an opportunity to better good relations amongst pupils and for pupils from different firms to get to know one another. Participants were charged a nominal fee of RM25.00 which included 2 games, rental of shoes and food. 15 "legal bowlers" turned up for this inaugural event and all had a great night out.



(VIII) Meeting with the Appellate and Miscellaneous Matters Division

A meeting was held on 05.06.2008 with the Judges of the Appellate and Miscellaneous Matters Division to streamline “Long Call” procedures. PWC took the initiative to draw up a short and concise guideline for formatting of “Long Call” speeches, with the aim to standardise Call procedures and achieve uniformity, thus saving valuable judicial time. Copies of these guidelines are forwarded to pupils during the Pupils’ Introduction Sessions with the Kuala Lumpur Bar Committee as well as during the “Long Call” briefings. These guidelines are also available at the KL Bar Website.



CONCLUSION

I wish to take this opportunity to thank each and every member of PWC who has contributed significantly to the activities and programmes which were implemented this year.

Lastly, I also wish to record my thanks and appreciation to Ms Mary Tan, Ms Melissa Dass, Ms Indira and Ms Norhayati of the KL Bar Secretariat who were always supportive and ever ready to assist at any time.



Reggie Wong Mew Sum
 Chairperson
 Pupils Welfare Committee





Lai Chee Hoe
Chairperson

Committee members

- Vincent Tey
- Janet Chai
- Benjamin Sathyanandam
- Musyrifah Malek
- Carmen Teh
- Melissa Ram
- Dinesh Kanavaji
- Rachael Tan Sung Ling
- Fara Zalina Mohamed
- Kenneth Wong Poh Lim
- Siti Fatimah Mohd Shahrom
- Muhendaran Suppiah
- Seira Sacha
- Zainurazira Zainal Abidin
- Khaizan Sharizad
- David Cheong Peng Leong
- Serena Lim
- Marie Soong
- Chan Kit Kheong
- Ng Su-San



Social, Arts & Culture Committee

The Social, Arts Culture Committee (“SAC”) for 2008/2009 comprises a group of youthful and vibrant lawyers. Throughout the year, the creative minds provoked much thought and provided lots of fresh ideas.

A. AN EVENING WITH THE MALAYSIAN PHILHARMONIC ORCHESTRA (31 MAY 2008)

SAC organised a trip to watch the Malaysian Philharmonic Orchestra performance on 31.05.2008 at the Dewan Philharmonic Petronas. The tickets allocated to the SAC were snapped up within 3 days. The conductor for the evening was Hannu Lintu.

We had the pleasure of listening to 2 different pieces being performed on that night which were - Joseph Hadyn’s Symphony No. 103 in E flat major and Mahler’s Symphony No. 10.

After the performance, we adjourned to Chinoz at the Park for drinks dazzled by the beauty of the music.

B. PAINTBALL WAR (14 JUNE 2008)

On 14.06.2008, a paintball game at Tanamera, Sungai Buloh was organised. Roll call started around 10am with each person given a marker and 500 pellets. The legal warriors were in high spirits and went on a shooting spree in 4 different maps of Vietcong Field, Lake Placid, Kill House and Killing Field.

C. LEXISNEXIS-KL BAR TREASURE HUNT 2008 (9 AUGUST 2008)

SAC together with LexisNexis organised the 3rd Annual LexisNexis-KL Bar Treasure Hunt on 09.08.2008. The Hunt received such overwhelming response exceeding the limited number of cars to an extent that the organiser was constrained to turn down some participants.

There were more than RM20,000 worth of prizes given away to the winners of the Hunt and the KL Bar’s share of the proceeds amounting to RM8,800 was donated to Persatuan Dialisis Touch Petaling Jaya. The Persatuan Dialisis Touch is a non-profit organisation which has set up a haemodialysis centre. Funds donated will assist the dialysis centre in purchasing and maintaining machines to cope with the increasing number of patients with renal failure.

D. KUALA LUMPUR BAR ANNUAL DINNER & DANCE 2008 - MAGICAL FAIRYTALE: A WHOLE NEW WORLD (29 NOVEMBER 2008)

The legal fairies throng the ballroom of One World Hotel, Bandar Utama, Petaling Jaya on 29.11.2008. The President



of the Court of Appeal and the Chief Judge of Malaya were amongst the VIPs who attended the magical evening.

The night began with a truly mesmerising waltz by dancers from the Kuala Lumpur Dancers' Association. The crowd was also treated to a Michael Jackson dance, which received much applause.

The highlight of the night was certainly the illusion performance by Anslem Roy. At the end of the show, he performed a head guillotine act on a volunteer picked from the floor.

All the guests went back with a complimentary Kuala Lumpur Bar Calendar 2009 and a bookmark.



ACKNOWLEDGEMENT

I wish to take this opportunity to thank all members of the SAC for their constant support and bringing true diligence to the committee. All the projects above would not have been possible without them.

Lai Chee Hoe
Chairperson
Social, Arts & Culture Committee





Anand Ponnudurai
Chairperson



Sports Committee

1. COMMITTEE MEMBERS

The following convenors were appointed to assist in the organising of the following games :-

- i. Badminton : A.I. Nathan
- ii. Cricket : Alex De Silva
- iii. Hockey : Khairul Idham
- iv. Netball : Marie-Julie Wan Ullok
- v. Soccer : Robert Low
- vi. Tennis : Yeoh Cho Keong
- vii. Volleyball : Dinesh Kanavaji

2. BAR COUNCIL INTER STATE BAR GAMES

2.1 Normally, in the months of March and April, not many activities are carried out as everything is geared towards preparation for the Annual Bench and Bar Games with Singapore. This year's Bench & Bar Games were scheduled to be hosted by the Melaka Bar over the Labour Day weekend. For a change, the Bar Council Sports Committee decided to have the Inter State Bar Games sometime in March in an effort to double up as a selection process for teams at the Bench & Bar Games. The KL Bar Sports Committee was asked to host the same which we obliged. The games were held at the DBKL Stadium on 01.03.2008 wherein several State teams participated. The KL Bar emerged champions in all the events i.e., Soccer, Badminton, Volleyball and Netball.

2.2 Following from the above, it was no surprise that the majority of the Malaysian Bar contingent consisted of KL Bar members which went on to convincingly defeat the Singapore contingent at the Bench & Bar Games in Melaka.

2.3 The Inter State Golf Tournament was hosted by the Perak Bar at the Clearwater Sanctuary Golf Resort at Batu Gajah on 12.07.2008. The KL Bar was among 7 participating State teams but ended as runners-up on count back to our arch rivals Selangor Bar.

3. 18TH KL BAR V RSC SPORTS CARNIVAL (12-14 JUNE 2008)

3.1 This series was inaugurated in 1985 by the Late Tan Sri Dato' Harun Hashim wherein several sports are played for the overall trophy donated by Tan Sri. There is a challenge trophy for each sport donated by senior members of the Bar / RSC members. The games that were played this year were badminton, cricket, tennis, soccer, hockey, netball, billiards/pool and boat race. The KL Bar had won this series in 2007 after a 17 year lapse and the RSC team put up strong



teams this year in an effort to regain the trophy

- 3.2 The games were held from 12 to 14.06.2008 at various venues with the final score being 4-4 with the KL Bar winning badminton, tennis, netball and billiards/pool whilst the RSC teams emerged victorious in hockey, cricket, soccer and the boat race. However, being defending champions, the KL Bar retained the trophy.

4. **KUALA LUMPUR/SELANGOR BAR GAMES - 8TH SERIES (20-21 JUNE 2008)**

- 4.1 This series was inaugurated after the split between the Selangor and Federal Territory Bar and both teams played various sports for the Lall Singh Muker Trophy which is donated by a senior member of the Bar, Mr S.S. Muker who is a member of both the Selangor Bar and KL Bar.

- 4.2 This year's series was hosted by the Selangor Bar at various venues on 20-21.06.2008 wherein the Selangor Bar emerged as overall champions with a score of 5-4 when they won soccer, volleyball, futsal, golf and badminton with the KL Bar winning hockey, netball, pool/darts and the boat race. The KL Bar will be hosting the 9th series sometime in 2009 and will do its best to regain this trophy.

5. **GENERAL**

A volleyball court at the Bangsar Sports Complex is booked on the 2nd and last Sunday of each month from 5.00pm to 7.00pm. However, these bookings have been temporarily suspended for renovations. Similarly, a badminton court is booked at the SBA hall in Kampung Attap every Thursday from 6.00pm to 8.30pm. These bookings are to enable members and pupils to play the respective sport on a regular basis and to interact with other members.

6. **NOTE OF THANKS**

I wish to place on record my thanks to all convenors for sacrificing their time and effort in organising their respective games. The Sports Committee also wishes to thank all donors for the trophies and sponsorship in various forms in the past years which greatly contributed towards the success of the various sports activities. Last but not least, the Sports Committee thanks all "sporting members" who have participated and supported the various activities of the Sports Committee over the past year. Whilst participation has increased and is encouraging in general, it is hoped that more members in particular the younger lawyers, will participate in the coming years' activities.

Anand Ponnudurai
Chairperson
Sports Committee

**Dipendra Harshad Rai**

Chairperson

Deputy ChairJanet Chai
Sunil Lopez**Unit Heads**Choo Dee Wei
Seira Sacha
Sandesh Kabir
Fam Yu Min
Robin Lim Fang Say
Noor Arianti
Ruth Garnet Maran
Khaizan Sharizad**Members**Aileen
Alan Tan Eek Han
Alan Teoh
Alicia Tan May Sien
Archana Patrick
Athena Ang
Benjamin Sathyanandam
Cheah Kit Yee
Chian Huey
Chris Soon
Cynthia Chan Huey Ming
Daniel A
Dinesh Nair
Edmund Bon
Elaine Yap
Farez Jinnah
Foo Siew June
Foo Yueh Jiin
Foong Cheng Leong
Francesca Phillip
James Ding Tse Wen
Jenny Pong Yen Nee
Jonathan Lim
Joshinae Wong
Joshua Kevin

Young Lawyers Committee

This term, the Kuala Lumpur Bar Young Lawyers Committee (“YLC”) set about to continue the projects initiated from last term. As an inclusive committee and with new members coming through its ranks, the YLC continued with its structure of 4 Units designed to ensure that all the needs of young lawyers were taken care of. The Sub-units are as follows:

- (a) *Community Projects Unit* - a Sub-unit designed to look into community and welfare driven projects;
- (b) *External Liaison Unit* - a Sub-unit designed to engage and promote close working relationship with other professional bodies and organisations, universities whether domestic or international;
- (c) *Human Rights and Legal Struggles Unit* - a Sub-unit designed to look into the human rights and civil liberties issues in Kuala Lumpur and to act as a “watchdog”; and
- (d) *Practice Management Unit* - a Sub-unit designed to look into practice issues affecting young lawyers and to ensure that young lawyers are able to face the demands of the legal profession.

The success of the YLC this term can only be attributed to the dedication, passion and volunteering spirit of the lawyers that made up the YLC. Their never-ending devotion and boundless energy only made my responsibility ever so easier. My heartfelt appreciation and gratitude goes to my deputies - Janet Chai and Sunil Lopez and the 4 Units co-chairs - Choo Dee Wei, Seira Sasha Abu Bakar, Sandesh Kabir Singh, Fam Yu Min, Noor Arianti Osman, Robin Lim, Ruth Maran and Khaizan Sharizad. They performed their roles with excellence, without fear and favour. I also wish to thank the KLBC members and the Chairman who were, by and large, supportive of the activities carried out by the YLC. Special thanks also goes to Ms Melissa Dass, the Executive Officer in charge of the YLC for her tireless behind the scenes work.

ACTIVITIES

1. *Paintball Game on 14.06.2008*

The YLC together with the Social, Arts & Culture Committee organised a Paintball Game at Tanamera Paintball Field, in Sungai Buloh on Saturday 14.06.2008, from 9.30am - 5.00pm. A total number of 30 lawyers participated in the shoot-out.

2. *YLC Charity Nite 2008*

Led by the Community Projects Unit, the YLC once again organised the most anticipated charity event in the Kuala Lumpur Bar calendar. This year, unlike the previous years, featured no KL Bar Idol competition but the 1st ever “Battle of the Bands”. 5 very talented Bands namely - Joe Latex and the Rubbertappers, Malayan Borneo Grasscutter Ninja Union Quartet, Taiko Tai and the Ringtones, Will Sing for Petrol and



Members

June
 Kavitha
 Lai Chee Hoe
 Lee Shih
 Madelene Tan
 Marie Soong Mei Yee
 Musyrifah Abdul Malek
 Ng Su-San
 Ngan Fei-Fei
 Nur Hidayah
 Patricia Woo
 Patrick Lim Tow Chai
 Petrina Tan Tjin Yi
 R. Mogana Das
 R.Ragunathanan
 Raja Kumar
 Rajdeep Singh
 Ravinder Singh Dhaliwal
 Richard Wee Thiam Seng
 Sandesh Kabir Singh
 Sarah Kambali
 Serena Lim
 Sheryl Tan
 Sivaruben Balasekaran
 Syahredzan Johan
 Tan Meng Tze
 Tan Pei Lyn
 Tan Siok Keng
 Tay Choon Howe
 Tiffany Heah
 Tracy Hah
 Vincent Tey
 Wai Kuan
 Woon Huei Chin
 Zainurazira Zainal



It's OK to Adjourn performed to a very appreciative crowd which saw a new record 690 tickets sold and 600 lawyers and their friends packing into SaVanh Too at Mont Kiara raising money for this year's adopted Charity - The 'Persatuan Penjagaan Kanak-Kanak Cacat, Klang'.

Also entertaining the crowd were 2 of last year's Idol finalists Chryshantini Niles and Ruth Maran who opened and closed the Battle of the Bands. As was with last year's Charity Nite, this year's Charity Nite was also simultaneously organised in Penang, Melaka and Selangor where lawyers came together for charity. No doubt with their performances, the bands, hopefully would have achieved some degree of immortality among their peers.

A total of RM29,430.00 was raised for this year's Charity. The success and importance of the Charity Nite must be viewed in its context as the past 4 editions of the Charity Nite has seen a sum in excess of RM100,000.00 disbursed to various charities.

The Charity Nite also raised the profile for KL Bar and the Bar in general as it showed a caring and compassionate side by the lawyers. The goodwill shown by all lawyers will resonate for the years to come. It must surely continue as a tradition of the Bar. The YLC deeply appreciates the efforts of the Band members, their supporters and the volunteer lawyers who not only donated in the name of charity, but came together as one, to make this a truly remarkable event.

3. *Visit to the Universities and Private Law Colleges*

Organised by the External Liaison Unit, the purpose of these visits was to manage the expectations of law students (mainly final year law students) as they are on the verge of coming out into pupillage and practice. The visits were designed to give these law students an idea on what to expect after graduation, expectations of employers, how to apply for pupillage places and career options open to them. It was indeed an eye opener for the law students as well as the YLC members as it enabled both to understand the expectations of each other:

- a. Kemayan-ATC on 06.09.2008;
- b. UiTM on 13.09.2008;
- c. UKM on 18.10.2008;
- d. Taylor's College University on 15.11.2008; and
- e. Brickfields College on 22.11.2008

The YLC has plans to visit the KDU Law School, University Malaya and the International Islamic University in the month of January 2009.

4. *Majlis Berbuka Puasa on 19.09.2008 at Medan Ikan Bakar Kampung Baru*

Continuing with the tradition of breaking fast, the YLC organised another 'Buka Puasa' gathering. This year's choice was the delicious and mouth watering Medan Ikan Bakar Kampung Baru. Approximately 70 lawyers and pupils-in-



chambers of all faiths, belief and persuasion came together to break fast and at the same time savour the famous Kg Baru Ikan Bakar and traditional Malay dishes and desserts .

5. ***3rd Young Professionals Night on 15.11.2008 at Setia Alam Eco Park , Shah Alam***

The Young Professionals Alliance (“YPA”) was officially launched by Datuk Liow Tiong Lai, the then Deputy Minister for Youth and Sports on 17.11.2007, and was formed with professionals from the engineering, pharmaceutical, company secretarial and the legal profession. The YPA is a body consisting of young professionals from different professional institutions in Malaysia. The main aims of the Alliance are the strengthening of ties among professionals, the sharing of knowledge among its members, as well as the pooling of resources in order to serve the community at large. The YPA is also non political, non religious and is open to all professionals.

This year’s edition, the 3rd Young Professionals Night was jointly organised by the Young MAICSA Group of the Malaysian Institute of Chartered Secretaries and Administrators and the Malaysian Pharmaceutical Society-Young Pharmacists Chapter (MPS-YPC). It was held at the Canopy Club, Setia Alam Eco Park, Shah Alam. This year’s event was a charity dinner in aid of MAKNA to assist in their mission by raising funds for their good work and elevating the awareness of cancer among professionals and the public. This event once again provided a chance for everyone to have fun and mingle with chartered secretaries and administrators, engineers, lawyers, pharmacists and other young professionals. Participants were treated to a fun night of treasure hunt, performance by a live band and delicious Nyonya food.

6. ***The ‘Young Lawyers Guide to Legal Practice’ - a collaboration with LexisNexis***

The YLC (led by the Practice Management Unit) has embarked on an on-going book project to provide law students, pupil-in-chambers and young lawyers a guide to the practice of law. Targeted for launch in the first quarter of 2009, this Guide aims to provide law students, pupil-in-chambers and young lawyers with a reliable source so as to ensure that all the necessary and relevant information in relation to legal practice are available to them. This Book should be relevant to a first year law student right up to those who have been admitted and enrolled as an advocate and solicitor and beyond.

This guide hopes to provide an insight to its targeted readers on what legal practice is all about. In today’s globalised legal profession, young lawyers coming into practice cannot afford to take a lot of time “learning the ropes”, so to speak. They have to hit the ground running and this guide will precisely provide them with the necessary tools to achieve this objective.

The Book is not meant as a substitute to legal practice but rather to complement the wealth of information available on



legal theory and the lack of substantive and practical written information on legal practice. More importantly, this Guide will be a source of income for the KL Bar. The KL Bar can expect to receive a sum in the range of RM5,000-8,000 during the Guide's initial print run.

The suggested table of contents of the Guide is as follows:

(a) Part One: The Law Student

- (1) Introduction to the Law
- (2) Theory v Practice
- (3) How to impress your prospective employers

(b) Part Two: The Pupil

- (1) Understanding what the pupillage process is all about
- (2) Big Firm v Small Firm and maximising your learning process
- (3) Mastering Legal Research

(c) Part Three: The Young Lawyer and beyond

- (1) Post Admission and Enrolment: What next?
- (2) Understanding the traditions of the Bar
- (3) Basics of Practice

7. Proposed Young Lawyers Legal Practice Management Course

This Legal Practice Management Course ("LPMC") organised by the Practice Management Unit is intended to be a comprehensive one day programme focusing on the basics of litigation, corporate, conveyancing practice for pupils-in-chambers and legal practitioners who are in the infancy of their legal careers. The LPMC is designed to ensure that lawyers are able to practice law efficiently and effectively using the legal tools available to them. The LPMC will focus on objectives such as marketing, client services, risk management, stress management and ethical dilemmas. The LPMC is intended to be implemented in February 2009.

The YLC hopes to achieve much more next term. Various projects are already in the offing and in the planning stages like the "Mentor Program" and the "Law Debates" series. The YLC aims to be a complete committee looking into the needs of not only young lawyers but all lawyers in general.

I must also record my deep appreciation to the National Young Lawyers Committee and its Chair for being ever so supportive and providing the necessary advice during the execution of our activities.

As Chair of the YLC for the past 2 terms, it only remains for me to add that I am proud and blessed to have led a group of lawyers who have shown that they are the future leaders of the Bar. My appreciation and



deepest respect also goes out to the many lawyers who have supported the worthy projects undertaken by the YLC so as to ensure and at the same time maintain the high achievements of the Bar.

I have no doubt that with a strong YLC, the future of the KL Bar looks bright and positive. I hope to see more lawyers come to the forefront with a goal of serving the KL Bar and providing support to the various committees whilst ensuring that the objectives of the KL Bar are met.

Dipendra Harshad Rai
Chairperson
Young Lawyers Committee



The Panel



Ravi Nekoo
Chairperson

Honorary Secretary
Amer Hamzah Arshad

Assistant Honorary Secretary
Latheefa Koya

Treasurer
Sasha Lyna Abdul Latif

Members
Renuka T Balasubramaniam
Sa'adiah Din
Sivanesan Nadarajah
Datuk Baljit Singh Sidhu
Magesan R Ayavoo
Puspawati Rosman
Surendran Sreetharan
Rajeswari Paramasevam
Ravinder Singh Dhaliwal
Preetam Kaur
M Moganambal
Harleen Kaur

Bar Council Legal Aid Centre (Kuala Lumpur)

Introduction

The year 2008/2009 was a challenging year. As the Bar Council Legal Aid Centre (Kuala Lumpur) (KLLAC) continued to render assistance to its clients, we dealt with an increase in the number of clients seeking our assistance. This year we served 16,572 clients. This was a 39% increase compared to 2006 when we served 10,062 clients. We expect this figure to increase in the forthcoming years as more and more people become aware of the services provided by the KLLAC.

Urgent Arrest Assistance - The KLLAC, once again, showed its commitment to defend the constitutional right of the people to assemble peacefully when its volunteer lawyers attended at the police station to assist those arrested for participating in the HINDRAF, BERSIH and JERIT rallies. Subsequently, we provided legal representation to some of these people when they were charged in court.

Launch of Website - In our bid to serve our clients better, we have launched our website. In fact, it is the first website of its kind by a Bar Council Legal Aid Centre. The main purpose of this website is to get connected with the several NGOs and other community groups which are closely working with the marginalised group and render our assistance.

Launch of Dock Brief Room - This year we also officially opened our Dock Brief Room at the Jalan Duta Court Complex. Though we have been servicing our clients from this room for the past 1 year, we felt there is a need to publicise the existence of this room to the members of the public.

Legal Aid Reform - At the KLLAC, we are not only committed to defending the constitutional liberties of Malaysians, but we are equally committed in playing an active role to formulate a national policy on legal aid in Malaysia. Towards this extent, we were actively supporting the Bar Council by drafting various policy documents on the future of legal aid and its role in nation building. We are also assisting the National Legal Aid Committee in preparing the Legal Aid Reform Bill.

Volunteer lawyers - As service providers for our clients, we are also constantly upgrading the qualitative delivery of our services. We provide our volunteer lawyers with sufficient training to undertake a brief and in addition to that we also ensure that there are senior lawyers ready to assist if called to do so. This year alone, we have 112 new volunteer lawyers who have registered to assist the KLLAC. This saw us assigning more files to our volunteer lawyers. We also managed to create a larger pool of trainers and supervisors.

Pupils Training - We persevered with our training programmes. The thrust of these training programmes were to ensure that there is no dearth in capacity building. We targeted the pupils who attended our Centre for their 14 day compulsory duty. In addition to the orientation programme and the trainings provided, we constantly engaged them in discussions and other activities. We challenged them to surpass their



ordinary training in law to become extraordinary.

A specifically tailored training programme was conjured to further train and develop these lawyers into dynamic leaders who will not only assist legal aid in the short run but become leaders of the Bar in the long run. To date, we are happy to announce that through these training programmes we have about 40 young and dynamic lawyers assisting the KLLAC the NLAC and also the Human Rights Committee of the Bar Council.

NGO Partners - As part of the plan to work with the NGOs representing the various communities, we went on to jointly organise several out-reach programmes with our NGO partners. Law or the lack of it is best learned from those who are on the receiving end. Our relationships with our NGO partners have given us greater depth into issues of concern and the need for access to justice and law reform. This year, the LAC/ Pink Triangle clinic took another step in forming a working collaboration with the Malaysian Aids Council (MAC).

International visitors - This year we also had the opportunity to play host and develop working relationships with several legal aid organisations around the region such as lawyers from Philippines, Taiwan and Japan. The Vietnamese Legal Aid delegation spent two weeks at the KLLAC on an exposure and study tour.

Panel of Inquiry - In the midst of all these activities, we were faced with a panel of inquiry set up by the Bar Council as a result of certain scandalous and frivolous allegations made by a group of lawyers. We stood steadfastly defending these wild and scurrilous allegations. We attended the inquiry panel. We presented our side of the story and supported the facts with evidence. We produced two volumes of documents consisting hundreds of pages outlining all the actions taken, the decisions made, the due processes involved. We produced witnesses at this inquiry panel. A lot of valuable time was spent on this.

Finally, a decision was announced by the Bar Council on 7 January 2009. All of the 22 allegations made against us were pronounced as being unsubstantiated and without merits. Eventually we triumphed but at a cost. We spent about seven (7) months preparing for this inquiry. Our witnesses' included lawyers recently called to the Bar. They had to take time off from work to attend this inquiry.

Though all along we knew that the allegations were frivolous, vague and filled with ambiguity, we went through the whole process. It may have been more appropriate if the Bar Council had instead of setting up an inquiry panel, as a first step merely resorted to making a prima facie finding on the truth/untruth of the allegations. This would have saved us valuable time.

Thank you - The year 2008/2009 was a busy and tumultuous year. In spite of the heavy cloud of allegations hanging over us we went on to proceed with our routine work as in the past and further achieved several new milestones in line with the goals for the year. This could not have been possible without the full and undivided support of the Management Panel, the Office Bearers, the Executive Director and her Staff, the Volunteer Lawyers, the Pupils and our NGO partners. I take this opportunity to thank all of them for their valuable time, effort and commitment.

Ravi Nekoo
Chairperson



BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) STATISTICS (JANUARY 2008 - 31 DECEMBER 2008)

A. CLIENT STATISTICS: SUMMARY 2008

	Clinic/Programme	Clients 2006	Clients 2007	Clients 2008
1	Sungai Buloh Prison : † Malaysian clients † Migrant clients	1285 (1010) (275)	1093 (764) (329)	1407 (1008) (399)
2	Kajang Women Prison	200	139	168
3	Kajang Women Migrant Prison	84	88	132
4	Kajang Men Prison	-	217	470
5	Kajang Men Migrant Prison*	-	26	3
6	Juvenile Remand Home	77	116	20
7	Dock Brief	4714	4200	4823
8	LAC Clinic	1696	1675	1585
9	Syariah Clinic	112	129	130
10	SIS	568	673	665
11	AWAM	493	387	411
12	PTF	82	10	80
13	WAO	166	173	115
14	Tenaganita	585	2350	2284
15	UNHCR	-	3360	3931
16	Public Interest Cases	-	469	348
	Total	10062	15105	16572

B. FILES: OPENED, ASSIGNED & UNASSIGNED - 2008

	Category	2007			2008		
		Opened	Assigned	Unassigned	Opened	Assigned	Unassigned
1	Criminal						
	• LAC Clinic	136	79	57	95	114	38
	• Prisons Program	120	88	32	130	146	16
2	Employment / SOCSO	32	26	8	22	30	-
3	Family	67	60	4	82	86	-
4	Syariah	43	38	4	42	37	9
5	Others						
	• Public Interest Litigation	2	1	1	4	2	3
	• Misc	5	4	1	3	4	-
	Total	405	296	107	378	419	66

C. NEW VOLUNTEER LAWYERS (VL): 2008

NEW VL 2008	112
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1. BCLAC (KL) Report on LAC Clinic Program

Report prepared by: Secretariat

Committee Members:

Renuka T. Balasubramaniam (Project Head)

Jerald Gomez

Ramesh Lachamanan

Jayalechumi Rajaretnam

N. Surendran

Sharmini Thiruchelvam

Mahadevi Kallidass

Rajeswari Paramasivam

Janice Leo

Ahmad Ridza

Chew Swee Yoke

Kamaliyah Mohd Hafiz

Sunitha Rengasamy

Lai Chee Hoe

Introduction

The Legal Aid Centre Clinic ("LAC Clinic") has been operating since 1983 at the secretariat office to cater for members of public who walk-in to the LAC Clinic. The Clinic provides free legal advice, legal representation and legal intervention for those qualifying under the means test. It also participates in enhancing legal awareness. The LAC Clinic is supervised and managed by the LAC Clinic Committee - a group of volunteer lawyers. It is manned by pupils in chambers completing their legal aid service provided for by Bar Council Ruling in Legal Aid Service. The pupils are supervised via telephone whenever necessary, by experienced lawyers. Each pupil is on duty once a week over a period of 3 months. The Centre is open to members of the public from Monday to Friday 10.00 am - 4.30 pm.

The LAC Clinic has 15 Committee Members headed by Ms Renuka T. Balasubramaniam. The 1st LAC Committee Meeting was held on 16th April 2008, 2nd Meeting held on 18th June 2008 and the 3rd Committee Meeting held on 6th November 2008. The primary agenda at both these meetings were plans for the training of pupils such as determining the facilitators and revising the training manual. An ancillary plan that was discussed was the establishing of a network with other state legal aid centres and also the budget for the year 2009.

As part of the primary agenda, it was decided that committee members undertake the facilitation of training so that practical feedback for improvement could be obtained. Two committee members supervised the training each time. Due to the tight schedules of the committee members, only six committee members (Mr. Jerald Gomez, Ms Sunitha Rengasamy, Mr Ahmad Ridza, Mr Ramesh Lachamanan, Ms Jayalechumi Rajaretnam and Ms Chew Swee Yoke) have been able to participate thus far, while several others have agreed to undertake training for the remainder of the year.

The various sections of the training manual have also been distributed to experts within the committee to be reviewed and re-written if necessary. The revision of the manual is hoped to be completed by February 2009.

The LAC Clinic pupils program started with Batch 52 (Jan - Apr 2008) and Batch 53 (April - July 2008) and Batch 54 (July-October 2008), Batch 55 (October- January 2009) until Batch 56 (December - March 2009) about 56 pupils already attended this program. Most of them found that they have gained knowledge on the means test, legal intervention, interviewing skills, etc. They also found that their knowledge on procedure, domestic violence, criminal law, family law, employment law, Immigration law had been enhanced.

The LAC Clinic pupils have also done 14 Legal interventions for clients. Examples would be interim protection orders and police station negotiations.

The Clientele (walk-in clients) comparison between 2007 and 2008 are as follows:-

NO	YEAR	NO OF CLIENTS
1	2007	1580 (as at 6/12/07)
2	2008	1588 (as at 15/12/08)



The Clientele (legal representation rendered) comparison between 2007 and 2008 are as follows:-

NO	YEAR	NO OF CLIENTS
1	2007	226 (as at 6/12/07)
2	2008	187 (as at 10/12/08)

The Legal Intervention

This year saw a greater in cases involving legal intervention where our pupils and the pupils were required to escort such clients to aid them in asserting their rights. We saw a major difference when our pupils escorted such clients.

The pupils who participated in the legal intervention process were very enthusiastic as they had a chance to have various 'hands-on' experiences in situations where members of the public faced difficulties with authorities/government departments at ground level.

Unfortunately, we have had situations where to date no action or reply have been provided to us on matters where legal interventions have been conducted. The pupils have expressed their dissatisfaction and frustration with certain government departments. The committee found that the lack of funding and supervision by volunteer lawyers have been stumbling blocks to the legal intervention process for both the pupils and the secretariat.

A comparison on legal intervention rendered between 2007 to 2008 as follows: -

NO	YEAR	TOTAL NUMBERS	NO OF PUPILS PARTICIPATED	AREAS VISITED
1.	2007	32 cases	30 pupils	Police, JPN, HUKM, Labour Dept., Magistrate Courts
1	2008	14 cases	22 pupils	Police, Labour Dept, Rumah Kanak-Kanak Tengku Budriah, Cheras JKM, Industrial Relations Dept, and Banks

The Pupils Training

The committee reformatted the pupils training program whereby we had inserted role-plays and participatory method with group dynamics.

Through this process, we saw that pupils' interest and grasp of the law was better as compared to being given lectures. To test the pupils understanding we conducted role-plays acted out by pupils and volunteer lawyers. The pupils advised the "clients" and their oversights/mistakes were spotted by our volunteer lawyers and rectified. We also introduced the use of a notebook on basic guidelines on family, criminal and employment issues which we came up with based on questionnaires and findings, which we put into practice in 2005 and 2006 which were useful and effective during interviewing clients.

Although the committee members conducted most of the talks and facilitated them we are indebted to other volunteer lawyers such as Mr Lee Swee Seng, Ms K.M Nachammai, Mr D.M Rao, Mr B.Murugayah, Ms Honey Tan, Ms Kavitha Thavanayagam, Ms Latheefa Koya, Mr Sunil Vijayan and Mr Ravi Nekoo who so graciously gave up their precious spare time to undertake several modules of the training program.

This report would not be complete without a record of thanks to the dedicated management and staff of the LAC Clinic who met every challenge that arose in running the day to day affairs of the Clinic and the coordination of the numerous schedules of lawyers and pupils alike.



2. BCLAC (KL) Report on LAC/Syariah Clinic

Report prepared by: Sa'adiah Din (Project Head)

Committee Members:

Sa'adiah Din (Project Head)

The figures below reflect the number of clients with Shariah issues that came to the Bar Council Legal Aid Centre Kuala Lumpur (hereinafter referred to as "the Centre") from 1st January 2008 until 30th September 2008: -

<i>Syariah clients total no. of applicants</i>	132
Files opened	41
Advice only	55
Disqualified	7
No Jurisdiction	3

Most of the cases referred to the Centre are Application for Divorce, Kembali Taat, Pengesahan Cerai, Maintenance, Matrimonial Property claims.

Shariah Clinic pupils programme started with Batch 52 (January-April 2008), Batch 53 (April-July 2008), Batch 54 (July-October 2008), Batch 55 (October-December 2008) and Batch 56 (December 2008-March 2009) whereby about 29 pupils signed up for this Clinic. The Centre received a good feed back from the pupil that signed up for this Clinic.

Since January until December 2008 the Shariah committees conducted 4 training sessions for the pupils.

We hereby record our appreciation to all the Shariah Volunteer Lawyers who have assisted us in running the Clinic.

3. BCLAC (KL) Report on Dock Brief Program

Report prepared by: Datuk Baljit Singh Sidhu (Project Head)

Project Head:

Datuk Baljit Singh Sidhu

Alternate Project Head:

Magesan Ayavoo

Committee Members:

Nazariah bt Abbas

Navindren Subramaniam

Fadiyah Nadwa

Harvinder Singh

Introduction

For the year 2008 four committee meeting were held which were on 12.3.08, 10.4.2008, 3.6.08 and 3.9.08. The meeting discussed Briefing and Training of the Pupils, Get Together Session with Pupils and Hakim Kanan, existing problems and supervising matters at the Magistrate Court.

Five batches were involved in the dock brief program as at December 2008; which were Batch 52, 53, 54, 55 and 56. Batch 52 started from 28.01.08 to 25.04.08, Batch 53 started from 21.04.08 to 18.7.08, Batch 54 started from 14.07.08 to 10.10.08, Batch 55 started from 06.10.08 to 02.01.08 and lastly Batch 56 which starts on 29.12.08 to 27.03.08. There were 74, 64, 67, 67 and 69 of Pupils involved respectively. They had attended 5073 of clients as at 31.12.08 which the majority of cases were criminal.

Programmes

For Batch 52 and 53, Pupils were provided with one training session and one review session. Batch 54 and 55 were



provided with two training sessions and one review session respectively while the last Batch, Batch 56 will be provided with one training and review session. The training had started on the first or second week of the programme while the review known as “Mid-Term Review” was held on the 6th weeks of the programme.

Activities

The other activity carried out is data entry into database for all sentenced cases starting from January 2008. The database is useful to follow up on the clients’ and to status check of the client’s information in an effective way.

New mitigation Interview Sheet with more mitigation factors was introduced to Batch 54 so that the pupils will be able to obtain more information from accused in order to mitigate more effectively.

4. **BCLAC (KL) Report on LAC/Prison Program (Sg Buloh, Kajang Women, Kajang Juvenile, Migrant Prison and Juvenile Remand Home)**

Report prepared by: Sivanesan Nadarajah (Project Head)

Project Head:

Sivanesan Nadarajah

Alternate Project Head:

Ramesh Lachmanan

Committee Members:

Letchemanan

Bernard Francis

G Nanda Goban

Khairulanuar Mohamadiah

Nik Waheeda bte Nik Kamarulzam

Mohd Radzlan bin Jalaludin

Sharon Palani Ammal

Yasmeen Haji Mohd Shariff

Paari Perumal

Introduction

The Clinic was first started in December 1997 at Sungai Buloh Prison and slowly it initiated other related programs such as the Kajang Women Prison (“KWP”) in year the 2000, the Kajang Women Migrant Prison (“KWMP”) in September 2003 and the Sungai Buloh Migrant Prison (“SBMP”) in May 2004. Meanwhile the Juvenile Remand Home (“JRH”) Program commenced in 2001 and it ventured into the Kajang Juvenile Prison (“KJP”) in 2007.

In early March 2005, all the five Prisons Clinic i.e. SBP, SBMP, KWP, KWMP, KJP, JRH was combined under program. The Legal Aid Centre also collaborates with the Selangor Legal Aid Centre (“Selangor LAC”) by having their pupils to participate in the Sungai Buloh Prison Clinic since June 2005.

STATISTICS FOR FILES: OPENED, ASSIGNED & UNASSIGNED - 2008

		2007			2008		
	Category	Opened	Assigned	Unassigned	Opened	Assigned	Unassigned
1	Criminal						
	• Prison Program	120	88	32	128	111	17

In the year 2008, a total of 122 files were opened and a total of 109 cases were assigned to volunteer lawyers. Please refer to the above statistics. The Committee’s main objective for the year was to get as many lawyers to volunteer to take up cases from the Centre as well as to reduce the number of unassigned cases. As part of its objective, the Committee itself



made a point that each Committee Members to take up at least one (1) file to reduce the number of unassigned cases and this is clearly reflected in the number of unassigned cases.

During the year 2008, the Committee also had:

1. 4 (four) Committee meetings to discuss the various matters pertaining to the program, 3 (three) meetings with the Prison Authorities for better networking between BCLAC (KL) and the Prison Authorities and 1 (one) meeting with the UNHCR for problems faced by UNHCR in Prison / Immigration and AG.
2. The Committee also conducted 5 (five) Prison Training Program for pupils from Batch 52, Batch 53, Batch 54, Batch 55 and Batch 56 pupils. A total of 122 pupils attended the said trainings. The Committee also conducted 4 (four) Mid Term Reviews for the pupils involved in the Prison Program.

Other Activities:

- On 23rd June 2008, the committee had a meeting with Puan Hajah Nor Amni bte Yusof (Director) and other officers of the Juvenile Remand Home. The meeting was called mainly to discuss the issue of juveniles detained in welfare institute or asrama. The Centre received a letter from Timbalan Pengarah of Welfare Department which was sent to BCLAC (KL) stated that Legal Aid Service was no longer required as the place has been claimed as “tempat selamat” which means no lawyers can come through the area anymore.
- On 7th July 2008, the Committee had a meeting with Tuan Nareandran Singh (Director) of Sungai Buloh Prison and his officers to discuss the various matters for the year. The discussion includes obtaining details of the remand detainees detained in remand more than six months.
- On 17th November 2008, the Committee had a meeting with UNHCR and his officers to discuss the various matters mainly mandate on protection of asylum seekers, understanding with Police and Attorney General on status of refugees, problems faced by UNHCR in Prison / Immigration centre and problems with regards to access to legal representation / advice. The discussion includes obtaining details of the remand detainees. The committee suggested that pupils on prison duty to help to get identifying the refugees and refer to UNHCR with a checklist.
- On 25th November 2008, the Committee had a meeting with Tuan Gunasekaran (Deputy Director) of Kajang Men Prison, Puan Zainah binti Pardi (Deputy Director) of Kajang Women and his officers to discuss the various matters for the year. The discussion includes obtaining details of the remand detainees and also records of Appeal Cases which cannot be located during interviews, prison authorities also suggested LAC to provide pamphlets (in Malay, Tamil, Chinese and English) to inform detainees about their rights.
- On 15th December 2008, the Prison Committee organised a very successful get-together Sessions and dinner for all the Prison Authorities and the various Government Department Authorities which the Prison Committee had networked. A total of 40 guests attended the said session, namely Prison Authorities from Sungai Buloh and Kajang Prison, Judges from Kuala Lumpur High Court & sessions Courts, OCCI of IPK Kuala Lumpur, Officers from the Court OC Department, the KL Bar Chairman and others.

Overall the Prison Committee had been very busy year through out 2008.

5. BCLAC (KL) Report on LAC/AWAM/WAO/SIS Clinic

Report prepared by: Harleen Kaur (Project Head)

Project Head:

Harleen Leena

Committee Members:

Michelles Foo Li Mei

Stefeny David

Sharmini Thiruchelvam

Vasanthi Clement

Hanita Naliane



Introduction

The LAC/AWAM/WAO/SIS Clinic (“the Clinic”) facilitates liaison and cooperation between the Kuala Lumpur Legal Aid Centre (“LAC”), All Women Action Society (“AWAM”), Women Aid Organisation (“WAO”) and Sisters In Islam (“SIS”). This cooperation allows the LAC to reach a wider spectrum of the community; whilst it also provides AWAM, WAO and SIS with access to legally trained resources such as Chambering Pupils, Volunteer Lawyers, etc.

Activities

(A) Training

The Clinic provides training to Chambering Pupils. The training covers areas such as the Domestic Violence Act and its application, Family Law, Syariah Law and the practicalities of attending to clients. This year the clinic has trained Batch No.52, Batch No. 53, and Batch No.54 consisting of 12, 11 and 17 Chambering Pupils respectively. After each training session, the Chambering Pupils are requested to complete an Evaluation Form to provide feedback on the training received. The clinic is in the midst of analysing the feedback given by the Chambering Pupils.

(B) Activities

The Clinic has spent much time and sources to implement, follow through and ensure the success of a joint project known as the Mobile Clinic Project (“the Project”). The aim of the Project is to bring about/raise legal awareness. The Project spearheaded by SIS, has organised a team of qualified persons to present a talk-cum-skit on the areas of Family Law, Syariah Law, Employment Law, etc. This was first presented in Klang on 27.7.2008, where the audience consisted mainly of women with low income level. Following-up on the success and positive response received, the Clinic conducted similar talk-cum-skit in Kota Damansara on 3.8.2008, where the audience consisted mainly of women with low income levels. The Clinic also has presented a 3rd talk-cum-skit in Subang Jaya on 17.8.2008 and 4th Mobile Clinic in Setapak Jaya on 6.12.2008.

The aim of the Project is to educate the people of their rights, the basic arrest and remand procedures and to provide lawyers who are able to take their questions in booths specifically set-up for that purpose.

6. BCLAC (KL) Report on LAC/Tenaganita Clinic

Report prepared by: Secretariat

Project Head:

Moganambal

There has been a decrease of 66 migrants in 2008 (2284 migrants reach-out) compared to the year of 2007 (2350 migrants reach-out). The LAC pupils were involved in advising clients and assisting Tenaganita with legal interventions.

Some of the activities they were involved in were as follows: -

Visits to

- a) Putrajaya for special pass, check-out memo, spouse visa, payment of compound etc.
- b) Labour Court – Rawang, Bangi and Subang Jaya and PERKESO in Ampang
- c) High Commissions – India, Bangladesh, Myanmar, Sri Lanka
- d) Police Station – Masjid Jamek, Dang Wangi, Jalan Tun H S Lee and Brickfields
- e) Hospital KL – a client was beaten up by the agent
- f) Bukit Aman – few maids were abuse by their employer (domestic violence)
- g) PWTC – to do research on ROC
- h) Immigration – Shah Alam
- i) Court – Petaling Jaya
- j) Negotiation with Employer – Shah Alam, Subang Jaya, Putrajaya, Cheras, Melaka
- k) Semenyih Deportation Camp – to interview clients who are in the process of going back to their country
- l) Detainees in Prison



- m) Assisted in negotiation with the Immigration on the release of 3 Myanmar girls
- n) Attending the trial of Irene Fernandez who was charged under Printing and Publications

7. BCLAC (KL) Report on LAC/PT/MAC LEGAL CLINIC

Report submitted by: Preetam Kaur and So Chien Hao

Committee Members:

LACKL Representatives:

Preetam Kaur
So Chien Hao
James Loh
Lim Ka-Tsung, Joachim
Darwina Ismail
Zuraifah Abd Rahman
Mohd Syahril (ceased practice)
Andrew Heng

PT Foundation Representative:

Hisham Hussein (Chair)

Malaysian AIDS Council (MAC):

Prof Adeeba Kamarulzaman (President)

This year saw an important milestone for the clinic with the inclusion of Malaysian AIDS Council into the program. The legal aid clinic, with the approval received from the management panel members in hence, now known as LAC/PT/MAC clinic. This arose from the major networking done by Preetam Kaur and So Chien Hao between MAC and LAC whereby both parties have agreed to work together on the HIV/AIDS & STI issues.

The LAC/PT/MAC Clinic

The Bar Council Legal Aid Centre Kuala Lumpur (BCLACKL) jointly with Pink Triangle Foundation (PTF) and Malaysian AIDS Council (MAC) has been sailing along for the past year with joint projects held for the five (5) recognised marginalised communities which are the drug users, sex workers, people living with HIV/AIDS, transsexuals and homosexual men. MAC also invited us for their various policy meetings and trainings for the partner organisations (PO). The issues faced by MAC and the PT communities are similar for example harassment cases and discrimination based on their gender, sexual orientation and health status. MAC has referred discrimination cases based on health status to LAC directly i.e. on issues of employment of HIV positive people and on the issue of confidentiality of their health status. Most of these cases are being handled directly by Preetam Kaur, So Chien Hao or Chitrah.

The Pupils Clinic

Since the day the pupils program started it has evolved and for this year we have managed to conduct the Clinic at the PT premises the whole day instead of half a day at LAC and half day at PT as was done previously. This is a great breakthrough for the pupils program. We have also managed to obtain the MAC's assistance in providing HIV/AIDS talks to our pupils on the 10th July, 2008 whereas PT conducted the sensitisation session for half a day instead of 2 hours previously. This year saw about 80 cases, emails enquires, legal intervention and follow up cases.

Activities 2008

- LAC and MAC for the 1st time had their inaugural joint meeting as part of LAC's plan to network with MAC directly and extend our services to a larger group of communities apart from just PT. The major discussion was held on 25th January, 2008 at 1.00 pm. We were able to work out many proposed activities to benefit the communities all over Malaysia. MAC wanted the LAC to joint venture with them on many activities such as paralegal trainings, joint meetings with government agencies, spearheading national level committee etc.
- Preetam Kaur and So Chien Hao were interviewed by NST on 26th March, 2008 at PT whereby they shared about the relevant laws which affects the Transsexuals in Malaysia.
- We also conducted the joint meeting between PT and MAC on 23rd May, 2008 at 6.00 pm to iron out the partnership in detail and to enhance the relationship to enable us to serve the communities better. This drive is part of Preetam Kaur and So Chien Hao's initiative in networking. At this meeting the partners unanimously agreed that the name of the Clinic, LAC/PTF Legal Information Service Clinic be replaced with LAC/PT/MAC Legal Clinic. They also decided that pupils will be rotated between PT and MAC, as deem fit. The name of the



clinic was subsequently changed once it was endorsed by the management panel.

- MAC organised their annual International AIDS Memorial day (IMD) on 31st May, 2008 at One Utama and they invited LAC to set up a booth. We managed to place our leaflets into the MAC's goodie bags totaling 200 bags. So Chien Hao advised 10 people from the communities on their basic legal rights. The pupils from the legal clinic were also in attendance to help at the outreach clinic.
- The clinic was also involved in a documentary being shot by a journalist, Poh Si. This documentary was to be submitted for the annual competition held by KOMAS (Freedom Film Fest). She interviewed Preetam Kaur and So Chien Hao on 24th June, 2008 at 4.00 pm on issues related to the laws which affect TS under the syariah and the civil laws. Her documentary called "Pecah Lobang" was based on Muslim Transsexuals in Malaysia and the issues they faced including the legal hurdles which defy their basic rights. The said documentary is currently being sold by KOMAS and the site is <http://pecahlobang.com>.
- We were also invited by MAC to attend their internal MAC's Strategic Planning Cluster Action Plan and Proposal Workshop from 27th June 2008 till 29th June 2008 at Citrus Hotel, Kuala Lumpur. At this workshop, for the 1st time LACKL was invited to sit and provide comments on the National Plan for budgets for 2009/2010. The team managed to share, express and provide constructive comments and share the role of the LACKL in assisting communities. We are proud to announce that LACKL will be obtaining a nominal sum from the budget to conduct activities under the purview of MAC.
- The Legal Aiders project of video documenting of all LAC programs which also involved PT Communities such as Ikhlas, TS, SW & PL offices and their working surroundings.
- We also conducted legal intervention with DBKL on a welfare home ("Crisis Home") which housed people living with HIV/AIDS. The said home was facing demolition due to the complaints of the surrounding residents who did not want HIV positive people living close to them. We provided legal advise and issued letters to DBKL to reconsider their decision and they were kind enough to look into the matter and the said order has now been kept in abeyance. The home's express gratitude to LAC was mentioned in the Home's newsletter.
- PT hosted a workshop for "Crime & You" on 12th July, 2008 at the Sex Workers Drop In Centre (DIC) from 10.00 am till 2.30 pm. It was attended by 29 members from the communities especially from Sex Workers, Drug Users, Men Having Sex with Men, People living with HIV and others. The topics covered are Criminal Courts Structures, Arrest & Prosecution, Process of Remand & You, What are Your Right after arrest?, Basic Criminal Procedure- Case Study. So Chien Hao oversaw the whole workshop and our team of young lawyers conducted the talks. Mohd Syahril, Nurul Aminatul (DPP), Andrew Heng and Zuraifah Abdul Rahman with pupil Lim Kar Mern.

So Chien Hao recommended that all the young lawyers be part of all the other trainings or workshops which LACKL conducts for the communities. They have agreed to do so.

- Through MAC, we were requested to attend a Round Table Discussion organised jointly by Centre of Excellence in Research for AIDS (CERIA) and Medical Faculty of University Malaya on 30th July, 2008 at JW Marriot. The invited speakers were Mr. M. Puravalen (Malaysian Bar), Prof Dr. Mahmood Nazar (Deputy Director General National Drug Agency, Malaysia), Y Bhg Dato' Dr. Hassan Abdul Rahman (Director, Disease Control Division, Ministry of Health Malaysia), Mr. David Stephens (Nossal Institute for Global Health, University of Melbourne), Mr. Gary Sattler (Regional Advisor HIV/AIDS, UNODC, Regional Officer, Bangkok), Dr. Ethan Nadelmann (Executive Director, Drug Policy Alliance) and En. Shaharuddin (MAC Staff, Drug Users). The session was well attended by officers from the Attorney General Chambers, Police representatives, Prison Officers, Doctors, Professors, NGO, Penang LAC lawyer and individuals who are equipped well on Drug Users and HIV/AIDS issues. The final end is for all the representatives to be the focal point when the said secretariat is being formulated and LACKL has been invited to be part of the team.
- The LACKL hosted a team of lawyers from Ministry of Justice of Vietnam and the National Legal Aid Agency to conduct study trips to Malaysia. They visited various programs including the Bar Council and the Legal Aid Bureau. The team also visited Wanita & Kesihatan Kuala Lumpur (WAKE) on 2nd October, 2008 at 10 am on the 2nd day of Hari Raya under their Rumah WAKE Kanak-kanak. It was a joyful day for both the children and the visitors.



Similarly, the same visitors were received by MAC to share on the Malaysian experience on HIV/AIDS. The MAC representatives managed to share with the potential statistics for the visitors to compare with their country's policy. They actually stated Vietnam managed to have their own Act for HIV/AIDS which Malaysia is still lacking.

- The LAC and MAC's inaugural National Paralegal Training for Sex Workers and Transsexuals held at Cititel Hotel, Kuala Lumpur on 18th October, 2008. To plan this training we had a pre-training meeting between Jenithaa Santhira (MAC) with Preetam Kaur and So Chien Hao on 9th August, 2008 at 10.00 am. After much coordinating and discussions, we finally had the said training program drafted to suit the said marginalised communities. We conducted presentations, dialogue session and panel discussion to encourage communities to participate actively in the training.

The main speakers from LACKL are Preetam Kaur, Zuraifah Abdul Rahman, Darwina Ismai, whereas, invited speakers are YB Dato' Siva Subramaniam (Commissioners, SUHAKAM), Tuan Ahmad Bachee (DPP, Attorney General Chambers, Putrajaya), Tuan ASP Gulam Rashed Khan (Officer D7, PDRM), Tuan Nik Azlan bin Nik Mat (Penolong Pengarah Kanan, JAWI), Mr Andrew Heng (Lecturer, Lawyer), Mr Subramaniyan Nambiar (Lawyer), Ms Jayaletchumi Rajaretnam (Lawyer), Mr Jag Ramachandran (Lawyer). There were 74 participants from Sabah, Sarawak, Melaka, Penang, Kuala Lumpur, Selangor, Pahang, Perak, Kedah, Johor and Kelantan, The training was a great success after we obtained the feedback forms from the participants. MAC would like to conduct more session with us.

8. BCLAC (KL) Report on LAC/UNHCR Clinic

Report prepared by: Secretariat

Project Head:

Moganambal

Committee Members:

Amer Hamzah Arshad
B Murugayah
Joyce Ooi
Komathi A
Latheefa Koya
Nanda Goban
Nazariah Abbas
Nik Waheeda
Ravi Nekoo
Sumitra Devi

This LAC/UNHCR clinic is a very busy clinic as there are more and more refugees seeking assistance. This clinic has reached out to 3931 clients for 2008. The pupils are trained by the UNHCR representatives and are exposed to all the various departments and the nature of work of UNHCR.

9. BCLAC (KL) Report on LAC/Skill Development Program

Report prepared by: Ravinder Singh Dhaliwal (Project Head)

Project Head:

Ravinder Singh Dhaliwal

Committee Members:

Pushpamalar Ratnam
Komathi Arunasalam
Jayaletchumi Rajaretnam
G Nanda Goban



Introduction

The Skill Development Program has always aimed to develop and enhance skills as well as to increase motivation amongst all pupils, lawyers and staff (of the LAC) in order to improve the quality and quantity of service rendered to the clients. The committee organises relevant training programs to meet and accommodate the needs of BCLAC(KL).

Activities

For the 10 months 4 committee meetings were held to discuss the events and plans for the year. The programs that suggested were Criminal Law CD-Urgent Arrest Procedure / Criminal Litigation in the CD, Training on Urban Settlers Issues, Training on Employment / SOCSO Matters, propose training for LAC staff, propose syariah/family law training.

The program that was done through out this year is Criminal Litigation – “Take-A-File” Workshop (TAF). 56 participants had take part in the workshop which includes 46 practicing lawyers and 14 chambering students. The workshop was conducted by Mr Amer Hamzah and Mr Ravi Nekoo.

The purpose of the workshop was to assign un-adopted criminal files and to train the participants in dealing with criminal matters. As to date a large number of criminal files have been assigned to the participants who attended the said TAF Workshop. This 4 hours program gave the participants basic criminal knowledge, latest information and basic legal skills in handling criminal matter independently.

The other program which was carried this year was the TAF Family Law Workshop which was carried out on 12.12.08. The purpose of the workshop was similar to the TAF Criminal Law Workshop where the intention was to assign un-adopted Family Files to volunteer Lawyers and to train the participants in dealing with Family Files independently. The Family Law TAF Workshop was conducted by Pushpa Ratnam (Organising Chairperson) of M/s Ravi Nekoo & Pushpa Ratnam, Sharmini Thiruchelvam of M/s Francis Pereira & Shan, Vicky Alahakone of M/s Alahokone & Associates and Ravinder Singh Dhaliwal of M/s Jagjit Singh & Co.

Both the TAF Criminal and Family Law workshops also provided the participants with list of Practising Lawyers who have volunteered their time as Supervisors. The function of a Supervisor is to assist in any way they can when contacted by Volunteer Lawyers for assistance on their relevant files they have adopted from the LAC. This method has proved to be very effective as it has also given volunteers lawyers more confidence in adopting files.

Finally, the committee held a SOCSO Training which was held on 16.12.08. The objective of the training was to give general information of the conditions and benefits that are provided by SOCSO to Malaysians. This training was essential for the lawyers who handle claims with SOCSO and employment matters.

10. BCLAC (KL) Report on LEGAL AWARENESS PROGRAM (ORIENTATION)

Report prepared by Project Head/Secretariat

Project Head:

Puspawati Rosman

Committee Members:

S. Sivaruben
Abd Shukor Tokachil
Joyce Oo Mei Ling
Sasha Lyna Abdul Latif
Mohd Radzlan Jalaludin
Komathi Arunasalam
Nik Waheeda
Ravinder Singh
Siti Aliza Alias
Goh Siang Joo
Kamaliyah Mohd Hafiz
Farah Mohd Shahwahid
Soh Hoon Hoon (Stephennie)
Sumitra Devi Krishnan

Alternate Project Heads:

Rajeswari Paramasevam

Surendran Sreetharan

Gan Bee Ling
Bong Chiew Ling, Claire
Raina Kiren Kaur
Izyan Darlina Dato' Balia Yusof
Harleen Kaur
Fadiyah Nadwa Fikri
Afzan Harrison Zainuddin
Valen, Khor Xiou Shan
Chin Hsu Lin
Ravi Nekoo
Amer Hamzah Arshad
Latheefa Koya
Rajen Devaraj
Legal AIDERS



Introduction

This program aims to give pupils ideas as to what is required and expected of them during their 14 days of compulsory Legal Aid duty and to introduce them to the various clinics and programs run by the Bar Council Legal Aid Centre (Kuala Lumpur).

Objectives

- To help pupils discover and understand their role and responsibility as lawyers in society.
- To inculcate in pupils a sense of social responsibility and a concern for human rights, the rule of law and justice; and
- To expose pupils to legal aid as well as to instil and develop in them a long term commitment towards legal aid and equal access to justice, which extends beyond their compulsory legal aid duties.

Activities

As of 31st December 2008, the committee has conducted and introduced the following programs/sessions:

- Ten (10) orientation sessions were held and have trained approximately 660 pupils. The orientation sessions utilise a participative methodology, incorporating group dynamics, open discussion, human rights input as well as introduction to the various BCLAC (KL) programs.
- The committee also has opened up the orientation session to pupils from other states. To date the committee had trained approximately 110 pupils from Selangor Legal Aid.
- Four (4) Exit Evaluation sessions were held for all pupils involved in the various LAC programs to appreciate their contribution to the public and LAC. Approximately 480 pupils have participated in the sessions and shared their experience in the various programs which they have served as part of their legal aid duty. During these sessions, the committee has invited Ms Chew Siew Yoke, Tuan Haji Sulaiman, Mr Cecil Rajendra, The National Legal Aid Chairperson and Mr Rajpal Singh, the Selangor Bar Chairman to appreciate the pupils' contribution and further motivate them to be involved in BCLAC (KL)'s activities.
- The Committee conducted its fourth (4th) Advanced Training called "Legal Awareness and Leadership for Lawyers" program which was held at the NUBE Training Centre at Port Dickson from 16th - 18th May 2008. The aim of the Advance Training Program was to encourage pupils/young lawyers to continue their involvement in the Legal Aid Centre (LAC) on a long term basis as well as to introduce soft skills essential for leadership; and to enhance their knowledge in specific areas/issues.
- A total of 27 participants attended the training session together with Five Committee members (Mr Rajen, Ms Latheefa, Ms Puspawati, Mr Suren, and Ms Stephanie) and seven other trainee facilitators from Legal AIDERS (Radzlan, Sasha, Komathi, Shukor, Nik Waheeda, Hsu Lin and Valen Khor) facilitated the session. Mr Ravi Nekoo, the Chairperson of BCLAC (KL) was also present to conduct a session. This Training session was also very successful and managed to retain the participants in participating further in BCLAC (KL)'s activities.
- As a follow-up to the 4th Advanced training, a get-together session was held for the participants of the 4th Advance training and the Legal AIDERS. The session was held on 21st June 2008 at the Bar Council Conference Room. The purpose of the said get-together session was to share and obtain feedback from participants on their activities and developments since the training session. It was also intended as a planning session where the participants can share ideas and discuss possible follow-ups to address issues highlighted at the training session.
- The committee also organised a Training of Trainers session on 7th June 2008 at the KL Bar Auditorium. The committee observed that from the few training sessions conducted by the Legal Awareness Committee, that presentation skills of trainers could be further enhanced in order to retain the interest of the participants and to impart the necessary skills and knowledge. It was identified that the current young trainers whilst having a sound grasp of the law, lacked training skills. As such, the committee believed that this training of trainers session will basically help young lawyers to develop and enhance their training skills as well as improve their speaking and presentation skills and make them a more accomplished trainers. During this training, participants were also



trained on how to conduct the BCLAC (KL)'s orientation program and exit evaluation for pupils. This training session was successful and well received by the participants.

- On 14th -16th November 2008 the Committee had its fifth Advance Training at Commonwealth Forest & Park Resort, Rawang. The committee planned this 5th Advance training with particular emphasis which is in twofold. Firstly to retain participants in participating further in BCLAC (KL)'s activities as well as to train existing young lawyers to be effective leaders as well as to be trainers. A total of 15 participants took part in this training and a total of 17 trainee young lawyers volunteered themselves to be trainers for this training. The young lawyers were basically conducting the whole training session for 3 days/2 nights. Based on the feedback received, the participants are keen to be involved in legal aid work and the trainee trainers are confident to conduct the Advance Training on their own in future.
- As a follow-up to the 5th Advance Training Session, a get-together session was held for the 5th Advance Training participants on 13th December 2008. Almost all the 5th Advance training participants attended this session. The participants shared their experiences as to what they have been doing since the 5th Advance Training. They informed that they are very interested to assist in Legal Aid work and took the opportunity of the get-together session to join in the various sub-committees of the Legal AIDERS as well as the various activities of BCLAC (KL).
- The Legal AIDERS, a group of approximately 40 young lawyers being the product of the Advance Trainings were actively involved in the various programs and activities of the BCLAC (KL). The various programs that they are involved were as follow:

Involvement of Legal AIDERS in Regular Activities / Programs of BCLAC (KL)

AS TRAINERS

1. Orientation Training Sessions for Pupils
2. Exit Evaluation Sessions for Pupils
3. Training of Trainers Sessions
4. Advance Trainings

Meetings to work out action plans

1. Legal AIDERS Get-together Sessions

Besides that The Legal AIDERS are also working under 4 Sub-Committees into four groups, namely;

1) Entertainment Committee

Task involved:

- i. Legal Aid T-Shirt Printing
- ii. NLAC Gala Fundraising Dinner

2) PR & Editorial Committee

Task involved:

- i. Editorial Function
 - Exit Evaluation Stories, Legal AIDERS 1st year anniversary write-up
- ii. NLAC Gala Fundraising Dinner / Corporate sponsorship
- iii. Internet - LAC Website / Bar Website / Facebook
- iv. Street Law
- v. Public Awareness on LAC and its services
- vi. Booklets - CSR (Corporate Social Responsibility)

3) Criminal Justice / Corruption / Detention Without Trial & Urban Settlers / Social Service

Task involved:

- i. ISA Workshop
- ii. Urgent Arrest
- iii. Legal Awareness Outreach
- iv. Social Services - OK Tak OK Program
- v. Urban Settlers



- 4) **Video-taping of LAC Programs Committee**
Task involved:
 - i. To produce a documentary on LAC and its programs
- 5) **Other Activities – Kopi-O Night**

Strengths

- Committed Committee members and their ability to come up with ideas to implement and further improve the training sessions.
- Motivation of pupils on the need to serve the needy and marginalised
- Education of pupils on human rights and instills in them a sense of justice
- Retained many young lawyers to serve voluntarily in LAC through its Advance Training Program

Weaknesses

- Time and human resources
- Follow-up actions/sessions

Recommendations

- To be able to organise more awareness and human rights sessions for lawyers and/or the public
- To be able to discover ways to retain and maintain the involvement of Legal AIDERS.

The year 2008 has been a hectic year for this committee.



BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) 2007/08

The Panel



Ravi Nekoo
Chairperson

Honorary Secretary

Alexis Diana

Assistant Honorary Secretary

Latheefa Koya

Treasurer

Harleen Kaur

Members

K M Nachammai

Nik Nurul Atiqah Nik Yusof

Ellysyeliza Mat Desa

N Sivanesan

Ramesh Lachmanan

M Moganambal

Selva Rani Thiyagarajah

Magesan R Ayavoo

Nicholas Netto

R. Ragunanathanan

Sivarasa Rasiah

Saravana Kumar

Puspawati Rosman

Abd Shukor Tokachil

Sukhvinder Kaur Chahl

Ravinder Singh Dhaliwal

Preetam Kaur

So Chien Hao

INTRODUCTION

The year 2007 has been a hectic year for the Bar Council Legal Aid Centre (Kuala Lumpur). New events have taken place resulting in unceasing demand for our assistance. The Centre in short has been a bustling beehive of activities. We have attempted to deal with the various challenges in the best possible manner given our limited resources. Now is the time to evaluate our work in progress.

During the year the Centre has assisted 15,105 clients, by giving legal advice, representation and legal intervention through its various ongoing programs. That is 50% more compared to the previous year when we had attended to 10,062 clients. (Please refer to attached statistics on programs).

The persons assisted include 1,804 walk-in clients under the LAC and Syariah clinics, 1,679 persons interviewed in prisons, 4,200 detainees assisted under the Dock Brief Program and thousands of migrant workers under the LAC/Tenaganita Program. The BCLAC (KL) also assisted hundreds of persons through its clinics in partnership with NGO's such as AWAM, WAO, SIS, UNHCR and PTF.

A total of 399 files were opened during the year of which 288 have been assigned. The Centre has also encouraged the use of legal intervention to resolve cases in a direct and effective manner. To date 32 cases have been recorded.

The Centre continues to maintain its close relationship with its NGO partners such as All Women's Action Society (AWAM), Women's Aid Organisation (WAO), Sisters in Islam (SIS), Tenaganita, Pink Triangle Foundation (PTF), United Nations High Commissioner for Refugees (UNHCR) and their input is helpful in giving the Management Panel a different perspective on certain issues.

In the year 2007, the Centre also saw the birth of a new group of young lawyers called "**Legal AIDERS**". The "**Legal AIDERS**" are a group of energetic, talented and enthusiastic lawyers eager to assist the BCLAC (KL) and its various activities and programs (refer to Legal Awareness committee report).

Year 2007 also saw our "Urgent Arrest" Team extremely busy attending to several public interest litigation. Unlike 2006 when eviction matters took the forefront of public interest litigation, in 2007 the BCLAC(KL) has to lend assistance to those who were arrested for having participated in illegal assemblies. Lawyers who heard of these arrests



were present in IPK(KL) and Pulapol from noon to dawn to do the remand hearing. Lawyers also turned up in the Selayang Courts and Kuala Lumpur Courts to assist the clients. The pupils too were in the thick of action talking to clients and getting as much particulars as they can to assist the lawyers in the bail application. It was amazing to see the lawyers attending to the clients. They just prodded on selflessly without giving names or reacting to plaudits. Their commitment was exemplary. To all of these volunteer lawyers and pupils who joined us in assisting the clients, we extend our heartfelt appreciation.

The BCLAC (KL) in addition to its regular service programs also carries out and is involved in various other programs and activities, such as:

Education – Besides legal advice and representation, many persons have been made aware of the law and their legal rights through educational and outreach programs conducted by BCLAC (KL). The BCLAC (KL) has conducted more than 10 programs in schools and organised talks in several communities including marginalised communities such as sex workers and transsexuals who have been informed and made aware of their legal rights. The BCLAC (KL) has also through TV3's reality show "Nescafe Kick Start" and ASTRO's "Sattam" advertised its services and educated the public on legal aid.

Liaison Building – The BCLAC (KL) in 2007 also felt the importance in networking and liaison building with other groups and organisations. The main purpose of the networking was to give better quality service to clients. Among the groups the BCLAC (KL) met with and discussed better working relationship were the Welfare Department, Prisons Authorities, Police Districts Officers, Biro Bantuan Guaman, Malaysian Aids Council, International Red Cross, Myanmar and Nepalese Workers Support Groups, Shelter, PS The Children, Women Centre for Change, and SUARAM.

Law Reform – The BCLAC (KL) has taken some steps to be involved in law reform initiatives. In April 2007 together with the Immigration Committee of the Bar Council the Centre undertook a five day observation and monitoring of the Semenyih detention courts. The Centre also attended and gave its input in a round-table conference called by SUHAKAM to discuss with all relevant government agencies, the issues of prison conditions and overcrowding. Talks and negotiations are ongoing with prisons and welfare authorities on the issue of proper rehabilitation programs for juveniles in prisons and remand homes. In addition, cases involving eviction of settlers have been challenged in the courts, in an attempt to push for reforms in this area. Currently the BCLAC (KL) is in the process of drafting a new legal aid bill for the country.

Attachment Students – The Centre's attachment program has grown over the years. Students from public and private universities such as UM, IIUM, Taylor's and HELP frequently visit and do attachment programs with BCLAC (KL). Students also come from Monash and other universities.

BCLAC (KL) Website – The LAC Website has now been registered and is in the process of web-page construction. (www.legalaidkl.org).

We would like to emphasise that what we have achieved to date would not have been possible had it not for the tremendous support of the many dedicated volunteer lawyers and pupils. We believe that with greater support from members of the Bar Council and KL Bar the Centre would be able to scale to greater heights and provide assistance, create and promote awareness, and provide legal aid to more deserving and marginalised members of the public.

The following pages set out the various reports from the various sub-committees which show the range of activities that were undertaken and carried out this year.



Finally, we take this opportunity to thank all the volunteer lawyers, our NGO partners, Project Heads, pupils and staff who have given us their support and assisted us in fulfilling our objectives. We hope to once again work together in the year 2008 and future years and fulfill our social obligations to the people.

Thank you.

Ravi Nekoo
Chairperson

B. STATISTICS 2007

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) STATISTICS (JANUARY – DECEMBER 2007)

CLIENT STATISTICS : SUMMARY 2007

	Clinic/Programme	Clients 2005	Clients 2006	Clients Jan- Dec 2007
1	Sungai Buloh Prison : * Malaysian clients * Migrant clients	1294 (876) (418)	1285 (1010) (275)	1093 (764) (329)
2	Kajang Women Prison	181	200	139
3	Kajang Women Migrant Prison	153	84	88
4	Kajang Men Prison			217
5	Kajang Men Migrant Prison			26
6	Juvenile Remand Home	121	77	116
7	Dock Brief	5216	4714	4200
8	LAC/Syariah Clinic	1898	1808	1804
9	SIS	523	568	673
10	AWAM	571	493	387
11	PTF	87	82	10
12	WOA	102	166	173
13	Tenaganita	998	585	2350
14	UNHCR	-	-	3360
15	Public Interest Cases	-	-	469
	TOTAL	11144	10062	15105

C. COMMITTEE REPORTS

1. LAC CLINIC

Report prepared by: Project Head, Nachammai Kumarappan

Committee Members:

Nachammai Kumarappan
Alexis Diana
Ahmad Ridza
Jayaletchumi Rajaretnam

Molly Gomez-Kerisnan
Kalaiichelvi
Ramesh Lachmanan

Introduction

The Legal Aid Centre Clinic ("LAC Clinic") has been operating since 1983 at the secretariat to cater for members of public who walk-in to the LAC Clinic. The Clinic provides free legal advice for those qualifying under the means test, legal awareness, render legal representation and legal intervention. The LAC Clinic is supervised and managed by a group of volunteer lawyers under the LAC Clinic committee. The LAC Committee met 4 times and ironed out some administrative problems faced by the LAC Clinic. The LAC Clinic operates from Mondays to Fridays based at Legal Aid Centre, (KL) from 10.00 am to 4.30 pm.

The Clientele (walk-in clients) comparison between 2006 and 2007 are as follows:-

NO	YEAR	NO OF CLIENTS
1	2006	1586 (as at 8/12/06)
2	2007	1580 (as at 6/12/07)

The Clientele (legal representation rendered) comparison between 2006 and 2007 are as follows:-

NO	YEAR	NO OF CLIENTS
1	2006	244 (as at 8/12/06)
2	2007	326 (as at 6/12/07)

The Legal Intervention

This year saw a decrease in cases involving legal intervention where our pupils went to police station.

NO	YEAR	TOTAL NUMBERS	NO OF PUPILS	PARTICIPATED AREAS VISITED
1.	2006	51 cases	80 pupils	Police, MPJ, Labour Dept, Asrama Sentul, JKM, Industrial Relations Dept, Magistrate/Session/Traffic/Denmark Ct, Banks, Tanah Selangor, Amanah Raya
2.	2007	32 cases	60 pupils	Police, JPN, HUKM, Labour Dept., Magistrate Courts

The Committee/Volunteer Lawyers/Pupils

There has been no increase in the lawyers volunteering to supervise the pupils and also take up cases especially criminal. As such we appeal to lawyers to come forth and volunteer themselves.



We would like to express our sincere appreciation to our pupils, staff and handful of volunteer lawyers who help to manage this short fall.

The Pupils Training

The entire committee took part actively in the training program with help of LAC officers on a rotation basis where by two committee members supervised the training each time.

We are indebted to our volunteer lawyers (who not in the committee) such as Mr. D M Rao, Mr. Muhendaran, Dato' Manpal Singh and Mr. Rabinder Singh who so graciously gave up their precious spare time for the Clinic and came in to train our pupils.

Liaison Building

The Clinic managed to network with various government agencies.

1. Meeting with Welfare Department (KL) – 18th May 2007
it was successful with referrals was made with the JKM departments
2. Meeting with Biro Bantuan Guaman – 8th May 2007
it was attended by officers from BBG and network been implemented especially outreach clinic-
3. Nescafe Kickstart by Derek Chong by TV3
The LAC Clinic also participated in this reality show where the contestant Derek Chong participated and place Mobile Legal Clinic as his ideal job. During this time LACKL was highlighted in the National Television so many times. Nachammai, Sa'adiah, Ravi Nekoo, Amer Hamzah, Edward Saw and Edmund Bon were involved in this program.
4. Meeting with the Police Authorities
it was very successful with meeting IPD Sentul and IPD Cheras

The Outreach Clinic

The committee for year 2007 decided not to hold any outreach clinic for communities since we are overwhelmed with the School Program.

The below are the report for the program:

REPORT ON LAC CLINIC SCHOOL PROJECT

Report prepared by: Kalaiichelvii & Chitrah

The Legal Aid Centre Clinic School Program (“LAC Clinic School Program”) had been providing both legal and social awareness to school students via the seminar titled “Ceramah Perundangan & Implikasi Sosial Terhadap Murid-Murid Sekolah Menengah” for the past 5 years. Year 2007, the committee received again a standard blanket letter from the Education Ministry with terms stipulated henceforth.

Initially when we started the project we obtained lawyers to speak on laws such as Family law, Employment Law, Domestic Violence and Criminal Law. However the school teachers had requested the then organising committee to change and make the program participatory with interesting social issues. Hence, we made inroads with the Attorney General Chambers (AG), Police Diraja Malaysia, Lawyers, Sports Personalities, Ex-Student from Respective School, Real Life Sharing, HIV/AIDS awareness, Relationship, Gender & Sex and other issues which affect students. We also imparted



games and Q & A with some token of appreciation to students who took part actively.

The pioneer program was accepted well by school heads, counseling teachers and students. Subsequently, the demand increased with teachers talking about the program in their meeting among counselors. The committee members also pay personal visits to schools to impart and gain their trust among the counseling teachers and the school heads. For the past 2 years the program was a hot selling cake however we lack of trainers to facilitate the current demand. The new program was well accepted by students and schools as it covers both legal and social aspects. The 2007 year, we managed to embark into new schools such as SMK Maxwell, Jalan Sultan Ismail, SMK Convent, Sentul, SMK Methodist Sentul and SMK Seri Mutiara, Cheras.

This year we managed to conduct 10 sessions (SMK Methodist Sentul-3 slots, SMK Maxwell-2 slots, SMK Seri Mutiara-2 slots, SMK La Salle-1, SMK Taman Connought-1, SMK Convent-1). The project equally received quality support from the Jabatan Peguam Negara (Putrajaya) who has been nominating few DPP to deliver talks to the respective schools, the Polis Diraja Malaysia namely IPD Sentul and IPD Cheras also pledge their support. The encouragement was also highly maintained by participation of senior ex-students from respective schools who are currently successful in their life.

The sports personalities also supported our program and share their self disciplines and determination which made them popular. The committee also maintained a strong relationship with PT Foundation whereby they send their officers to share and educate on HIV/AIDS & STI awareness among the students.

The List of Speakers Involved in the School Program year 2007

DATES	10/4/07, 30/4/07, 14/6/07, 6/8/07, 8/8/07, 11/8/07, 4/9/07, 10/10/07, 22/10/07, 23/10/07	10 days
AG'S CHAMBERS	PUAN NOORIN BADARUDDIN, PUAN RAJA ROZELA RAJA TORAN, PUAN ASMAH MUSA, TUAN DEVANANDAN S SUBRAMANIAM, PUAN NURULHUDA NUR'AINI, PUAN EVAWANI FARISYTA (twice she did)	6 DPP
POLICE	DSP TAN YAN THIAN (IPD SENTUL), ASP GULAM RASSID KHAN (IPD SENTUL), ASP NASRI (IPD CHERAS), C/I CHANDERAN SEGARAN (IPD CHERAS), INSP DEEN JONATHAN (IPD SENTUL)	5 POLICE OFFICERS
LAWYERS	KALAIICHELVII, ALEXIS DIANA, NACHAMMAI , JAG RAMACHANDRAN, WAN AZMIR BIN WAN MAJID, RAGUNANTHANAN,	6 LAWYERS
NGO	HISHAM HUSSEIN, MARHALEM, SHAHRUDDIN, KISHEN, JAMALIAH, ROSLAN, ROSLAN (MAC), WONG LAI CHENG, MAZNAH IBRAHIM, ABIGAIL DEVRIES (AWAM, PTF, WAKE, PS THE CHILDREN)	10 MEMBERS
INDIVIDUALS	AMARJIT KAUR, THOMAS SAMUELS, GANGA DEVI	3 MEMBERS
SPORTS	VASANTHA MARIAL ANTHONY, G I YAAMINII, SHEKAR MARIMUTHU, PAVITHRAN PRATABAN, THOMAS SAMUELS, JAMALIAH JALALUDDIN	6 MEMBERS



2. SYARIAH CLINIC

Report prepared by Project Head

Committee Members

Nik Nurul Atiqah Binti Nik Yusof (Project Head)
Sabrina Ali Binti Mohamad Ashfar

Ellysyeliza Binti Mohd Desa
Mohd Hafiizh Mohd @ Ghazali

Aims of the Syariah Clinic is to provide free legal service to the public in need and to give them better understanding on the principle and procedures of Syariah Laws besides to assist them in getting proper assistance and fair trial from the respective Syariah Court.

The Syariah Clinic operates from the Secretariat and opens to members of public from Monday to Friday at 10.00 am - 4.30 pm. The Syariah Clinic at the Centre is manned by pupils in chambers completing their legal aid service which is part of the Bar Council Ruling in Legal Aid Service. Each pupil is assigned once a week duty over a period of three (3) months.

The pupils in chambers are given a half-day training focusing on the Syariah Civil and Criminal Law and Procedures. They have also undergone a one-day training with Legal Aid Clinic providing them with a basic training on interviewing techniques as well as taking part in discussion on criminal, employment and family related laws.

The LAC Clinic runs alongside the Syariah Clinic. Besides interviewing syariah clients, the pupils are also assisting in interviewing civil clients. Their duties include interviewing walk-in clients, conducting means test and giving advice an appropriate advice when required upon due clarification with Volunteer Lawyer and/or practicing Syariah Lawyers. It is our utmost belief that there is a need for us to provide this service to anyone who falls within the means test as well as to protect his or her interest in the Syariah Court.

Even though the number of public requesting for our services and advice is still small compared to other Legal Aid Clinics but the numbers are increasing and not limited to female clients as there are a number of male clients who approached the Syariah Clinics to get our advice and legal representation in some matters related to divorce procedures including fasakh application which was filed by their wife, rights after marriage such as custody, hadhanah and matrimonial application, intestacy matters and execution proceedings.

In conjunction with the Law Awareness Week under the theme of "Hak Generasi Baru", the Committee had organised a down to earth programme located at Taman Tasik Titiwangsa, Kuala Lumpur on 2nd September, 2007 by the name of "Riadah & Didik" with the main activity was to distribute legal leaflets and pamphlets (which also includes the introduction to Bar Council Legal Aid Centre) of which we have successfully approached our main target groups i.e. "Mat & Minah Rempit" .

Our hope that in the forthcoming years, we will able to conduct more awareness programme in educating the publics on their rights entrusted under the Syariah Law and Principles and to introduce the available services offered by the clinics to the public in need.

We would also extend our thanks to the Management Panel, Staff of Legal Aid Centre, Syariah Committee Members, the Volunteer Lawyers and Syariah Practitioners, participating pupils and also volunteers participating pupils for their interest, commitment and endless support in running the Syariah Clinic smoothly.



3. DOCK BRIEF PROGRAM

Report prepared by Dock Brief Committee

Committee Members

Selva Rani Thiyagarajan (Project Head)
Ragunanathanan. R (Secretary)
Wan Hidayati Nadirah Wan Ahmad Nasir
Vivian Victor

Magesan (Alternate Project Head)
Henry Ngok Heng Hui
Nicholas Netto
Shirdieswaran Thangarajah

Introduction

The Dock Brief Programme consist of batches of about 70 pupils on an alternate basis who are required to provide legal services such as mitigation of sentences, bail applications and remand matters for free. We are currently covering 7 Magistrates Criminal courts, a Child court and Magistrate Court 10.

The Dock Brief Committee has carried out various activities such as :-

- Practical training for the incoming batch of Dock Brief pupils by holding it on Saturdays
- Revamp of the training manual
- A successful dialogue session with the Judiciary
- Dock Brief groups being adopted by committee members for supervision purposes
- Preparation of brochures for dissemination of information on Dock Brief services.
- Invitation to Senior Practitioner to brief pupils during training
- Ad-hoc supervision by committee members

Recommendations:

- To recruit more volunteers
- To continue the rapport with the Judiciary.

4. SG BULOH, KAJANG WOMEN AND MIGRANT PRISON CLINIC, KAJANG JUVENILE PRISON AND JUVENILE REMAND HOME CLINIC

Report prepared by Project Head

Committee Members

Sivanesan Nadarajah (Project Head)
Moganambal
Samynathan
Bernard Francis
Nurshafini Musthafa

Ramesh Lachmanan (Alternate Project Head)
Kamalam
Letchemanan
G Nanda Goban
Daniel Abhisheegam

Introduction

The Clinic has been running the Sungai Buloh Prison Clinic (“SBP”) since December 1997, the Sungai Buloh Migrant Prison (“SBMP”) since May 2004, the Kajang Women Prison (“KWP”) since mid 2000, the Kajang Women Migrant Prison (“KWMP”) since September 2003, the Juvenile Remand Home (“JRH”) Programme since 2001 and the Kajang Juvenile Prison (“KJP”) since 2007. In early March 2005 all the six Prison Clinics ie SBP, SBMP, KWP, KWMP, KJP, JRH were grouped under one programme. The Legal Aid Centre also collaborates with the Selangor Legal Aid Centre (“ Selangor LAC”) by having the pupils from Selangor LAC to participate in the Sungai Buloh Prison Clinic since June 2005.



Summary of the Programme

The Programme is conducted every three months and comprises of approximately 27 chambering pupils from Kuala Lumpur and 6-10 pupils from Selangor LAC, grouped into teams headed by one or two supervising lawyers who visit the various prisons and the JRH every fortnight to interview the persons under remand. The pupils under the Programme, who are suitably trained and equipped, also conduct the following follow up action at the legal Aid Centre:

- (a) contact family members on matters related to bail and legal representation;
- (b) refer relevant cases to the Dock Brief Programme, the respective state Legal Aid Centres or for capital offences cases to the Court Assigned Counsel Scheme; and,
- (c) liaise with volunteer lawyers on the status of the files.
- (d) liaise with the respective Embassies concerning foreign nationals remanded in the Prisons;
- (e) refer cases involving inmates from other states to the respective state Bar Council Legal Aid Centres for their action.

The statistics in respect of the matters handled/processed is shown in Section B of the Annual Report - Statistics 2007.

Activities

The following main activities were carried out for the year under review:-

- (a) a meeting was held between members of the Prison Committee and the Director of Kajang Prison and his officers on 23-05-2007 to discuss several issues pertaining to the smooth operation of the Programme with the collaboration of the Prison authorities. Of particular concern was the large number of juveniles remanded at Kajang Prison and efforts needed to address the matter;
- (b) in the continuing efforts to strengthen the ties with the various authorities, a get together dinner, organised by the BCLAC (KL) Prison Programme Committee, was held on 25-07-2007 at the Lake Club Kuala Lumpur between the BCLAC (KL) and officers from Sungai Buluh Prison, Kajang Prison, Kajang Women's Prison, Asrama Sentosa, Sek Tunas Bakti Sg Besi Remand Home and the Welfare Department;
- (c) during the Law Awareness Week held between 1-9 September 2007, the Committee organised a session with 23 juveniles at the Asrama Sentosa Sentul.

The primary activity of the Committee is to ensure that enough volunteer lawyers are made available to accept the various briefs. In this context priority was given to court assigned cases and to cases where the detainee has been in remand for more than six months. A major concern in this regard is to ensure that the pool of volunteer lawyers is expanded so that more cases may be assigned.



5. LAC/AWAM LEGAL INFORMATION SERVICE CLINIC

Report prepared by AWAM Committee

Committee Members

Sharmini Thiruchelvam
Foo Li Mei, Michelles
Mary Manickam
Raymond Tan

Stefeny David
Vasanthi Clement
Hanita Naliane

AWAM Representatives

Honey Tan

Betty Yeoh

The Clinic

The clinic is run in co-operation with a voluntary, non-profit and non-government women's organisation, All Women's Action Society (AWAM). AWAM established the TELENITA phone counseling service in 1990. Partly as a result of AWAM success in raising public awareness about violence against women issues, AWAM began to receive a growing number of calls in relation to women and children who had been abused/violated. Demand for this service continued to rise, and AWAM later expanded services assistance to include face-to-face counseling and legal information services as well. The clinic has been going on since September 1994 as many women whom have contacted TELENITA wanted legal advice but did not know how to get the information and were even not aware of their legal rights. It was from here that the idea to hold weekly legal clinic begun. The clinic provides legal advice and assistance on family matters both civil and Syariah, domestic violence, sexual harassment, sexual abuse and other matters relating to women. The clinic is open from every Mondays to Saturdays from 10.00 am to 4.30pm at the AWAM Centre in Petaling Jaya. In this clinic, pupils are required to fulfill their duty at AWAM as part of the legal aid program for the period of 3 months.

Joint Training Programme

This year, joint training program for the pupils was extended to two days. The first day training is on gender sensitisation by the Joint Action Group (JAG) of AWAM/WAO/SIS. The training program has been revamped to include feminist and gender equality concepts. The main objective of these new concepts is to sensitise young lawyers on gender equality and feminist perspectives of law. Role-plays have been implemented in order to improve pupil's communication skills, as pupils are not allowed to provide counseling service to clients, as they are not trained counselors. On the day two the training is on civil family law and domestic violence procedure conducted by LAC/AWAM Committee volunteer lawyers and staff from AWAM/WAO. During the family law training and domestic violence talks, the pupils participate in the case presentation, which is supervised and facilitated by the speakers. These sessions will ensure that pupils would be able to apply the relevant law after hearing the theory and they are placed in a situation of applying the law.

The amended program gives pupils a better and clearer understanding of issues and perspectives. Beside that, pupils also realise that there are loopholes in law as well as non-supportive practice by service providers. The past year also saw male pupils participating in the Clinic, an encouragement for the development for both sexes to work hand in hand in ending violence against women and also in partnership with the Legal Aid Centre Selangor.

Activities

This year apart from being on duty at the clinic, some of the pupils assisted in following court procedure of well known cases involving conversion



Other Activities whereby the chambering students assisted us in 2007

No	Date	Activities	Number of students
1	30th June	“Walk and Wheel” events	3
2	8th Sep	“National Law Awareness Week”	1
3	9th Sep	“Family Day for Free-scale”	1
	Total		5

Statistics

Number of chambering students AWAM have from Jan-Dec 2007- 47 students

No	Batch	Date	Number of students
1	48	26/2 - 26/5	12
2	49	21/5 - 17/8	11
3	50	13/8 - 10/11	12
4	51	5/11 - 2/2/08	12
	TOTAL		47

Cases from January to November 2007

TYPE OF CASES	TOTAL
Divorce (Civil)	172
Maintenance (Civil)	19
Custody (Civil)	21
Interim Protection Order (IPO)	4
Financial Problem	9
Kidnapping	4
Missing People	3
Rape	4
Divorce (Syariah)	9
Custody (Syariah)	7
Domestic Violence	30
Sexual Harassment	23
Legal	6
Conversion	5
Immigration	2
Others	69
GRAND TOTAL	387

As from January to November 2007, the clinic has received 387 cases with various cases as identified in the table above.

CONCLUSION

While the legal information services carried on at the LAC/AWAM clinic, the number of cases handled has dropped if compared year's total of 517 cases. It was also noted, although almost all chambering pupils attended to the clinic's clients as per their schedule, some were more diligent and hard-working, while some were just 'marking time' and even absent themselves with various excuses.



AWAM urges both the LACKL and LAC Selangor to send in their lawyers to monitor the cases handled by pupils in particular and attitude of pupils in general. We thank both the LAC for the continuous support and look forward to provide better legal information service in 2008

6. LAC/WAO LEGAL AID CLINIC -2007

Report Prepared by Jessie Ang, WAO

Committee Members

Meera Samanthar (President)

Jessie Ang (Coordinator)

Shoba Aiyar (Social Worker Manager)

The objective of LAC/WAO clinic:

1. To assist WAO's social workers in the refuge with telephone calls - giving out information on domestic violence, divorce procedure, sexual harassment and etc.
2. To assist WAO's clients to lodge police report and accompany the clients to hospital.
3. To instill and to reach out to chambering students with the NGO's work.

WAO is a non profit organisation with a policy that states that no one deserves to be battered and in particular, WAO only chooses to work with women and their children.

WAO has been giving refuge to women and their children who were abused physically, psychological, sexually, financially and socially for the past twenty-five years.

Besides giving support to the women, WAO is also advocating and lobbying for women's right with other women group.

Before the chambering students come to WAO, they will have to start their training at LAC/AWAM/WAO/SIS Training. The syllabus includes family law, syariah law, gender sensitisation, domestic violence, violence against women and Helping Process.

WAO take one student each from LAC-KL and LAC-Selangor from each batch. The students come to the refuge on Monday and Friday for 12 sessions. The students who comes to the refuge not only attending the telephone calls but also accompany WAO's clients to the court, helping clients to lodge a police report, giving legal advise on the phone and see face- to-face clients, documentation of cases, going to the immigration, hospital, embassy and National Registration Department.

Besides attending to phone calls and accompany clients to various places, students also do some research and co-facilitate discussion group with WAO's staff on various issues to the women in the refuge. The students who comes to the refuge not only work in the ambit of their training some of them are willing to take out their shoes and spend their time with the women and their children. They have lunch with the women, chatting and budding with the women. The students are very accommodating to the needs of the women.

WAO had about 10 chambering students coming to the Refuge from December 2006 to November 2007.



Types of calls the chambering students handle:

Domestic Violence	45
Divorce procedure	52
Maintenance	10
Custody	14
Financial Problems	8
Foreign Wife	4
Single Mother	4
Sexual Harassment	5
Problem with the Police	2
Interim Protection Order	6
Bankruptcy	4
Marital Problems	6
Housing Problems	2
Conversion to Muslim	2
Will/EPF	1
Division of Property	1
Adoption	2
Miscellaneous	5
TOTAL	173

A caller may have several problems. A chambering student attends to an average of 5 calls per day at WAO.

7. LAC/SIS CLINIC (Sisters in Islam)

Report Prepared by SIS

SIS Representatives

Radzlinawati Razali

Nur Fadhlin Binti Mohd Yusof

Introduction

The LAC/SIS Clinic provides free legal advice, information and aid to the public on matters regarding Malaysian laws, especially syariah law. The pupils-in-chambers assigned to perform legal aid with the LAC/SIS Clinic are involved with providing legal advice to clients, conducting research on legal issues, and maintaining proper and detailed documentation of the clients' queries. They are also required to contact relevant bodies in aid of their clients, for example, Legal Aid Centre, Legal Aid Bureau, the police, state religious departments, and the national registration department.

In order to equip the pupils with relevant knowledge and skills to perform legal aid in LAC/SIS Clinic, SIS has devised a special training that pupils assigned to LAC/SIS Clinic are required to go through. This training introduces the pupils to SIS and the work this organisation does, highlights the differences between Malaysian syariah law vis-à-vis Malaysian civil law vis-à-vis Muslim laws as practiced in other Muslim countries, how to handle SIS clients effectively, and what duties they are to perform in LAC/SIS Clinic.

As of 26.11.2007, there have been a total of 673 clients of LAC/SIS Clinic. This means that each pupil assigned to the LAC/SIS Clinic this year (a total of 12 pupils) has had to handle an average of 56 cases while performing their legal aid duty.

The pupils also get real life experience of how the law is applied when women are concerned. This is



done in two ways: by going to observe court proceedings under a programme called 'CourtWatch'; and through activities jointly-conducted with other NGO Clinics.

Under the CourtWatch programme, the pupils are required to observe court proceedings, paying close attention to two things: delay; and biasness. They then record their findings for analysis.

Under joint-activities with other NGO Clinics, SIS pupils will get broader real life experience. Whereas before they are mostly confined to deal with syariah cases, the pupils will now get to see how other laws are applied in real life situations, namely in domestic violence, immigration, and labour cases. This is done by sending SIS pupils to follow pupils from other NGO clinics, namely AWAM, WAO and Tenaganita, to relevant bodies. Such bodies include immigration departments, embassies, labor offices and industrial relations departments, shelter homes, welfare departments, syariah judiciary, police stations, and ministry or MP service centers.

SIS pupils are also encouraged to take part in activism and outreach events, for example, operating an exhibition booth during the Law Awareness Week (8.9.2007) organised by the Selangor Legal Aid Centre, and leafleting on International Right To Know Day (28.9.2007) organised by the Centre for Independent Journalism.

Strengths

1. Performing legal aid with LAS/SIS Clinic helps to sensitise the pupils as to issues, especially legal issues faced by women and children, namely Muslim women and children;
2. The LAC/SIS Clinic is an effective venue to address the public's concerns with regard to their legal rights;
3. The data obtained from the LAC/SIS Clinic is useful for women's rights activism and law reform activities; and
4. The LAC/SIS Clinic highlights public interest issues, such as child maintenance, impact of polygamous marriages, and moral policing.

Weaknesses

Lack of support from syariah practitioners to act as panel lawyers.

Suggestions

1. Additional pupils assigned with the LAC/SIS Clinic to accommodate the increasing number of clients;
2. To raise discourse with law faculties as to the curriculum the said faculties offer: many of the pupils who come for legal aid at the LAC/SIS Clinic have little to no real life exposure as to how law is applied in Malaysia. Some even come to the LAC/SIS Clinic with misconceptions of the law and its application; and
3. Build rapport with Syarie practitioners to encourage them to volunteer as panels for the LAC/SIS Clinic.



8. LAC/TENAGANITA MIGRANT WORKERS CLINIC

Report Prepared by Tenaganita

Tenaganita Representaives

Aegile Fernandez

Florida

Malaysia continue to depend on foreign labour to meet its economic growth. According to the Immigration statistic there are more than 2.2 million foreign workers and the number is growing. 57.5 per cent are from the neighboring Indonesia while 11 per sent are from Nepal, 8.8 per sent from Bangladesh and 7 per- cent are from India. (source: NST Oct 10th 2007).It is further said that in 2010 the country would be employing about 10 million migrant workers to meets its labour market.

The rights of migrant workers has been continually denied in the absence of clear and define laws and policies. Immigration continues to deny the workers the right to stay and work while waiting for the outcome of their cases.

The most number of complaints filed at Tenaganita are related to employment, not in possession of documents , non renewal of work permits and abuses. Beginning this year, Tenaganita has received an alarming number of complaints from newly recruited Bangladeshi workers arriving for employment. About 300 000 work permits were approved by the Home Ministry for Bangladeshi workers. Most of these workers are employed through the newly introduced Out Sourcing companies. Tenaganita received many complaints from workers of not being placed in employment as promised or being transferred from one company to another within few weeks. Transferring these workers from one place to another without proper work nor salaries. This as a result has left with thousand of workers without food, water and shelter. When ever the workers demand for work and salary, the agents together with employers, threaten and beat them.

At the same time, thousand of workers were left stranded at the airport on arrival, for days, as their employers failed to receive them. Failure of employers receiving their workers at a specified time given by Immigration, would result the workers being detained at the KLIA holding center and subsequently being deported back to their country of origin. This decision neither addresses the root causes issues nor holds the employers accountable. The victims are the workers, they suffer the consequences as they have paid their entire savings, borrowed money with high interests. They have paid up to 200,000 taka (RM12,000) to work in Malaysia.

Out sourcing policies introduced by the Home Ministry in August 2006 for employment requiring less than 50 workers . As for companies recruiting more than 50 workers they have an option of either using an out-sourcing company or directly employing the workers. The out sourcing companies are responsible for every aspect concerning the worker. As such the principle company does not hold ant responsibility towards the workers. The principle company pays the wages directly to the out-sourcing company who will than deduct their commission from the workers salaries before paying the workers their dues. As such the out sourcing policies directly contravene the Employment Act which protect the workers.

In October 2007 the government announced another new policy that the running of the detention centers would now be taken over by the Home Ministry from the prison department. The government is continues to make ad hoc policies without any consultative approach. Tenaganita is very concern of the a decision of having an organisation as RELA, to help manage the detention centers. It is of great concern that volunteers are given such an extensive power which would bring about corruption and abuse in the detention especially women and children being the most

vulnerable group. With the Immigration Department, together with RELA conducting the arrest of migrants and the running the detention center alone, they would be no check and balance and monitoring system.

Migrant workers clinic a joint program with the Legal Aid Center (Bar Council) through attachment of pupils has assisted migrant workers in their daily struggle. Young lawyers do 14 days of legal aid duties to assist migrant workers in various aspect. Some of the activities and assistance rendered are in documenting their cases, negotiating for an amicable settlement, filing of cases in the relevant Labour Department / courts, accompanying the worker(s) in lodging police report and application to Immigration Department to legalise the stay pending the out come of their cases as well as the safe repatriation of the workers. The pupils also assist in the follow-up of cases and research on certain laws and policies concerning migrant workers.

The attachment program is an avenue for young lawyers to learn the impact of migration in the context of Globalisation. Further it also sensitises pupils towards human rights and inhumane treatment of migrant workers. The program emphasised empathy and not sympathy and debunks negative images of migrant workers.

The weakness of the program is however the lack of experiences and lack of assertiveness of young lawyers which representing migrant workers. Young Lawyers are not able to do a critical analysis especially when there are conflicting laws and policies.

For the year 2007, 51 young lawyers were assign for the Legal Aid / Tenaganita migrant workers clinic. In the current year, numbers of cases in case handling has increased, activities and community out reach has expended. However the dropped of the number of young pupils had its set back on the programs.

COURTS/ DEPARTMENT	NO OF CASES FILED
Industrial Relation Department	3 (105 MW)
Industrial Court	4
Labour Department/ Court	13
Others - Labour Dept (Insurance assessment)	3
Small Claims Court	1
Magistrate Court	1
Appellate court	4

MIGRANT RIGHTS PROTECTION

Report on Violation of Migrants Workers' Rights as at 6th Dec 2007

Nature of Complaints	No. of Complaints	No of Complainants
EMPLOYMENT		
Unpaid wages	59	271
Wrongful/constructive Dismissal	3	3
Wrongful deduction of wages	2	16
No rest days	2	22



VIOLATION OF CONTRACT		
No contract	3	258
Low wages	4	4
Overtime not paid	3	4
Contracting workers (out - sourcing)	21	1930
Long hours of work	2	7
No work at work place	14	1425
Levy deduction	30	30
No place to stay	4	207
LEGAL STATUS		
Withholding of passport	56	678
Non renewal of work permit	9	26
Overstayed	3	3
Student visa	1	1
Recruitment (cheated by agent)	9	43
Fake Documents	3	3
ARREST, DETENTION & DEPORTATION		
Arrest, Detention & Deportation	27	91
Arrest, Detention & Deportation (refugees)	4	16
HEALTH		
OSHA	5	64
Medical Treatment	5	5
Industrial Accident	19	19
Violence and abuse	12	1183
Poor Living Condition	4	112
Death / Suicide	3	2
FAMILY & MARRIAGE		
Spouse Visa	4	4
Custody of child	2	2
Other family matters	4	4
OTHERS		
Robbery	5	5
Theft	2	2

(From January 2007 to 6th December 2007, 246 files were opened consisting of 2350 migrant workers).

The number of complaints received this year shows an increase. A migrant worker walks into the migrant clinic with multiple complaints. However only few cases have been filed at the relevant courts. Most workers decide not to file cases due to the long delay in the court process and their stay in the country is at the discretion of Immigration Department without alternative employment.

This year complaints relating to out -sourcing employment has increased tremendously. Tenaganita find ourselves challenged greatly especially with limited resources of funds and personal. Tenaganita were only able to assist as much as we could. As such more than 1000 affected workers were given telephone counseling and legal advise only. Some of the cases were also referred to partner organisation through out the country for immediate relief assistance.

Tenaganita together with the Migration Working Group have received great support from religious groups and individuals in providing food and shelter.



In July 2007 a joint consultation was organised between the Bar Council and Tenaganita on Out – sourcing following Tenaganita’s Fact finding on out sourcing. Representative from Home Ministry and several diplomatic official, SUHAKAM, NGOs, Transparency International, Members of the Bar and individuals were present. Some affected workers gave their testimonies. This is to be followed by a second consultation in 2008.

The positive aspect following the consultation is that we are able to directly communicate with the representative from the Home Ministry and strengthen the advocacy between the Bangladesh Government and Tenaganita. A delegation consisting of top official of the interim government of Bangladesh personally made a visit to Malaysia to look into the concerns. Ms Lathefa Koya and Ms Renuka from the Legal Aid Centre had spent considerable amount of time and energy to meet personally the Bangladeshi workers and legally representing in their dispute.

9. BCLACKL/PTF LEGAL INFORMATION SERVICE CLINIC

Report Prepared by Preetam Kaur & So Chien Hao

Committee Members

BCLACKL representatives
Preetam Kaur
So Chien Hao
James Loh
Lim Ka-Tsung, Joachim
Lee Choo Suat, Tevina

Pink Triangle Foundations representatives

Hisham Hussein (PTF Chair)

The LAC/PTF Clinic

The Bar Council Legal Aid Centre Kuala Lumpur (BCLACKL) jointly with Pink Triangle Foundation (PTF) has been conducting the legal clinic for the five (5) recognised marginalised communities which are the drug users, sex workers, people living with HIV/AIDS, transsexuals and homosexual men.

We are proud to announce that PTF has recently managed to obtain a large fund from a Ministry. With this fund they managed to secure 3 Centers in SONY building near Jalan Sultan Ismail for the Sex Workers, Transsexual and the Positive Living People Program whereas the MSM program obtained their grant and secured another centre at CIMB Bank nearby the 3 programs vicinity. This shows the government’s willingness in preventing HIV/AIDS & STI issues.

As it is known, the LAC/PTF clinic has 2 pupils who are assigned to work in pairs to attend to the PT Clinic every Thursday. During the morning session, the pupils usually assist in the LAC Clinic by attending to clients and legal intervention for LAC Clinic while in afternoon from 2.00 pm till 4.30 pm they will be at the PTF premises on rotation basis performing their duties in 4 different Centers.

Significant Cases Handled by our Pupils

The pupils have managed to obtain information on police harassments, beatings, gangster abuse, and insights of a real destitute woman without any personal identification on her. The pupils always discuss on how these people have been made victims of circumstances with our committee and staff members.

The pupils have also managed to help a ex-sex worker with a baby from being remanded further as she was holding a green identification card. The pupils managed to obtain the necessary assistance from the relevant authorities and our legal intervention was successful and the pupils have continued to volunteer their services to PTF. They now help in formulating database for the SW program.



Whereas the new PTF pupils followed up on a case for three months regarding a pauper woman who lived on the streets, was mentally disturbed and 5 months pregnant. She was brought to us by her drug user boyfriend. The pupils assisted in liaising with the Jabatan Pendaftaran Wilayah Persekutuan (JPNWP). The officer in charge made numerous attempts to locate the woman's identity and finger printing analysis was immediately provided to LAC but the said woman had no records. The pupils were saddened by the results and also took the initiative to visit the hospital to see the mother and baby who was born one week premature but is otherwise a healthy baby.

The pupils also made attempts to assist 4 sisters who do not have birth certificate although all of them are above 40 years of age. These sad cases continue to arise in our community despite the fact that we have just celebrated 50 years of its Independence.

Network with Malaysian Aids Council (MAC)

This year the LAC also made our inaugural in-roads with the Malaysian Aids Council (MAC) and we are now assisting them on legal matters with the Integrated Bio-Behavioral Surveillance Project (IBBS) under the Ministry of Health. We are also planning to enhance our relationship by extending our services to the MAC affiliates by next year.

Activities year 2007

1. We have conducted 4 pupils' trainings programs where we have sensitised the pupils on the pertinent issues faced by the communities. Some of the pupils on their own initiative have volunteered and networked with PTF.
2. We held 1st committee meeting on 30 March 2007 (Friday) at 6.50 pm at LAC.
3. We conducted a Workshop Cum Legal Clinic for MSM program on 8 April 2007 (Sunday).
4. We also attended round table discussion on "Legal Review & Response" organised by Ministry of Health on 16 April 2007.
5. We conducted Workshop Cum Legal clinic at Ikhlas Drop In Centre for Drug Users on 27 April 2007 (Friday) at 3.00 pm and although the Police were invited they were unable to attend.
6. Assisted in the organising and conducted talks for the "Give A Hug" Program with SMK Bandar Baru Seri Petaling on 9 June 2007 (Saturday) from 9.00 am to 1.00 pm. This was under the School's "Youth Leadership Program/Award".
7. We also held our 2nd committee meeting on 27 June 2007 (Wednesday) at 6.40 pm at LAC.
8. Talks on Legal Rights for Transsexual program 10 July 2007 (Tuesday) at 2.30 pm
9. Dialogue sessions with the IPD Dang Wangi by five communities representatives from PTF and the Heads from the Police Dang Wangi on 17 July 2007 (Tuesday) at 3.00 pm
10. We conducted Workshop Cum Legal clinic for MSM program on 22 July 2007 (Sunday) at PTF
11. Para Legal Training for PTF staff and Exco members organised by KLLAC on 8 December 2007 (Saturday)



Proposed Activities for Year 2008

1. Law Reform
2. Dialogue sessions with Jabatan Pendaftaran Negara on IC problems which the community continues to face.
3. Research on laws by pupils or para legals
4. Drafting of pamphlets
5. Providing free legal advise via PTF website to the marginalised communities

10. LAC/UNHCR CLINIC (United Nations High Commissioner for Refugees)

Report Prepared by Secretariat

Introduction

The LAC/UNHCR Clinic was a pilot project between the Bar Council Legal Aid Centre (Kuala Lumpur) and UNHCR started in October 2006. This program is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problem world wide. Its primary purpose is to safeguard the rights and well-being of refugees.

Objectives

- To provide free legal advice to refugees and asylum-seekers who comes to UNHCR seeking assistance on a variety of legal issues.

Activities

- Four pupils trainings were held and a total of 12 pupils participated in the said clinic.
- The pupils supported UNHCR in conducting legal protection interviews for arrest cases and court cases, providing legal counseling for persons of concern facing protection risks, conducting deportation interviews, taking down arrest reports, detention updates and court reports, attending Court for watching briefs and to secure the release of UNHCR persons of concern from prosecution and continued detention.
- Pupils were also involved in the various events conducted by UNHCR.
- As of November 2007, the Clinic has assisted a total of 3360 clients.

Shortcomings

- Pupils had some difficulty in picking up on UNHCR procedures and took some time to familiarise themselves with the UNHCR protection mandate.
- Human resources / Volunteers

Recommendation

- To increase the number of pupils



11. LEGAL AWARENESS PROGRAM (ORIENTATION)

Report prepared by Secretariat

Committee Members

Sivarasa Rasiah (Project Head)	Puspawati Rosman (Alternate Project Head)
Saravana Kumar (Alternate Project Head)	Latheefa Koya
Rajen Devraj (Bar Council)	Harleen Kaur
Abd Shukor Tokachil	Kamaliyah Mohd Hafiz
Nik Waheeda Nik Kamarulzaman	Joyce Oo Mei Ling
Jessie Tan	Arumugam
Kavitha Rajan	Azah Yazmin

Legal AIDERS

Introduction

This program intends to give pupils a “real dimension” as to what is required from them in their 14-day compulsory Legal Aid duty and to introduce them to the various clinics and programs conducted by Legal Aid Centre.

Objectives

- To assist pupils to discover their role and responsibility as lawyers in society, and to develop a sense of social obligation and a concern for human rights, rule of law and justice
- To introduce pupils to new ideas, and to instill and develop long term commitment towards legal aid and access to justice, beyond the compulsory Legal Aid duty.

The sessions (about 4 ½ hours each), uses a participative methodology, with group dynamics and general discussions. The structure is new, and is being modified and developed according to pupils' evaluations.

Activities

As of 10th December 2007, the committee has conducted and introduced the following programs/sessions:

- Eight (8) orientation sessions were held and have trained approximately 500 pupils.
- The committee also has opened up the orientation session to pupils from other states. To date the committee had trained approximately 90 pupils from Selangor Legal Aid.
- Four (4) Exit Evaluation sessions were held for all pupils involved in the various LAC programs to appreciate their contribution to the public and LAC. Approximately 440 pupils have participated in the sessions and shared their experience in the various programs which they have served as part of their legal aid duty. During these sessions, the committee has invited Mr Yeo Yang Poh, Mr Lim Chee Wee, Mr Ravindra Kumar and Mr Ravi Nekoo to appreciate the pupils' contribution and further motivate them to be involved in BCLAC (KL)'s activities.
- Due to the very successful response to the Committee's Pilot Advanced Training called “Legal Awareness and Leadership for Lawyers” program which was held at Selesa Health Farm Resort, Bukit Tinggi, Bentong Pahang from 3rd to 5th November 2006 to encourage pupils/young lawyers to continue their involvement in the Legal Aid Centre (LAC) on a long



term basis, a second session was held at Genting Permai Park & Resort on 20th to 22nd April 2007. This session was also very successful and managed to retain the participants in participating further in BCLAC (KL)'s activities. The main objectives of this program are (i) to motivate and encourage pupils/young lawyers to be more involved in the LAC; (ii) to introduce soft skills essential for leadership; and (iii) to enhance their knowledge in specific areas/issues.

- As a follow-up to the first and second Advanced trainings, a get-together session was held for the participants who attended these trainings. The session was held on 14th July 2007 at the Bar Council Meeting Room. The purpose of the said get-together session was to share and obtain feedback from participants on their activities and developments since the training session. It was also intended as a planning session where the participants can share ideas and discuss possible follow-ups to issues highlighted at the previous training sessions. The committee had also received requests from the participants to have a follow-up session on the advanced trainings as most participants who attended the said trainings were anxious to contribute further but had no idea on how to follow-up. The committee is also proud to announce that during the said get-together session, it saw the birth of a new group of young lawyers who are enthusiastic and eager to assist the BCLAC(KL) in its various activities who called themselves the “**Legal AIDERS**”.
- The Committee having reviewed the said Advanced Trainings has decided to conduct the training session twice a year as a fixed program for pupils and young lawyers. As a result of that a Third advanced Training was held from 26th-28th October, 2007 at The Pines Resort, Fraser’s Hill. The Legal AIDERS was given an opportunity to help organise the activities for the training and to become facilitators/trainers for the event. At the end of the training, the participants were invited to join the Legal AIDERS. Based on the final evaluation conducted at the training it came to our attention that the participants was overwhelmed on the way the training was conducted and it was suggested that the training should be carried out in future to enable young lawyers to be prepared to enter the real world of legal practice.
- The Legal AIDERS held their Second get-together session/AGM on the 20th October, 2007 at the Bar Council Auditorium. The get-together/AGM intended to discuss the development of the Legal AIDERS and its sub-committees and highlights on the previous activities that been carried out. The Committee also discussed in relation to the 3rd Advanced Training and on inviting the 3rd Advanced Training participants to join the Legal AIDERS. Other issue of concern which was discussed in further detail was in relation to the criteria that other young lawyers need to fulfill in order to join the Legal AIDERS. It was unanimously agreed that the main criteria to join the Legal AIDERS is to have participated in the advanced training. It was also agreed that in the event someone who did not attend the advanced training is interested to join Legal AIDERS, then it is important for anyone of the existing Legal AIDERS to make a recommendation to the committee at large.
- A Get-Together session was also held for 3rd Advanced Training participants on 25th November 2007. This gathering was intended to get the participants of the 3rd Advanced training to re-look at some of the issues discussed at the advance training in greater depth including the proposal and discussion of new ideas as well as give them the opportunity to join the “Legal AIDERS” group.
- The committee also organised a Training of Trainers session on 4th August 2007 at the Pearl International Hotel. The committee having observed a few training sessions conducted at the Centre, felt that presentation skills of trainers could be further enhanced in order to retain the interest of the participants and to impart the necessary skills and knowledge. It



was identified that the current trainers whilst having a sound grasp of the law, lacked training skills. As such, the committee believed that this training of trainers session will basically help young lawyers to develop and further enhance their training skills. This training session was successful and well received by participants who had requested for a follow-up session.

Strengths

- Committed Committee members and their ability to come up with ideas to implement and further improve the training sessions.
- Motivation of pupils on the need to serve the needy and marginalised.
- Education of pupils on human rights and instills in them a sense of justice.

Weakness

- Time and human resources
- Follow-up actions/sessions

Recommendations

- To be able to organise more awareness and human rights sessions for lawyers and/or the public
- To be able to discover ways to retain and maintain the involvement of Legal AIDERS.

12. SKILLS DEVELOPMENT PROGRAM

Report prepared by Secretariat

Committee Members

Sukhvinder Kaur Chahl	Ravinder Singh Dhaliwal
Lalithaambigai	L I Kannan
Komathi Arunasalam	Saravana Kumar
Komati Kaliappan	Jessica

Introduction

This Program aims to develop and enhance skills and increase motivation amongst all pupils, NGO partners and volunteer lawyers in order to improve the quality of service delivered to the clients.

Objectives:

- Organising training programs for current and future volunteers lawyers and paralegals to meet and accommodate the needs of LACKL
- Assisting with training programs for pupils
- Reviewing the training programs and making recommendations for improvements, as deemed appropriate
- Training of trainers.



Activities

i) Introductory Talk and Discussion on Child Sexual Abuse (12th May 2007)

- This talk was organised in collaboration with P. S. The Children, a non-profit organisation dedicated to children's welfare. The main objective of this talk is for the lawyers to understand the way in which children who have been sexually abused and the help they require in the legal arena. Certain pertinent areas were identified in which members of the legal fraternity are able to make a difference and where there currently is a gap that needs to be filled urgently:
 - i) Assistance in holding a watching brief
 - ii) Assisting the victim and their families in relation to the Court Procedures and other related areas; and
 - iii) To help contribute to create an atmosphere that will encourage the Courts to protect and promote the child's interest especially whilst the child is part of the Court procedure i.e. when giving evidence in Court and the likes.
- We had three very prominent speakers, namely, Mr M Puravalen, Ms Madeleine Yong and Ms Vicky Alahokone, who gave the participants the different perspectives that were needed in order to understand the talk better.
- It is the committee's humble view that the talk was a success with a total of 50 participants
- which include the existing pool of LAC volunteers, new lawyers, NGO partners, pupils and members of the public attended this talk.

ii) Produced a child-friendly booklet on Child Act

- The committee together with P.S The Children has brainstormed and produced a child-friendly booklet on Child Act which is being printed.

iii) Training on How to Conduct the "OK Tak OK" Program (6th October 2007)

- The committee together with Women's Centre for Change, Penang (WCC) has organised a training session on how to conduct the "Ok Tak Ok" program. This program is about personal safety and is designed to teach children (11-12 years old) about good and bad touches. The program stresses the use of feelings to help children differentiate between good (OK) or bad (Tak OK) touches. The children learned safety rules about touching via a song, a series of cartoons and stories, all shown in the VCD. At the end of the program the children were encouraged to tell a trusted adult should they find themselves in a difficult situation.
- Again the committee's humble view is that the talk was a success with positive remarks from the participants who attended the training. Approximately 50 participants – which include the existing pool of LAC volunteers, new lawyers, NGO partners, pre-school teachers, pupils and members of the public attended this talk.
- Through evaluation, the participants confirmed that they have gained tremendous information and insights from the exposure given to them by the trainer, Dr Prema Devaraj from WCC through this training and in fact the participants had requested the Centre to organise more sessions of this kind as they feel that there is a lot more for them to learn.

iv) Criminal Law Training – 2nd & 3rd November 2007 at University Malaya

- This training was mooted due to the fact that there is a dearth of practitioners volunteering to take up cases in view of the tremendous increase of LAC clients requiring advice and representation on Criminal matters.



- This training was held with particular emphasis on the preparation and enhancing the advocacy skills of defence lawyers in criminal trials.
- The aim of the training was twofold, firstly to create a ready pool of able lawyers who would acquire advocacy skills in conducting criminal trials competently. Secondly, having acquired these skills, these lawyers would then be expected and requested, from time to time, to assist the poor and marginalised members of our society who seek legal representation from the Bar Council Legal Aid Centre (Kuala Lumpur) and the other State Legal Aid Centres.
- Approximately 60 participants – which include the existing pool of LAC volunteers, new lawyers, pupils and law students attended this training.
- The training was conducted by Mr Jagjit Singh, Mr Manjeet Singh Dhillon, Mr Baljit Singh, Datuk K Kumaraendran, Mr Tan Hock Chuan, Mr Ravi Nekoo, Mr Edmund Bon and also Tuan Hakim Harminder Singh Dhaliwal.
- For continuity in the training and to bolster the confidence of lawyers to handle criminal files, a “Buddy System” was introduced, for experienced criminal defence lawyers to guide new criminal law practitioners.

As can be noticed from the above activities of the committee, this year the committee has shifted its focus to one of the most alarming issues which is Child Sexual Abuse from its normal trainings for the lawyers etc as it feels it is high time for the committee to also educate the lawyers and pupils on such issues.

Proposed Activities future:

The committee had planned the following training sessions for the coming year:

- Human Rights Training for Lawyers tentatively scheduled sometime in December 2007 or January 2008.
- Training for facilitators / organisers scheduled sometime in December 2007 or January 2008.
- Family Law Training
- Employment Law Training
- Syariah Law Training
- Staff Training on Team Building for all State LAC Staff

Strengths

- Enhances the legal skills, knowledge and confidence of participants, to equip and encouraged them to handle files and carry out legal aid work
- Facilitates and complements existing BCLAC (KL) training programmes
- Committed Committee members and their ability to come up with ideas to implement and further improve the training sessions



Weakness

- Time, human resources / volunteers with the appropriate skills or those open to undergoing training
- Follow-up actions

Recommendation

- In future, perhaps the committee should organise talks and/or programmes involving other interesting areas of the law.
- More Committee Members should be involved in the above talks and/or programmes.
- Encourage the Court's staff and the police to attend the session and to elicit feedback from them.



Laporan Pengerusi

A. PENGENALAN

Sepanjang penggal kedua saya mengetuai Badan Peguam KL pada 2008/2009, Jawatankuasa ini terus bekerjasama dengan pihak-pihak yang berkenaan dengan harapan untuk menambahbaikkan kerjaya guaman dan pentadbiran kehakiman di Mahkamah. Dalam usaha ini, Jawatankuasa saya ini telah bekerja tanpa rasa penat untuk mencapai matlamat tersebut dengan cara yang sebaik mungkin. Para ahli pastinya akan menyedari bahawa tahun ini, kami telah memutuskan untuk menghasilkan Laporan Tahunan ini dalam bentuk cakera padat (CD) untuk menjimatkan kos dan antara usaha kami untuk melindungi alam sekitar. Walau bagaimanapun, kami turut menyediakan salinan terhad Laporan Tahunan yang bercetak untuk tujuan Mesyuarat Agung Tahunan.

Panel siasatan yang telah ditubuhkan untuk menyiasat beberapa dakwaan terhadap Pusat Bantuan Guaman KL semasa Mesyuarat Agung yang lalu, telah melepaskan Pusat Bantuan Guaman KL dan kesemua pemegang Jawatankuasanya dari dakwaan-dakwaan tersebut. Adalah diharapkan dengan keputusan ini, Pusat Bantuan Guaman KL ini akan terus menerima sokongan yang sewajarnya dalam melaksanakan objektifnya untuk memberikan bantuan guaman kepada mereka yang memerlukan.

Banyak tugas dan usaha Jawatankuasa Peguam Kuala Lumpur ("KLBC") tidak akan terlaksana tanpa sokongan dan dedikasi ahli-ahlinya. Oleh sebab itu, saya mengucapkan ribuan terima kasih kepada Jawatankuasa ini dan semua ahli jawatankuasa-jawatankuasa kecil atas sokongan dan komitmen mereka dalam melaksanakan tugas mereka. Para ahli akan dapat melihat dari laporan-laporan yang dilampirkan bersama, berbagai aktiviti yang telah dilaksanakan oleh mereka sepanjang penggal ini.

B. AKTIVITI-AKTIVITI JAWATANKUASA

i) Laporan Kemas Kini (Updates) dari KLBC

KLBC telah memulakan semula penghantaran notis am selepas setiap mesyuarat Jawatankuasa untuk memberikan maklumat terkini kepada para ahli berkenaan aktiviti dan usaha yang sedang dijalankan oleh KLBC dan jawatankuasa-jawatankuasa kecilnya.

ii) Kelulusan Usul untuk memansuhkan Akta Keselamatan Dalaman 1960 di Mesyuarat Agung Tahunan Yang Ke-16 Badan Peguam KL pada 21.02.2008

KLBCsebaikmemegangjawatan,telahmenulissurat kepada Perdana Menteri dan Menteri Keselamatan



Dalam Negeri meminta Kerajaan Malaysia agar memansuhkan Akta Keselamatan Dalam Negeri 1960 dan untuk terus membebaskan semua tahanan ISA dan di mana perlu, pertuduhan dan perbicaraan dilaksanakan di mahkamah terbuka.

iii) Rayuan untuk membebaskan 4 orang ahli Badan Peguam yang ditahan di bawah ISA

Pada 30.04.2008, KLBC telah menulis surat kepada Menteri Keselamatan Dalam Negeri dengan salinan kepada Perdana Menteri, mengusulkan pembebasan ahli-ahli Badan Peguam kita yang telah ditahan di bawah ISA.

iv) Tabung untuk 4 orang ahli Badan Peguam yang ditahan di bawah ISA

KLBC telah membantu Majlis Peguam dalam menyelaraskan kutipan tabung untuk membantu 4 orang ahli Badan Peguam yang ditahan di bawah ISA. Satu akaun di Maybank telah dibuka untuk tujuan ini. Kutipan telah menjangkau jumlah RM65,000 setakat ini dan Majlis Peguam telah menyampaikan kepada setiap keluarga terlibat sebanyak RM16,000. Akaun tersebut masih aktif dan KLBC serta Majlis Peguam akan meneruskan usaha untuk mendapatkan sumbangan untuk 4 orang peguam tersebut.

v) Melawat 4 orang ahli Badan Peguam yang ditahan di bawah ISA

KLBC diwakili oleh Tuan Pengerusi dan wakil Badan Peguam KL di Majlis Peguam bersama dengan wakil dari Jawatankuasa Hak Asasi Manusia, Majlis Peguam telah melawat tahanan JI dan juga ahli-ahli Badan Peguam (kecuali Uthayakumar yang enggan menerima pelawat) yang telah ditahan di bawah ISA di Kamunting pada 24.06.2008.

vi) Kunjungan Hormat dan Mesyuarat

- KLBC telahpun mengadakan pertemuan dengan Hakim Kanan Mahkamah Sesyen pada 07.03.2008 untuk membincangkan cadangan Mahkamah tersebut untuk mengadakan semula sebutan-sebutan di sebelah pagi.
- KLBC telah membuat kunjungan hormat ke atas YAA Tan Sri Dato' Alauddin bin Dato' Mohd Sheriff pada 02.04.2008 (pada ketika itu YAA merupakan Hakim Besar Malaya) dan pertemuan seterusnya bersama YAA telah berlangsung pada 07.07.2008 dan 05.09.2008 bagi membincangkan berbagai isu berbangkit serta perbincangan susulan terhadap isu-isu yang telah dibangkitkan semasa kunjungan hormat pada 02.04.2008 termasuk keperluan segera sekurang-kurangnya seorang lagi Hakim di Mahkamah Tinggi Bahagian Rayuan/Perkara-Perkara Pelbagai. KLBC amat berpuas hati dengan penambahan dua Mahkamah di Bahagian tersebut sejak itu.
- KLBC telah membuat kunjungan hormat ke atas Datuk Mohd Zaid Bin Ibrahim pada 14.05.2008 (pada ketika itu merupakan Menteri Perundangan).
- KLBC dengan diwakili oleh Tuan Pengerusi telah turut serta bersama Majlis Peguam ke mesyuarat bersama Ketua Pendaftar pada 09.07.2008 untuk berbincang berkenaan arahan Ketua Pendaftar berkenaan kegunaan bank draft atau kiriman wang sahaja untuk urusan bayaran untuk pemfailan.
- KLBC mengadakan satu perjumpaan dengan Ahli-ahli Parlimen Kuala Lumpur pada 01.07.2008 dan telah membangkitkan beberapa isu berkenaan Skim Tiada Kesalahan Liabiliti (No Fault Liability Scheme), peruntukan kewangan Kerajaan untuk Pusat Bantuan Guaman and beberapa isu-isu alam sekitar.
- KLBC telah bertemu dengan Jawatankuasa Kewangan Majlis Peguam pada 12.09.2008 untuk membincangkan caj pentadbiran yang dikenakan oleh Majlis Peguam terhadap perkhidmatan sekretariat kepada ahli termasuk bayaran yang dikenakan untuk Seminar-seminar Standard dan Pembangunan Profesional dan juga ke atas Kursus dan Peperiksaan



Etika yang agar tinggi, lanjutan dari rungutan ahli-ahli berkenaan caj-caj tersebut. Majlis Peguam telah menurunkan sebahagian caj mereka selepas perjumpaan tersebut.

- KLBC telah membuat satu kunjungan hormat ke atas Ketua Hakim Negara, Presiden Mahkamah Rayuan and Hakim Besar Malaya yang baru pada 11.12.2008. Terdapat banyak isu berbangkit dibincangkan secara tulus dan pertukaran idea yang membuahkan hasil. Ketua Hakim Negara telah mencadangkan mesyuarat diadakan secara tetap, mungkin sekali setiap 3 atau 6 bulan, ianya dengan persetujuan bersama untuk memperbaiki pentadbiran kehakiman. Satu laporan berkenaan mesyuarat tersebut telahpun di edarkan melalui emel dan telah di muatnaik ke laman web Badan Peguam KL.

vii) Garispanduan untuk Award-award bagi Kecederaan Diri

KLBC telah meneruskan usaha untuk mendapatkan kelulusan berkenaan Garispanduan ini yang telah disediakan oleh suatu jawatankuasa kerja yang terdiri dari 6 peguam Kecederaan Diri and 4 Hakim Kanan Mahkamah Sesyen di mana ianya bertujuan untuk menyelaraskan pemberian award-award bagi penyelesaian segera kes-kes kecederaan diri.

KLBC telah membangkitkan hal ini kepada Ketua Hakim Negara, Presiden Mahkamah Rayuan dan Hakim Besar Malaya semasa kunjungan hormat pada 11.12.2008. KLBC telah diberitahu bahawa Hakim Besar Malaya bersedia meluluskan garispanduan dan sedang mengkaji perkara tersebut.

Ketua Hakim Negara dan Hakim Besar Malaya bersedia menjumpa dengan peguam-peguam Kecederaan Diri untuk membincangkan cara-cara mempercepatkan kes-kes kemalangan jalan raya dan peraturan sedang dibuat untuk mengadakan mesyuarat dalam bulan Februari 2009.

viii) Lain-lain Acara

i) Selain dari turut menyertakan acara-acara anjuran Majlis Peguam, KLBC juga turut menyertai acara-acara berikut atas jemputan dari Badan-badan berkenaan:

- **Lembaga Disiplin**

Sesi dialog bersama semua ahli Panel Tribunal Siasatan dan Jawatankuasa Disiplin kawasan tengah untuk mempromosikan kefahaman berkenaan prosedur dan prinsip perundangan yang terlibat dalam pengendalian prosedur-prosedur disiplin.

- **SUHAKAM**

- Pelancaran Laporan dan Forum-forum susulan berkenaan Hak untuk Perbicaraan Segera dan Adil (Mahkamah Sivil dan Jenayah).
- Sesi Dialog dengan Badan-badan Bukan Kerajaan berkenaan Akta Pertubuhan 1966, Imuniti Pihak Berkuasa Tempatan (kes Highland Towers); Klausula Penyingkiran (Ouster Clause); dan Kuasa Menteri untuk menangguhkan pelaksanaan undang-undang atau sebahagian daripada peruntukannya.
- Konferen pada Hari Hak Asasi Manusia Malaysia 2008 bertajuk "Hak Asasi Manusia dan Pentadbiran Keadilan Juvana".
- Sokongan ramai terhadap Memorandum Tuntutan Pemansuhan ISA 1960 yang dimulakan oleh GMI, Dewan Perhimpunan China KL Selangor bersama Majlis Peguam dan beberapa yang lain.

ii) KLBC telah merancang satu lawatan ke Komplek Mahkamah Kuala Lumpur pada 29.10.2008 untuk perwakilan-perwakilan dari Jepun dan negara-negara Asia yang lain yang berada di



Kuala Lumpur untuk menghadiri Konferen 'Access to Justice' yang dianjurkan bersama oleh Persatuan Peguam Persekutuan Jepun dan Majlis Peguam Malaysia. Lawatan dirancang atas permintaan Pengerusi bersama penganjur Konferen tersebut.

ix) Usahasama

• **CrimsonLogic**

Pada 08.08.2008, KLBC telah memasuki suatu kerjasama dengan CrimsonLogic, dimulakan oleh Jawatankuasa Pembangunan Profesional, untuk mengenal dan mempromosikan 'Legal Workbench' kepada ahli Badan Peguam KL dan bagi pihak CrimsonLogic untuk menaja dan memberikan 2 ID pengguna untuk ahli menggunakan 'Legal Workbench' tersebut. Kedua ID pengguna tersebut telahpun dimasukkan ke dalam komputer-komputer yang terdapat di Bilik Peguam di Sayap Kiri, Aras 5, Komplek Mahkamah Kuala Lumpur. Suatu acara mini pelancaran telah diadakan pada 25.08.2008 di Bilik Peguam Sayap Kiri.

• **LexisNexis Malaysia**

KLBC telah sekali lagi bekerjasama dengan LexisNexis untuk menganjurkan acara 'LexisNexis-Badan Peguam KL: Pencarian Harta Karun 2008' dan projek ini telah dilaksanakan oleh Jawatankuasa Sosial, Kesenian dan Kebudayaan. Acara ini diadakan pada 09.08.2008 dan sejumlah RM22,000.00 berjaya dikumpulkan. LexisNexis telah mendermakan bahagiannya sebanyak RM13,200.00 kepada Rumah Philea sementara Badan Peguam KL telah mendermakan bahagiannya sebanyak RM8,800.00 kepada Persatuan Dialisis Touch Petaling Jaya.

Pada 27.08.2008, KLBC telah bekerjasama dengan LexisNexis untuk menerbitkan buku "From Law Student to Lawyer", yang disasarkan untuk pelajar undang-undang tahun akhir di universiti dan kolej. Buku ini sedang ditulis oleh Jawatankuasa Peguam Muda Badan Peguam KL.

• **Hewlett Packard ("HP")**

Jawatankuasa Teknologi Maklumat telah berunding dengan HP dan berjaya mendapatkan tawaran eksklusif untuk pembelian berbagai product HP untuk ahli Badan Peguam KL dan iklan untuk surat berita Badan Peguam KL, Relevan.

x) Malam Amal YLC 2008

Pujian harus diberi kepada Jawatankuasa Peguam Muda atas usaha mereka menjadikan Malam Amal 2008 satu lagi kejayaan dan menjana RM29,430 untuk Persatuan Penjagaan Kanak-Kanak Cacat, Klang.

xi) KL Bench & Bar Get-Together

Pada tahun ini, majlis ini sekali lagi dilaksanakan oleh Jawatankuasa Perhubungan Mahkamah dan telah diadakan pada 17.10.2008 di Rick's Café Casablanca, Bangsar. Satu majlis perpisahan juga diadakan untuk YAA Tun Abdul Hamid dimana hari terakhir beliau bertugas sebagai Ketua Hakim Negara merupakan hari majlis ini diadakan. Majlis tersebut mendapat sambutan yang menggalakkan.

xii) Majlis Makan Malam dan Tari-Menari Tahunan

Jawatankuasa Sosial, Kesenian dan Kebudayaan telah membawakan suasana malam yang penuh keajaiban untuk Majlis Makan Malam dan Tari-Menari pada tahun ini dengan tema 'Magical Fairytales - A Whole New World' pada 29.11.2008 di One World Hotel. Majlis ini dihadiri oleh Presiden Mahkamah Rayuan dan Hakim Besar Malaya antara kenamaan yang turut serta. Kreativiti Jawatankuasa Sosial, Kesenian dan Kebudayaan dalam menghasilkan program cenderamata dalam



bentuk kalender meja dan tiket dalam bentuk penanda buku bagi simpanan para hadirin sebagai tanda mata perlu di beri pujian.

xiii) Pesta Kerjaya Perundangan 2009

Dianjurkan oleh Jawatankuasa Hal Ehwal Pelatih Dalam Kamar, acara ini telah diadakan untuk tahun yang kedua pada 17.01.2009 di Legend Hotel dan penglibatan dari firma-firma guaman amat menggalakkan.

xiv) DVD Berjalan untuk Keadilan dan Diari dan Jurnal Perundangan LawCare Majlis Peguam

KLBC membantu Majlis Peguam dalam penjualan DVD yang merupakan dokumentasi 'Berjalan untuk Keadilan' pada 26.09.2007 dan Diari juga Jurnal Perundangan 2009 untuk menjana kewangan untuk Tabung 'LawCare'. Item-item ini masih boleh diperolehi di Bilik Peguam, di Sayap Kiri, Kompleks Mahkamah Kuala Lumpur dan di Sekretariat Badan Peguam Kuala Lumpur di Tingkat 8, Wisma Kraftangan.

xv) Blog Badan Peguam KL

KLBC melalui Jawatankuasa Teknologi Maklumat telah memulakan satu Blog dengan harapan memberikan ahli-ahlinya suatu cara/tempat untuk menyatakan buah fikiran dan sebagai saluran alternatif bagi KLBC menghubungi ahli-ahli. KLBC ingin menggalakkan semua ahli untuk melawat Blog (klbar.blogspot.com) tersebut dan memberi komen.

xvi) Laman Web Badan Peguam KL

KLBC menyedari keperluan ahli kepada laman web yang lebih berinformasi dan interaktif telah membenarkan cadangan Jawatankuasa Teknologi Maklumat untuk merombak semula laman web Badan Peguam KL. Walau bagaimanapun ianya masih belum dilaksanakan kerana sebutharga yang diterima adalah terlalu mahal kerana hubungkait sistem keahlian dengan laman web tersebut. Jawatankuasa Teknologi Maklumat sedang mencari cara untuk merombak laman web dengan kos yang lebih rendah and berharap ianya boleh terlaksana di penggal yang akan datang.

xvii) Bangunan Badan Peguam KL

Satu jawatankuasa ad-hoc telah dibentuk untuk pembelian bangunan untuk Badan Peguam KL. Beberapa lokasi telah dicadangkan tetapi harganya terlalu tinggi. Jawatankuasa ad-hoc ini sedang melihat kepada 'fire sales' dimana Badan Peguam KL dimaklumkan akan bermula pada bulan Mac atau April 2009 menurut semua laporan hartanah. Oleh itu, carian untuk bangunan diberhentikan buat sementara ini.

xviii) Mesyuarat Jawatankuasa

Sehingga 31.12.2008, Jawatankuasa telah bermesyuarat sebanyak 11 kali dan kehadiran setiap ahli jawatankuasa adalah seperti berikut:-

R Ravindra Kumar	-	11
Brendan Navin Siva	-	11
Anand Ponnudurai	-	11
Datuk N Sivananthan	-	8
Lee Shih	-	11
Dipendra Harshad Rai	-	11
Dahlia Lee Wooi Mien	-	9
Sanjeev Kumar Rasiah	-	10
Lai Chee Hoe	-	11
Richard Wee Thiam Seng	-	10
Abdul Rashid Ismail	-	9
Ravindran Nekoo	-	9
Reggie Wong Mew Sum	-	10



Steven Thiru, wakil ke Majlis Peguam dijemput untuk menghadiri mesyuarat-mesyuarat Jawatankuasa sebagai pemerhati dan juga untuk melaporkan kepada Majlis Peguam tentang perkara-perkara berkaitan apakala penting dan di perlukan. Beliau telah menghadiri 6 mesyuarat kesemuanya dan telah bekerja rapat dengan KLBC.

xix) Kewangan, Yuran dan Pendapatan Bukan-Yuran

Kedudukan kewangan KLBC kekal stabil dengan jumlah RM683,226 dalam Simpanan Tetap dan RM298,821 dalam Akaun Amanah di Amanah Raya Berhad. Perincian bagi kedudukan kewangan adalah di dalam Akaun Teraudit berakhir pada 31.12.2008.

Yuran bagi tahun 2008 dikekalkan pada RM100 di Mesyuarat Agung Tahunan yang lepas pada 21.02.2008. Pada akhir tahun kewangan bagi KLBC pada 31.12.2008, terdapat 165 orang ahli yang masih belum menjelaskan yuran mereka bagi tahun 2008.

KLBC amat perihatin dengan peningkatan tanggungan kewangan ke atas kos dan overhead dan adalah menjadi tanggungjawab KLBC untuk memastikan kewangan Badan ini dikendalikan dengan penuh rasa tanggungjawab dan berhati-hati, pihak Sekretariat telah membuat audit informal ke atas kewangan KLBC. Ini banyak membantu KLBC mengenalpasti bahagian mana yang perlu diperbaiki dari segi kecekapan dan penjimatan kos dan perbelanjaan.

Beberapa langkah untuk mengurangkan perbelanjaan telah dicadangkan dan telah diterimapakai seperti memperkemas Bilik-bilik Peguam di Kompleks Mahkamah Kuala Lumpur dan penghantaran Laporan Tahunan kepada ahli-ahli secara CD Rom. Semua jawatankuasa kecil juga berusaha untuk memastikan aktiviti-aktiviti mereka dapat menjana pendapatan atau meminimakan kos perbelanjaan yang diperlukan.

Ia juga membenarkan KLBC menegaskan kepentingan menjana pendapatan selain dari yuran untuk mengukuhkan lagi kedudukan kewangan KLBC. Berbagai cara dan inisiatif terutamanya yang telah disebutkan dalam laporan ini, telah dilaksanakan untuk menjana pendapatan tersebut.

Pada penggal ini, KLBC telah berjaya memungut sejumlah RM98,376 dari tajaan-tajaan, pengiklanan di laman web dan surat berita, syarahan-syarahan Jawatankuasa Pembangunan Profesional dan Jawatankuasa Hal Ehwal Pelatih Dalam Kamar dan Pesta Kerjaya Perundangan.

C. AKTIVITI-AKTIVITI JAWATANKUASA KECIL

12 jawatankuasa kecil telah ditubuhkan untuk memudahkan organisasi pelbagai aktiviti KLBC dan untuk memenuhi keperluan para ahli. Jawatankuasa-jawatankuasa kecil ini telah diketuai oleh ahli KLBC seperti di bawah:-

- i) Perhubungan Mahkamah Sivil**
Dahlia Lee Wooi Mien
- ii) Amalan Korporat & Konveyansing**
Brendan Navin Siva
- iii) Amalan Jenayah**
Datuk N Sivananthan
- iv) Undang-undang Alam Sekitar**
Sanjeev Kumar Rasiah
- v) Teknologi Maklumat**
Richard Wee Thiam Seng
- vi) Bantuan Guaman**
Ravindran Nekoo



- vii) **Pembangunan Profesional (dahulunya Pendidikan Undang-undang Lanjutan)**
Abdul Rashid Ismail
- viii) **Penerbitan**
Lee Shih
- ix) **Hal Ehwal Pelatih Dalam Kamar**
Reggie Wong Mew Sum
- x) **Sosial, Kesenian dan Kebudayaan**
Lai Chee Hoe
- xi) **Sukan**
Anand Ponnudurai
- xii) **Peguam Muda**
Dipendra Harshad Rai

Laporan-laporan sampingan daripada pelbagai jawatankuasa kecil ini menggambarkan kerja yang telah dilaksanakan oleh mereka.

D. OBITUARI-OBITUARI

Dengan rasa dukacita kami merakamkan peninggalan ahli-ahli Badan Peguam Kuala Lumpur sewaktu tahun kajian semula:

Vinod Roshan Nathan pada 12.03.2008
Dato' Haji Abu Mansor bin Ali pada 02.04.2008
Khoo Eng Chin pada 13.07.2008
T Kuhanandan pada 01.09.2008
Amir bin Nordin pada 15.12.2008

Istiadat "Reference" bagi menghormati dan mengingati ahli-ahli tersebut di atas telah dijadualkan untuk dilangsungkan pada 17.02.2009. Prosiding ini akan dipersidangkan oleh Y.A. Dato' Alizatul Khair bte Osman Khairuddin.

E. SEKRETARIAT

Sekretariat memberi sokongan dan membantu kerja-kerja KLBC dan jawatankuasa-jawatankuasa kecilnya selain dari melaksanakan fungsi-fungsi lazim antaranya seperti menyimpan rekod prosiding mesyuarat, memproses Petisyen Kemasukan Badan Peguam, penyelenggaraan akaun, pendaftaran ahli, Sistem BC Box, pungutan yuran tahunan, sewa BC Box, melayani pertanyaan-pertanyaan daripada ahli-ahli Badan Peguam, pelatih-pelatih dalam kamar dan orang-orang awam, merupakan sebahagian contoh tugas mereka. Dengan kakitangan berjumlah 10 orang (termasuk seorang yang ditempatkan di Bilik Peguam di Kompleks Mahkamah Kuala Lumpur), kakitangan Sekretariat telah bekerja keras untuk memastikan tugas Sekretariat berjalan lancar dan semua projek-projek dan aktiviti-aktiviti 11 jawatankuasa kecil (Bantuan Guaman mempunyai kakitangan sendiri) dapat dilaksanakan dengan sempurna.

Pada 2008, Azura Zakaria, salah seorang Pegawai Eksekutif telah meninggalkan Sekretariat kerana peluang meningkatkan karier beliau. Kekosongan jawatan tersebut telah diisi oleh Norhayati Rahmad pada 28.10.2008. Seorang lagi kakitangan, Thirumahil yang bertempat di Bilik Peguam, Sayap Kanan, Kompleks Mahkamah Kuala Lumpur, juga telah berhenti atas sebab kesihatan. Pihak Jawatankuasa telah membayar kepada beliau wang pampasan yang dikira merujuk Peraturan-Peraturan Kerja (Faedah-Faedah Penamatan dan Hentikerja Sementara) 1980. Jawatankuasa tidak mencari pengganti untuk Thirumahil, tetapi akan menambah kakitangan sokongan di Sekretariat di mana kerja telah meningkat berlipat ganda terutamanya dalam tugas mengemaskini pengkalan data memandangkan hampir keseluruhan notifikasi kepada ahli dari KLBC di hantar melalui emel.



Dua orang kakitangan Sekretariat telah menerima anugerah perkhidmatan jangka panjang pada 01.04.2008; Uvanarajan Sinniah, Pegawai Pentadbiran yang telah berkhidmat selama 20 tahun dan Masni Abu Bakar, Kerani Am, selama 15 tahun.

Di penghujung tahun 2008, keputusan telah dibuat untuk merombak tugas sebahagian kakitangan untuk memperbaiki lagi kerja-kerja sokongan dan pentadbiran kepada KLBC dan jawatankuasa-jawatankuasa kecilnya. Ianya akan bermula dalam penggal yang baru.

F. PENGIKTIRAFAN DAN KESIMPULAN

KLBC mengiktiraf kerjasama dan dialog yang berterusan dengan Badan Kehakiman dan pihak-pihak yang berkaitan. Badan Kehakiman, terutamanya Ketua Hakim Negara, Presiden Mahkamah Rayuan dan Hakim Besar Malaya telah membuka ruang untuk perbincangan bersama dengan KLBC dengan harapan untuk meningkatkan serta memperbaiki pentadbiran keadilan di Mahkamah kita. KLBC amat mengalu-alukan dialog-dialog ini dan bersedia untuk bekerjasama dengan Badan Kehakiman untuk mencapai matlamat ini.

Saya ingin merakamkan penghargaan saya kepada ahli-ahli Badan Peguam KL yang telah membantu sepanjang penggal ini. Sokongan mereka yang berterusan dari segi perwakilan dan nasihat dalam pelaksanaan berbagai aktiviti telah membantu kami menjadi sebuah Badan Peguam yang lebih progresif untuk menghadapi cabaran yang akan datang.

Ia merupakan satu kebanggaan dan penghormatan kepada saya untuk bekerja bersama ahli-ahli KLBC dan jawatankuasa-jawatankuasa kecil mereka. Dedikasi, sokongan dan komitmen mereka tanpa henti mencerminkan masa depan yang baik untuk Badan Peguam KL.

Saya ucapkan ribuan terima kasih kepada Brendan Navin Siva, Setiausaha Kehormat dan Mary Tan, Setiausaha Eksekutif atas dedikasi dan bantuan yang mereka berikan sepanjang penggal terakhir saya memegang jawatan ini. Saya juga berterima kasih kepada semua kakitangan di Sekretariat yang berterusan memberikan perkhidmatan yang cemerlang kepada kita walaupun dengan bilangan ahli-ahli yang semakin meningkat.

Jika ada sebarang kekurangan sepanjang saya memegang jawatan ini, saya menerima dengan penuh tanggungjawab dan memohon timbangrasa ahli-ahli.

Saya mengucapkan selamat maju jaya kepada Jawatankuasa yang akan datang dan saya yakin mereka akan terus berusaha dan memberi khidmat kepada semua ahli sebaik mungkin.

R Ravindra Kumar

Pengerusi

Jawatankuasa Peguam KL 2008/09

**Pengerusi**

Dahlia Lee Wooi Mien

Naib Pengerusi

Andrew Teh

Ahli-ahli Jawatankuasa

Annou A Xavier

Yap Lai Lian

Arthur Wang

Harjinder Singh

Robert Low

Habizan Rahman

Selva Rani Thiyagarajan

R Ragunathanan

Mahendran Gnasamoothy

Shamsul Bahrin Abdul Manaf

Jawatankuasa Perhubungan Mahkamah Sivil

Penggal 2008/2009 bermula dengan baik memandangkan Jawatankuasa Perhubungan Mahkamah Sivil telah dapat mengadakan perjumpaan dengan Badan Kehakiman Mahkamah Rendah dan kedua-dua Bahagian Sivil dan Dagang Mahkamah Tinggi pada pertengahan penggal bagi membincangkan dan menyusul berbagai-bagai perkara berkaitan dengan pentadbiran dan pengurusan sama ada yang baru mahupun yang dibawa ke hadapan daripada penggal yang lalu. Di antara perkara-perkara yang dibincangkan termasuklah standardisasi format untuk perintah/penghakiman, pemakluman awal tentang pegawai-pegawai kehakiman yang bercuti, pembekalan senarai kausa yang tepat pada waktunya, prosidur untuk carian fail, penyeragaman amalan dan lain-lain lagi. Perjumpaan yang telah diadakan adalah seperti berikut:

- Perjumpaan rasmi dengan Hakim-hakim Mahkamah Sesyen, Pendaftar-pendaftar dan Hakim Kanan telah berlangsung pada 15.04.2008, 22.05.2008 dan 27.06.2008. Di samping itu, beberapa perjumpaan dan perbincangan tidak rasmi juga telah diadakan dengan Hakim Kanan Mahkamah Rendah yang bertanggungjawab ke atas pentadbiran Kompleks Mahkamah untuk membincangkan masalah-masalah yang berkaitan dengan tempat letak kereta dalaman untuk ahli-ahli, keselamatan tempat meletak kereta, kemasukan ke zon menurunkan penumpang, perletakan papan notis Jawatankuasa Peguam Kuala Lumpur di Kompleks Mahkamah, pengurusan kafetaria, kawasan merokok, penggunaan lif-lif dan berbagai-bagai lagi. Perjumpaan-perjumpaan ini ada masanya turut disertai oleh sub ketua jawatankuasa bertindak yang bertanggungjawab tentang aspek pentadbiran yang berlainan.
- Perjumpaan dengan Yang Arif Datuk Abdul Wahab Patail selaku Ketua Bahagian Sivil Mahkamah Tinggi dengan semua Pendaftar di Bahagian Sivil pada 06.06.2008.
- Perjumpaan dengan Yang Arif Dato' T. Selventhiranathan selaku Ketua Bahagian Dagang Mahkamah Tinggi dengan semua Pendaftar di Bahagian Dagang pada 30.05.2008.
- Perjumpaan dengan dua (2) orang Hakim di Bahagian Rayuan dan Kuasa-kuasa Khas iaitu Yang Arif Datuk Abdul Kadir Musa dan Yang Arif Puan Lau Bee Lan pada 05.06.2008 bagi membincangkan masalah tarikh pendengaran rayuan yang panjang, kekurangan Hakim dan sebagainya.
- Perjumpaan dengan Pendaftar Bahagian Surat Kuasa Wakil di Mahkamah Tinggi pada 04.07.2008 di mana masalah tentang pemulangan Surat Kuasa Wakil yang dikemukakan untuk pendaftaran telah dibincangkan dan diatasi. Berikutan daripada maklum balas yang diterima dari pejabat pendaftaran tersebut bahawa pendaftaran Surat Kuasa Wakil sering ditolak kerana kecacatan-kecacatan pada dokumen yang hendak difailkan, satu ceramah dan sesi dialog di antara Pendaftar



Bahagian berkenaan dengan wakil-wakil ahli telah diaturkan pada 19.02.2009.

- Satu perjumpaan susulan dengan Jabatan Insolvensi Malaysia di Putrajaya pada 06.05.2008 dengan dihadiri oleh semua ketua jabatan Jabatan tersebut.

Minit mesyuarat-mesyuarat tersebut telahpun diedarkan kepada ahli-ahli melalui e-mel dan diposkan ke laman web Badan Peguam Kuala Lumpur.

Jawatankuasa Perhubungan Mahkamah juga telah memberikan komitmen untuk bekerjasama dengan lebih erat lagi dengan rakan sekerja mereka di Jawatankuasa Peguam Selangor. Ekoran daripada itu, Jawatankuasa Perhubungan Mahkamah kita telah menghadiri satu perjumpaan yang diaturkan oleh Jawatankuasa Peguam Selangor dengan Badan Kehakiman di Mahkamah Tinggi Shah Alam untuk mengemukakan masalah berpanjangan para ahli iaitu kekurangan Hakim Mahkamah Sivil, tempoh masa yang lama untuk mengekstrak kertas kausa dan lain-lain lagi.

Pada bulan September 2008, perhatian Jawatankuasa Perhubungan Mahkamah lebih tertumpu kepada pengelolaan Majlis Perjumpaan Tahunan Badan Kehakiman dan Badan Peguam Kuala Lumpur ("Annual Bench & Bar Get-Together") yang telah dijalankan dengan jayanya pada 17.10.2008 di Rick's Cafe di Bangsar walaupun hujan telah turun dengan lebatnya 2 jam sebelum majlis bermula. Majlis tersebut telah dihadiri oleh lebih daripada 200 orang ahli Badan Peguam Kuala Lumpur. Majlis tersebut yang secara kebetulannya diadakan pada hari terakhir tempoh jawatan bekas Ketua Hakim, Yang Amat Arif Tun Hamid juga merangkap sebagai majlis perpisahan buat beliau.

Perjumpaan kali ke-2 dengan Badan Kehakiman telah dirangka lewat tahun lalu memandangkan perantikan Ketua Hakim Negara yang baru masih belum dibuat pada masa itu dan satu rombakan Badan Kehakiman dijangkakan akan dibuat dengan perantikan Hakim-hakim baru. Beberapa percubaan untuk mengadakan perjumpaan dengan Mahkamah Keluarga untuk menyusul perkara-perkara yang telah dibincangkan dalam bulan Januari 2008 juga tidak berhasil kerana seorang Hakim baru telah mengambil-alih Mahkamah berkenaan. Sehingga ke tarikh laporan ini disediakan, satu tarikh perjumpaan masih belum dapat ditetapkan.

Lain-lain isu tertangguh yang harus dibawa ke hadapan untuk ditangani oleh Jawatankuasa Perhubungan Mahkamah yang baru termasuklah meningkatkan tahap keselamatan di tempat letak kereta di luar Kompleks Mahkamah (beberapa kejadian pecah kereta telah berlaku ke atas kereta milik beberapa orang ahli. Kejadian ini telah dibawa ke perhatian anggota polis yang bertugas di kawasan tersebut dan sedang menunggu hasil keputusan tinjauan yang dilakukan oleh pihak polis), isu kekurangan tempat letak kereta untuk ahli di perkarangan Kompleks Mahkamah sendiri (cadangan telah dikemukakan kepada Badan Kehakiman dan Menteri yang bertanggungjawab untuk membina tempat letak kereta bertingkat di perkarangan Mahkamah), prosidur carian fail dan lain-lain lagi. Berdasarkan kepada hubungan baik yang sedia ada dengan Badan Kehakiman, adalah diharapkan isu-isu ini akan dapat diselesaikan dalam waktu terdekat.

Adalah jelas jurang pemisah yang wujud di antara Badan Kehakiman dengan Badan Peguam sebelum daripada ini telah dapat diatasi dan rujukan nasihat dengan Jawatankuasa Peguam Kuala Lumpur sebelum pelaksanaan beberapa program dan prosidur kini sudah menjadi satu kebiasaan.

Sempena tahun yang baru ini, banyak perkembangan dan program yang memberangsangkan telah diatur dan ingin dilaksanakan khasnya dengan suntikan semangat yang diketuai oleh Ketua Hakim Negara yang baru, Tan Sri Dato' Seri Zaki bin Tun Azmi, dan Hakim Besar Malaya, Dato' Ariffin bin Zakaria, yang berazam untuk menyelesaikan kes-kes yang tertangguh dan memperbaiki sistem kehakiman. Di antara usaha yang paling ketara ialah dengan pembentukan lebih banyak mahkamah di Bahagian Rayuan/Perkara-Perkara Pelbagai dan Bahagian Dagang di Mahkamah Tinggi di Kuala Lumpur. Jumlah Mahkamah Sivil di Mahkamah Tinggi di Shah Alam juga akan ditambah di samping merombak semula sistem Mahkamah dan pemprosesan dengan membahagikan Mahkamah kepada Mahkamah yang mengendalikan kes-kes bicara penuh dan yang mendengar permohonan interlokutori.

Di antara peristiwa yang bakal ditunggu-tunggu ialah pembentukan E-Mahkamah yang antara lain termasuk memperkenalkan satu kaedah baru untuk merekodkan nota prosiding yang dikenali sebagai transkripsi rakaman mahkamah ("court-recording transcription") (CRT), e-filing kertas kausa dan dituruti dengan pindaan-pindaan sewajarnya terhadap Kaedah-kaedah Mahkamah dan lain-lain lagi. Oleh yang demikian, Jawatankuasa Perhubungan Mahkamah baru untuk tahun 2009/2010 kelak akan memikul tugas dan aktiviti yang lebih berat dengan memainkan peranan utama sebagai penghubung di antara Badan Kehakiman dengan Badan Peguam dalam era baru sistem Mahkamah.



Sebagai mengakhiri laporan ini, saya ingin merakamkan setinggi-tinggi penghargaan kepada semua ahli Jawatankuasa Perhubungan Mahkamah saya terutamanya timbalan saya Andrew Teh, Arthur Wang, Harjinder Singh, Robert Low, Lai Lian, Annou Xavier, Selva Rani dan Ragunanthanan di atas sokongan padu yang mereka berikan dan sumbangan mereka yang tidak ternilai yang melangkaui tuntutan tugas dan jawatan mereka sepanjang tempoh jawatan saya. Ikhlas saya katakan, ucapan terima kasih sahaja tidak memadai untuk apa yang telah anda semua berikan. Sepanjang bekerja dengan anda semua telah memberikan saya satu pengalaman yang manis dan bermakna. Tanpa anda siapalah saya.

Tidak lupa juga saya ingin merakamkan ucapan terima kasih saya yang tidak terhingga kepada orang-orang kuat di belakang tabir iaitu Mary Tan dan dua (2) orang eksekutif Azura dan Norhayati yang telah banyak membantu saya dan sentiasa bersedia memberikan khidmat mereka pada bila-bila masa tanpa rungutan. Bakti anda akan saya kenang selagi hayat dikandung badan.

Akhir sekali saya juga ingin mengambil kesempatan untuk mengucapkan ribuan terima kasih kepada Tuan Pengerusi, Encik Ravindra Kumar, yang banyak memberikan sokongan dan dorongan kepada saya untuk meneruskan perjuangan dalam masa-masa sukar dan yang penting sekali, beliau tidak pernah jemu di dalam usahanya untuk membentuk dan menjalin hubungan yang baik dengan Badan Kehakiman yang telah menampakkan kejayaan.

Dahlia W.M. Lee

Pengerusi

Jawatankuasa Perhubungan Mahkamah Sivil

**Pengerusi**

Brendan Navin Siva

Ahli-ahli Jawatankuasa

Rita Sabrina Wong Kee Ling

Chong Wai Kuan

Noor Arianti Osman

Agnes Chan

Sudharsanan Thillainathan

Suzanne Tang

Kalathevy Sivagnanam

Jeremiah R Gurusamy

Ong Theng Soon

Jawatankuasa Amalan Korporat dan Konveyansing

Jawatankuasa Amalan Korporat dan Konveyansing telah mengenalpasti yang berikut sebagai fokus bagi penggal 2008/2009 - (i) mengenalpasti dan menyelesaikan isu-isu dan aduan-aduan ahli Badan Peguam Kuala Lumpur di dalam aspek Korporat dan Konveyansing; dan (ii) mengenalpasti dan melaksanakan langkah-langkah untuk meningkatkan dan membantu ahli Badan Peguam Kuala Lumpur di dalam menyempurnakan fungsi mereka sebagai peguamcara di dalam bidang Korporat dan Konveyansing di dalam bentuk yang profesional, efisien dan patuh masa.

Pada permulaan penggal, Jawatankuasa Amalan Korporat dan Konveyansing telah menyediakan dan mengeluarkan suatu borang survey berkenaan dengan masalah-masalah yang dihadapi oleh ahli Badan Peguam Kuala Lumpur di dalam perkara korporat dan konveyansing, khususnya di dalam hubungan mereka dengan pejabat-pejabat tanah dan badan-badan kerajaan yang lain. Semua aduan dan maklumbalas yang diterima telah diteliti dan dibangkitkan dengan badan-badan yang berkenaan.

Suatu mesyuarat telah diadakan pada 26.06.2008 antara Jawatankuasa Amalan Korporat dan Konveyansing dan Encik Zainuddin bin Tala, Pengarah Pejabat Tanah dan Galian Wilayah Persekutuan Kuala Lumpur ("WLO") dan beberapa pegawai WLO untuk membincangkan isu-isu yang dihadapi oleh Badan Peguam. Antara isu-isu yang dibincangkan termasuk kaedah bayaran cukai pintu, penyelarasan kaunter kutipan, permulaan system biometrik, dokumen yang diperlukan untuk presentasi, kaedah pengakusaksian oleh peguam, penyampaian proses undang-undang dan penolakan dokumen-dokumen. Minit-minit mesyuarat tersebut telah disampaikan kepada ahli-ahli melalui e-mel dan boleh diperolehi di laman web.

Jawatankuasa Amalan Korporat dan Konveyansing juga berusaha untuk meningkatkan hubungan dan komunikasi dengan WLO. Perkembangan di dalam WLO kini dikemukakan kepada Jawatankuasa Amalan Korporat dan Konveyansing di dalam masa yang singkat untuk dimajukan kepada ahli Badan Peguam.

Penggal ini, Jawatankuasa Amalan Korporat dan Konveyansing juga telah menjalinkan hubungan lebih erat dengan Jawatankuasa Amalan Konveyansing Selangor. Oleh kerana kebanyakan ahli Badan Peguam Kuala Lumpur juga mempunyai urusan dengan pihak berkuasa di negeri Selangor, adalah penting ahli Badan Peguam Kuala Lumpur menerima apa-apa maklumat perkembangan di pejabat-pejabat tanah dan badan-badan kerajaan di Selangor dan agar isu-isu yang dihadapi oleh ahli Badan Peguam Kuala Lumpur dibangkitkan di dalam mesyuarat-mesyuarat dengan pihak-pihak berkenaan. Beberapa ahli Jawatankuasa Amalan Korporat dan Konveyansing telah menghadiri mesyuarat-mesyuarat di pejabat-pejabat tanah dan badan-badan kerajaan di Selangor bila mesyuarat-mesyuarat tersebut diadakan oleh Jawatankuasa Amalan Konveyansing Selangor.

Pada masa penyediaan laporan ini, Jawatankuasa Amalan Korporat dan Konveyansing berhasrat menganjurkan suatu forum untuk



membincangkan Perintah Saraan Peguamcara dan penguatkuasaannya. Jawatankuasa Amalan Korporat dan Konveyansing berhasrat menjemput pihak-pihak dari Jawatankuasa Konveyansing Majlis Peguam untuk membincangkan aspek-aspek penguatkuasaan Perintah Saraan Peguamcara.

Saya ingin mengambil kesempatan ini untuk merakamkan terima kasih dan penghargaan saya kepada ahli-ahli Jawatankuasa Amalan Korporat dan Konveyansing atas sumbangan masa dan tenaga mereka sepanjang penggal ini.

Brendan Navin Siva

Pengerusi

Jawatankuasa Amalan Korporat dan Konveyansing



Pengerusi

Datuk N Sivananthan

Naib Pengerusi

Abd Shukor Bin Ahmad

Ahli-ahli Jawatankuasa

Suresh Thanabalasingam

Bernard Francis

Venkateswari Alagendra

Saha Deva Arunasalam

Sivaruben R Balasekaran

Ken Yong Chie Man

Mohd Zaharudeen Harun

Lee Teong Hooi

Saranjeet Kaur Sidhu

G Nanda Goban

Jawatankuasa Amalan Jenayah

Jawatankuasa Amalan Jenayah (“Criminal Practice Committee”) (“CPC”) ditubuhkan dengan matlamat utama untuk memastikan kewujudan badan yang memberi tumpuan khusus kepada isu-isu berhubung dengan ahli-ahli Badan Peguam Kuala Lumpur dan badan lain yang terlibat dalam amalan undang-undang jenayah.

Tahun ini CPC terlibat dalam beberapa aktiviti seperti berikut:-

GAMBARAN KESELURUHAN

CPC telah 6 kali mengadakan mesyuarat sejak memegang jawatan dan telah mengatur pertemuan secara tetap dengan Hakim Kanan yang bertanggungjawab bagi Bahagian Jenayah Mahkamah Rendah Kuala Lumpur berhubung dengan hal-hal berkaitan dengan pentadbiran Keadilan Jenayah di Kuala Lumpur yang antara lainnya termasuk:-

1. Majistret dan Hakim harus hadir sebelum pukul 9.30 pagi dan menguruskan kes mereka agar pihak-pihak tidak perlu menunggu sehingga tengah hari untuk mengetahui sama ada sesuatu perkara akan diteruskan dan bagi perbicaraan pula, masa khusus harus diberikan kepada pihak-pihak untuk kembali ke Mahkamah;
2. Pihak Pendakwaan seharusnya dapat memaklumkan Mahkamah tentang status perkara pada pukul 9.30 pagi dan kes tidak sepatutnya ditangguhkan untuk membolehkan pihak pendakwaan memeriksa status saksi dll kerana ini sepatutnya dilakukan sebelum itu;
3. Memastikan adanya sistem yang ketat di mana semua saksi hendaklah hadir untuk cuba memastikan bahawa sebaik sahaja perbicaraan dimulakan, ia dapat diselesaikan dengan wajar;
4. Mewujudkan pendekatan bersama terhadap keperluan Seksyen 51A Kanun Prosedur Jenayah untuk memastikan dokumen diberikan sebelum perbicaraan di mana perkara belum dimulakan, dan bagi perkara sambung bicara, hendaklah dipastikan bahawa dokumen diberikan sebelum tarikh perbicaraan seterusnya. Kegagalan berbuat demikian akan mengakibatkan dokumen tersebut tidak boleh dikemukakan; dan
5. Memaklumkan para peguam terlebih dahulu sekiranya Hakim tiada agar para peguam dapat meneruskan dengan perkara lain.

CPC turut mengadakan mesyuarat dengan Ketua Pendakwan, Kuala Lumpur, Pegawai Penjaga Pendakwaan Jenayah, Kuala Lumpur dan Pegawai Penjaga Bahagian Pendakwaan Mahkamah Rendah.

Dari semasa ke semasa, CPC turut mengambil pendirian tegas tentang isu kepentingan awam dan kenyataannya telah diberikan liputan



dalam media. CPC berharap dapat menganjurkan forum untuk membincangkan perkara yang menarik minat pengamal jenayah di mana CPC berharap wakil-wakil daripada Badan Kehakiman, pihak Pendakwaan, Polis, Badan Peguam dan Jabatan Peguam Negara di Putrajaya dapat hadir supaya masalah dapat sama-sama diselesaikan.

FORUM TENTANG UNDANG-UNDANG PENCEGAHAN

CPC juga berjaya menganjurkan Forum bertajuk “**Preventive Laws – Past, Present & Future**” pada hari Sabtu, 28.06.2008. Forum ini diadakan di Auditorium Tun Mohamed Suffian, Fakulti Undang-undang, Universiti Malaya bermula pukul 9.00 pagi. Forum tersebut antara lainnya membincangkan pelbagai jenis undang-undang pencegahan yang wujud di negara ini, iaitu ISA, Ordinan Kecemasan dan Undang-undang Pencegahan Dadah. Forum turut membuka peluang untuk mengupas sebab-sebab mengapa undang-undang pencegahan diperkenalkan, bagaimana undang-undang ini kini digunakan, pelindung yang wujud (jika ada) dan haluan di masa hadapan.

Penceramah di Forum tersebut adalah Dato’ Muhammad Shafee Abdullah dalam kapasiti beliau sebagai Pesuruhjaya Suhakam, Professor Dr. Shad Saleem Faruqi, ahli akademik terkenal yang sering memberi ulasan dalam bidang undang-undang ini dan Encik M.M. Athimulan, seorang peguam terkemuka dalam bidang undang-undang pencegahan. Menteri dalam Negeri, Y.B. Dato’ Seri Syed Hamid Albar turut dijemput tetapi tidak hadir.

Forum tersebut mendapat sambutan menggalakkan dan banyak mengutarakan maklumat berguna. Para peserta yang hadir semuanya bersetuju bahawa mereka kini mempunyai pemahaman yang lebih mendalam tentang bidang ini dan banyak soalan yang diajukan yang kemudiannya diberikan penjelasan terperinci oleh para penceramah.

MESYUARAT DENGAN HAKIM-HAKIM BAHAGIAN JENAYAH, MAHKAMAH TINGGI, KUALA LUMPUR

Mesyuarat ini dihadiri oleh kesemua 5 orang Hakim Mahkamah Tinggi, Pendaftar mereka masing-masing dan wakil-wakil daripada CPC, Jawatankuasa Undang-undang Jenayah Majlis Peguam dan Unit Pendakwaan Kuala Lumpur.

Isu-isu berikut telah dibincangkan:-

Isu No. 1

Situasi semasa di mana tarikh perbicaraan yang diberikan hampir mencecah 15 bulan kemudiannya atau lebih lama daripada itu dan sama ada sistem di mana dua kes dikendalikan secara selari boleh diperkenalkan, satu di waktu pagi dan satu di waktu petang.

Rasional bagi cadangan Badan Peguam adalah demi mengurangkan tempoh masa reman dan agar kes-kes dapat diselesaikan dengan lebih pantas dan cekap. Namun, Hakim-hakim yang hadir (Mahkamah) dan Jabatan Peguam Negara (JPN) berkongsi pandangan bahawa sistem yang dicadangkan iaitu mengendalikan dua kes secara selari mungkin tidak berdaya maju atas sebab-sebab berikut:

1. Tempoh kes sukar dianggarkan. Bergantung kepada pelbagai faktor luaran, tempoh kes mungkin mengambil masa lebih lama daripada yang dijangka.
2. Jika dua kes berbeza dijadualkan pada hari yang sama, kemungkinan besar kes pertama yang dijadualkan akan menjadi kes sambung bicara. Mahkamah khususnya menekankan bahawa mereka inginkan kes diselesaikan dalam satu sesi perbicaraan dan tidak menjadi kes sambung bicara.
3. DPP yang ditugaskan untuk kes kini benar-benar tidak mencukupi. Pada masa ini hanya 2 DPP ditugaskan bagi setiap Mahkamah dan DPP ini biasanya mengendalikan lebih daripada 1 kes di Mahkamah yang sama.
4. Masalah logistik:-
 - a) Lantaran kekurangan tenaga kerja, DPP yang sama mungkin mengendalikan kes lain di Mahkamah yang berbeza; dan
 - b) Kesukaran memastikan saksi siap sedia kerana mereka mungkin terpaksa hadir dalam lebih daripada 1 kes di Mahkamah yang berbeza. Misalnya saksi penting seperti Ahli Kimia mungkin dikehendaki



hadir dalam beberapa perbicaraan yang ditetapkan pada hari yang sama.

5. Di samping perbicaraan, Mahkamah turut mendengar perkara lain yang ditetapkan untuk hari tersebut, misalnya rayuan.
6. Kes yang ditugaskan oleh Mahkamah - kini terdapat 55 kes yang perlu ditugaskan, dan oleh itu penetapan perbicaraan akan bergantung kepada ketersediaan Peguam.

Cadangan ini mungkin tidak berdaya maju pada masa ini. Namun Mahkamah mengesahkan bahawa tarikh perbicaraan yang ditetapkan hingga kini jatuh dalam tahun 2009 dan meyakinkan pihak-pihak bahawa Mahkamah memang sentiasa mengambil kira tempoh reman semasa menetapkan tarikh. Mahkamah turut mempelawa peguam agar menarik perhatian Mahkamah sekiranya tarikh perbicaraan terlalu lewat dan mereka akan berusaha sedaya-upaya untuk menjadualkannya semula ke tarikh lebih awal agar tempoh reman tidak terlalu lama.

Isu No. 2

Memastikan adanya sistem yang ketat di mana semua saksi dikehendaki hadir. Ini dapat memastikan bahawa sebaik sahaja perbicaraan bermula, perbicaraan tersebut dapat diselesaikan dengan pantas dan cekap, iaitu sehingga penghujung kes Pendakwaan.

Pihak-pihak menyetujui cadangan ini sepenuhnya, tetapi mengakui kesukaran yang lazim dihadapi dalam mendapatkan saksi/memastikan kehadiran mereka di Mahkamah atas sebab-sebab berikut:-

1. Ahli kimia kerajaan dalam banyak kes-kes ini berada di luar negara dan pihak Pendakwaan terpaksa menunggu masa yang sesuai agar beliau dapat kembali memberikan keterangan.
2. Sikap acuh tak acuh Pegawai Penyiasat (IO) di Kuala Lumpur:
 - Saksi tidak sedia/tidak ada
 - Tertuduh tidak hadir di Mahkamah
 - Ekshibit atau "barang kes" tidak sedia/tidak ada
 - IO tidak sedia/tidak ada - terlibat dalam perkara lain/di Mahkamah lain.
3. Jika saksi tidak sedia, Mahkamah Tinggi tidak harus memberikan DNAA disebabkan sifat dan tahap serius tuduhan yang terbabit.

Justeru itu, langkah berikut dicadangkan oleh Mahkamah untuk memastikan kes Pendakwaan dapat diselesaikan pada satu sesi perbicaraan:

1. Pihak Pendakwaan, khususnya bagi kes dadah, hendaklah sebaik mungkin memastikan saksi sedia untuk meneruskan kes.
2. Badan Peguam hendaklah menangani sikap IO yang tidak bekerjasama kerana ini menghambat penyelesaian kes. Badan Peguam diminta menulis kepada Bahagian Penyiasatan Jenayah (CID), PDRM dan menyerlahkan isu ini, dan sesalinan hendaklah dihantar kepada Hakim Jenayah Kanan Mahkamah Tinggi.
3. Pihak pendakwaan/pembelaan tidak boleh memohon penangguhan dengan sewenang-wenangnya, tetapi hanya dalam hal keadaan penting. Mahkamah diberi arahan untuk menangani permintaan bagi penangguhan dengan serius, kerana penangguhan secara langsung menghalang pengendalian kes dengan lancar dan oleh itu mengakibatkan lantukan ('backlog').

Isu No. 3

Sama ada senarai peguam yang sanggup hadir dengan notis singkat dapat disusun supaya jika mana-mana perkara tidak diteruskan atau tuduhan dipinda, kes lain dapat dimasukkan. Secara alternatif, agar pengurusan kes dapat dilaksanakan di mana perkara dipanggil di hadapan Pendaftar sebulan sebelum perbicaraan dimulakan.



Senarai peguam yang sedia hadir dengan notis singkat

Pihak-pihak bersetuju dengan cadangan ini tetapi Mahkamah mengingatkan peguam agar berhati-hati supaya tidak menerima kes pada tarikh mereka terpaksa mengendalikan kes di tempat lain. Majlis Peguam diminta mengeluarkan Pekeliling kepada ahli Badan Peguam dan menyusun senarai ahli yang sedia menghadiri Mahkamah dengan notis singkat. Senarai ini hendaklah dihantar kepada Mahkamah kelak.

Pengurusan Kes

Badan Peguam benar-benar menggalakkan cadangan ini kerana Pengurusan Kes bukan sahaja dapat mengurangkan berlakunya 'false-starts' yang keterlaluan tetapi juga dapat memantau persediaan kes oleh pihak-pihak dan oleh itu membantu mengelakkan kelewatan yang tidak wajar.

Pihak-pihak membincangkan dan mengakui manfaat pelaksanaan Pengurusan Kes seperti berikut:-

1. Di mana tuduhan dipinda, pihak Pendakwaan/Pembelaan boleh mengesahkan dan memaklumkan Mahkamah dengan awal agar tarikh perbicaraan dapat dibawa ke hadapan untuk merekodkan pengakuan.

Tentang masa makluman, Mahkamah menggesa pihak-pihak agar memberikan kerjasama penuh untuk memaklumkan Mahkamah secepat mungkin kerana seminggu sebelumnya pun mungkin tidak memadai bagi Mahkamah untuk memanggil dan memasukkan kes lain.

- Memang diakui yang kelewatan untuk memaklumkan Mahkamah sebahagian besarnya adalah kerana semua keputusan tentang representasi pada masa ini dibuat oleh Ketua Unit Pendakwaan, JPN di Putrajaya dan Unit Pendakwaan biasanya menerima arahan 1 minggu, dan kadang kala malah 1 hari sebelum perbicaraan.
- Cadangan berikut diutarakan untuk menangani isu kelewatan:
 - (i) Menambah kekerapan sistem semakan semula yang diguna pakai oleh Jabatan Peguam Negara, di mana IP dipanggil setiap beberapa bulan sekali untuk semakan semula oleh Ketua Pendakwaan.
 - (ii) Pihak Pendakwaan harus bersikap lebih proaktif untuk menawarkan pindaan meskipun tidak dibangkitkan terlebih dahulu oleh pihak pembelaan. Pihak pendakwaan mesti bertindak dengan tujuan menyelesaikan kes dengan cara yang paling berkesan dan pantas yang mungkin.
 - (iii) JPN harus kembali semula kepada sistem sebelum ini di mana kuasa untuk membuat keputusan tentang representasi diberikan kepada Unit Pendakwaan Negeri.

Meskipun masalah pentadbiran yang wujud, Mahkamah menasihatkan pihak Pendakwaan/Pembelaan agar mengekalkan komunikasi yang terang dan terbuka sebaik sahaja wujudnya kemungkinan pindaan tuduhan akan dibuat. Kebiasaannya, tertuduh lebih cenderung mengaku bersalah terhadap tuduhan terpinda yang lebih ringan, dan ini dapat menghalang perbicaraan yang berpanjangan dan justeru itu mengurangkan lantukan.

2. Pengurusan Kes dapat memastikan pembekalan dokumen di bawah Seksyen 51A Kanun Prosedur Jenayah dipatuhi sebelum permulaan perbicaraan.
3. Ketersediaan saksi dapat disahkan.

Persetujuan dicapai untuk melaksanakan Pengurusan Kes sekurang-kurangnya (1) bulan sebelum permulaan perbicaraan yang akan didengar di hadapan TP/Hakim tertakluk kepada syarat berikut:-

1. Pembelaan hendaklah bersikap proaktif dan dengan serta-merta memaklumkan arahan anakguam tentang pendiriannya jika tuduhan dipinda.



2. Pihak pendakwaan hendaklah mewujudkan prosedur kawalan piawai ('standard operating procedure') (SOP) di mana representasi akan ditangani dengan serta-merta. DPP yang terlibat harus bersedia proaktif dan meminta keputusan segera Ketua Pendakwaan, dengan memberi taklimat kepada beliau secara peribadi, jika perlu dan bukannya bergantung kepada surat-menyurat sahaja.

Isu No. 4

Mengadakan sistem bersama dalam kesemua 5 Mahkamah agar masa dapat digunakan atas dasar optimum dan tempoh menunggu bagi penerusan kes dapat dikurangkan. Juga memastikan Pihak Pendakwaan dan Pembelaan memaklumkan Mahkamah dengan segera sekiranya tuduhan dipinda yang membawa kepada pengakuan bersalah agar perkara lain dapat dibawa ke hadapan. Lihat cadangan pengurusan kes di atas.

Perkara ini telah dipersetujui.

Isu No. 5

Menghasilkan pendekatan bersama terhadap keperluan Seksyen 51A Kanun Prosedur Jenayah untuk memastikan dokumen diberikan sebelum perbicaraan di mana perkara belum dimulakan. Bagi perkara sambung bicara sebelum pindaan, hendaklah dipastikan dokumen diberikan sebelum tarikh perbicaraan seterusnya. Kegagalan berbuat demikian akan mengakibatkan dokumen tidak diterima sebagai bukti.

Ini dipersetujui pada prinsipnya tertakluk kepada isu kebolehterimaan diputuskan oleh Mahkamah yang terlibat.

Tentang soalan Mahkamah mengapa dokumen tidak dapat disediakan dalam masa 3 minggu seperti yang dipersetujui antara JPN dan Badan Peguam, pihak Pendakwaan memaklumkan seperti berikut:-

- Dokumen kadang kala tertangguh disebabkan isu pembayaran, yang masih dipertikaikan.
- Apabila ada perubahan Peguam, bekas Peguam tidak menyerahkan dokumen kepada peguam yang baru dilantik.
- Di mana dokumen diberikan kepada Tertuduh yang tidak diwakili yang kemudiannya melantik Peguam, Peguamnya memohon semula dokumen yang sama.

Pihak pendakwaan mengesahkan bahawa dalam hampir semua kes di Mahkamah Tinggi, peraturan 3-minggu ini dapat dipatuhi. Tahap kepatuhan sedemikian tidak dapat dilaksanakan di Mahkamah Rendah, tetapi mereka sedang berusaha sedaya upaya untuk mematuhi.

Pihak Pendakwaan/Pembelaan hendaklah melaksanakan sistem yang dapat dilaksanakan sewajarnya demi memastikan kepatuhan dengan Seksyen 51A dan Badan Peguam hendaklah menasihatkan ahlinya agar tidak membuat permohonan berkali-kali bagi dokumen.

Isu No. 6

Untuk memaklumkan peguam terlebih dahulu sekiranya Hakim tiada supaya peguam dapat meneruskan dengan perkara lain.

Ini telah dipersetujui.

Isu No. 7

Mengeluarkan sepina bagi saksi-saksi Pembelaan semasa kes Pendakwaan bagi tujuan pengenalpastian.

Cadangan ini penting bagi manfaat Pembelaan semasa kes Pendakwaan. Tidak ada prejudis yang akan diakibatkan kerana ini hanyalah bagi tujuan pengenalpastian. CPC meminta kerjasama Mahkamah agar membenarkan permohonan bagi sepina dalam situasi sedemikian. Mahkamah bersetuju tetapi meminta pihak Pendakwaan agar tidak membuat bantahan yang tidak munasabah. Pihak-pihak diingatkan bahawa mereka harus bersedia telus dan bekerjasama kerana semua pihak ingin memainkan peranan dalam melaksanakan keadilan.



Mahkamah bersetuju dengan syarat butir-butir saksi yang terlibat diberikan oleh Pembelaan terdahulu, untuk membantu Mahkamah melaksanakan penyampaian sepina dan pegawai Pejabat Pendaftaran Mahkamah Tinggi yang hadir diminta mengambil perhatian tentang perkara ini dan membantu memproses sepina tanpa apa-apa kelewatan.

Isu No. 8

Untuk mengesahkan sama ada terdapat arahan yang bermaksud bahawa kes sambung bicara akan diberi keutamaan dan bahawa kes baru tidak akan dimulakan sehingga semua kes sambung bicara diselesaikan.

Keputusan dibuat bahawa secara amnya, kes sambung bicara akan diberi keutamaan berbanding kes baru, bagi manfaat Tertuduh dan pada masa ini kes-kes ini memang ditetapkan sedemikian.

Am

Isu-isu yang dibangkitkan oleh Mahkamah

1. Peguam yang menyebut bagi pihak harus benar-benar bersedia

Mahkamah menekankan kembali bahawa:

- Peguam harus memaklumkan Mahkamah dengan awal sekiranya beliau tidak dapat hadir.
- Peguam yang hadir dan menyebut bagi pihaknya mestilah benar-benar bersedia untuk membantu Mahkamah supaya perkara tersebut dapat diteruskan. Turut diserlahkan bahawa banyak kali peguam yang hadir tidak bersedia dan malah tidak dapat memberikan maklumat asas atau tarikh lapang peguam.

Badan Peguam menerima sewajarnya nasihat Mahkamah dan mencadangkan bahawa dalam situasi yang sesuai di mana peguam gagal menjalankan tugas atau memungkirkan tingkah laku profesion undang-undang/etika, Mahkamah boleh merujuk kes untuk perhatian atau tindakan Majlis Peguam.

2. Permohonan bagi DNAA tidak harus dibuat atas sebab-sebab remeh

Mahkamah mengambil pendirian tegas bahawa DNAA hanya dapat diberikan di mana tuduhan ketara tidak berasas. Pihak Pendakwaan/Pembelaan harus sentiasa mengingati tujuan dan keterterapan DNAA. Pihak-pihak bersetuju.

3. Peguam yang ditugaskan oleh Mahkamah

Mahkamah menggesa Badan Peguam agar menyemak semula kriteria pelantikan dan kelayakan peguam yang ditugaskan kerana tingkah laku sesetengah peguam tidak memuaskan.

Badan Peguam memaklumkan bahawa usaha kini sedang dijalankan untuk menyemak semula dan mengubah Senarai Peguam Yang Ditugaskan oleh Mahkamah dengan usaha bersama semua Jawatankuasa Peguam Negeri. Senarai yang dikemaskinikan akan dihantar kepada Mahkamah secepat mungkin.

4. Untuk mematuhi tarikh yang ditetapkan bagi Penghujahan Bertulis

Mahkamah membangkitkan isu bahawa peguam sering kali menunggu hingga saat-saat akhir sebelum memfailkan dan menyerahkan penghujahan bertulis mereka, dan apabila ini berlaku peguam lawan lazimnya akan memohon penangguhan untuk memberi balasan. Dalam tuduhan hukum bunuh khususnya, Mahkamah akan membenarkan penangguhan, dan lantaran itu mengakibatkan kelewatan yang keterlaluan.

Apabila tarikh ditetapkan untuk keputusan dan pihak-pihak mempunyai pilihan sama ada untuk berhujah secara lisan atau menyediakan penghujahan penuh atau rangka penghujahan; atau apabila tarikh ditetapkan untuk memfailkan penghujahan bertulis, Mahkamah menggesa Pendakwaan/Pembelaan agar memberi kerjasama untuk mematuhi tarikh yang ditetapkan. Pihak-pihak bersetuju.



Isu-isu yang dibangkitkan oleh Badan Peguam

1. **Pendakwaan hendaklah memastikan saksi bersedia agar perbicaraan dapat diteruskan.**
2. **Aktiviti mencari pelanggan ('touting') di Mahkamah Rendah.**

Badan Peguam memohon bantuan Mahkamah Tinggi agar meletakkan papan tanda/notis di tempat-tempat yang ketara di bangunan Mahkamah yang menyatakan bahawa aktiviti mencari pelanggan benar-benar dilarang dan bahawa nasihat guaman percuma boleh didapati di Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur). Mahkamah bersetuju dan akan memberikan bantuan yang perlu.

3. **Jemputan kepada Hakim Mahkamah Sesyen dan Majistret untuk mengadakan seminar tentang meringankan hukuman ('mitigation') kepada Pelatih dalam Kamar.**

Sebagai sebahagian daripada latihan mereka, pelatih dalam kamar menyertai program 'Dock-Brief' dan bantuan guaman. Mereka banyak menyumbang dalam kes meringankan hukuman. Justeru itu, memang wajar sekiranya pelatih-pelatih ini menerima sesi taklimat dan latihan tentang meringankan hukuman oleh Hakim dan Majistret yang relevan.

Mahkamah bersetuju dan meminta Badan Peguam membuat permintaan mereka secara rasmi.

MESYUARAT DENGAN KETUA PENDAKWAAN KUALA LUMPUR

CPC bertemu dengan Ketua Pendakwaan, Kuala Lumpur yang baru dilantik untuk membincangkan hal-hal yang dititikberatkan oleh ahli-ahli Badan Peguam Jenayah khususnya tentang pelaksanaan Seksyen 51A Kanun Prosedur Jenayah, masa balasan bagi representasi yang dibuat dan masalah aktiviti mencari pelanggan di Mahkamah Majistret. KUP meyakinkan CPC bahawa semua perkara di atas akan diberi perhatian segera oleh beliau dan beliau juga mengemukakan sebarang cadangan yang dapat mempertingkatkan atau mempercepatkan pentadbiran sistem keadilan jenayah dan JPN akan cuba memenuhinya sebaik mungkin.

BANTUAN GUAMAN

Ahli-ahli CPC semuanya telah menawarkan masa mereka secara sukarela untuk mengendalikan perkara atas dasar segera setelah dimaklumkan tentangnya oleh Mahkamah, terutamanya di Mahkamah Sesyen bagi kesalahan yang tidak boleh diikat jamin dan di mana pengamal jenayah yang lebih berpengalaman diperlukan.

BANTUAN KEPADA AHLI YANG MENGALAMI MASALAH DENGAN PIHAK BERKUASA

Pada semua masa, ahli-ahli CPC bersedia dan malah telah memberikan bantuan kepada mana-mana ahli Badan Peguam KL yang memerlukannya. Ini termasuk berurusan dengan Mahkamah melalui perbincangan yang diadakan dengan Bahagian Jenayah, Mahkamah Rendah Kuala Lumpur, pihak Polis dan Bahagian Pendakwaan dan Pendaftar Bahagian Jenayah Mahkamah Rendah Kuala Lumpur.

PENGHARGAAN

Saya ingin merakamkan penghargaan ikhlas saya kepada ahli-ahli Jawatankuasa Amalan Jenayah atas sokongan dan kerjasama mereka dalam memastikan semua aktiviti berjaya dilaksanakan. Saya juga ingin mengucapkan ribuan terima kasih kepada semua pihak yang terlibat dalam pelbagai aktiviti yang dijalankan dalam tempoh ini atas kerjasama dan perhatian mereka. Saya benar-benar berharap usaha jawatankuasa ini sedikit sebanyak dapat memudahkan proses perubahan positif buat pengamal undang-undang jenayah.

Datuk N. Sivananthan

Pengerusi

Jawatankuasa Amalan Jenayah



Pengerusi

Sanjeev Kumar Rasiah

Ahli-ahli Jawatankuasa

Colin Andrew Pereira

Rajinder Kaur Gill

Kathleen Cheong Chor Khuan

Maria Mohd Haris

Wong Ee Lynn

Jawatankuasa Undang-Undang Alam Sekitar

Jawatankuasa Undang-undang Alam Sekitar ("JUAS") 2008/2009 memulakan tugas dengan 9 ahli dari Badan Peguam Kuala Lumpur di mesyuarat pertama pada 09.04.2008. Sebahagian ahli JUAS juga merupakan ahli yang sama yang telah menyertai JUAS pada 2007/2008.

Ahli JUAS telah bersetuju untuk meneruskan beberapa projek yang belum dilaksanakan daripada tahun yang lepas

Berikut adalah project-project yang telah dilaksanakan oleh JUAS untuk tahun ini:

PINDAAN TERHADAP AKTA PERLINDUNGAN HIDUPAN LIAR 1972

JUAS telah dijemput untuk menghadiri sidang media oleh Persatuan Pencinta Alam Malaysia pada 13.05.2008 yang bertujuan untuk meminta pindaan segera dibuat terhadap Akta Hidupan Liar 1972 yang telah jauh ketinggalan zaman. Isu dan cadangan diusulkan bersama oleh Persatuan Pencinta Alam Malaysia, TRAFFIC Asia Tenggara, Wildlife Conservation Society dan WWF-Malaysia. JUAS juga turut membantu dalam membuat pertanyaan kepada Jabatan Peguam Negara berkaitan status cadangan tersebut dan telah diberitahu bahawa Akta Perlindungan Hidupan Liar akan dipinda dan cadangan pindaan oleh Jabatan itu telahpun siap.

SEMINAR PERUBAHAN CUACA - ANTARA BALI DAN POZNAN: TINDAKAN SEPADU TERHADAP PERUBAHAN CUACA

Seminar ini di anjurkan bersama oleh CETDEM dan Kerajaan Negara Netherlands bersempena dengan Hari Alam Sekitar pada 05.06.2008. JUAS menyokong Protokol Kyoto dan seterusnya Koferen Bali 2007. Seminar tersebut membincangkan perubahan cuaca selepas Konferen di Bali dan asperasi untuk konferen yang akan diadakan di Poznan dan Copenhagen pada 2009. Cik Wong Ee Lyn telah mewakili JUAS di seminar tersebut.

PUSAT PERLINDUNGAN GAJAH KUALA GANDAH

Atas kejayaan pada tahun-tahun sebelumnya, JUAS sekali lagi menganjurkan lawatan sehari ke Pusat Perlindungan Gajah Kuala Gandah pada 28.06.2008. 21 orang ahli Badan Peguam turut serta dan JUAS memberi sumbangan sebanyak RM245 kepada pusat perlindungan tersebut. Ribuan terima kasih kepada Puan Reggie Wong, ahli Jawatankuasa Peguam Kuala Lumpur, yang telah mengetuai dan menentukan lawatan ini berjalan lancar.

PROJEK PENGUMPULAN DATA DAN PEMANTAUAN KUDA LAUT

Projek ini dimula, koordinasi dan dilaksanakan oleh 'Save our Seahorse (SOS) Malaysia', suatu kumpulan kajian hidupan laut dibawah Persatuan Pencinta Alam Malaysia. Lawatan sukarela yang di jalankan setiap



6 bulan ini amat penting untuk tujuan kajiselidik memandangkan tiada peruntukan kewangan untuk tujuan ini. 12 orang ahli Badan Peguam Kuala Lumpur dan tetamu menyertai projek ini secara sukarela pada 02-03.08.2008 di muara Sungai Pulai, Johor. Sukarelawan turut membantu dalam menanda ('tag') kuda laut dan pengumpulan data.

Lawatan ini termasuk penginapan di Hutan Simpan Pulau Kukup, lawatan ke ladang penternakan ikan terapung dan kajiselidik/mengumpulkan data serta pembersihan pantai. Lawatan ke pusat SOS juga dibuat di mana para peserta dihadiahkan kemeja-t dan sijil penghargaan sebagai cenderahati. Ribuan terima kasih kepada Cik Wong Ee Lynn yang telah menganjur dan mengetuai lawatan ini bagi pihak JUAS.

FORUM: PENILAIAN KESAN ALAM SEKITAR - SELEPAS 20 TAHUN, APA LAGI SETERUSNYA?

JUAS telah dijemput untuk turut serta ke Forum tertutup ini yang dianjurkan oleh ERE Consulting Group dengan kerjasama Jabatan Alam Sekitar Malaysia dan ENSEARCH. Ianya di adakan pada 12.08.2008 di Holiday Villa, Subang, Selangor.

Forum ini dihadiri oleh 99 peserta dari berbagai agensi termasuk kerajaan dan badan bukan kerajaan, organisasi persendirian dan industri yang mempunyai kepentingan dalam alam sekitar.

7 kertas kerja teknikal dibentangkan dengan suatu panel perbincangan dibuat selepas pembentangan. Di akhir forum tersebut suatu rumusan cadangan dibuat termasuk untuk menubuhkan satu bank data di mana semua kajian dan cadangan yang dicapai di forum tersebut boleh di simpan dan dirujuk oleh semua. Cik Rajinder Kaur telah mewakili JUAS di forum tersebut.

LAWATAN TEKNIKAL KE TAPAK PERLINDUNGAN PANTAI DI PORT DICKSON

Lawatan sehari ini dianjurkan bersama oleh JUAS dan Institut Ingenieur Malaysia (IEM) pada 18.10.2008. Peserta yang terlibat termasuk 7 orang ahli Badan Peguam Kuala Lumpur dan 2 orang bukan-ahli yang berdaftar.

Masalah utama di Port Dickson adalah hakisan pantai; lawatan teknikal merangkumi cara/kaedah yang disedang diguna pakar dan beberapa kejayaan dalam Sistem Pengurusan Pantai. Antara tapak yang dilawati termasuk Bagan Pinang, pengkalan kapal (marina) mini buatan manusia (terletak di belakang Pulau Burong), Pantai Saujana, Batu 4, Pantai Sri Cahaya di Pulau Rusa dan pantai Hotel Selesa. Ribuan terima kasih kepada Cik Maria Haris yang telah menganjur dan mengetuai kumpulan lawatan dari Badan Peguam Kuala Lumpur ke Port Dickson.

PERKONGSIAN/PADANAN PENGURUSAN SISA PEPEJAL EU-ASIA

Seorang wakil dari JUAS telah membentangkan satu kertas kerja di persidangan tersebut yang telah diadakan pada 28-31.10.2008. Pembentangan dibuat semasa mesyuarat 'Multi-Stakeholder' pada 31.10.2008 oleh Cik Rajinder Kaur yang bertajuk 'Federalisation vs. Local Government's Authority in Solid Waste Management - Interpretation of Solid Waste and Public Cleansing Management Bill 2007'.

PENILAIAN TERHADAP PINDAAN AKTA KUALITI ALAM SEKITAR 1974

JUAS juga dalam proses mengkaji semula dan memberi komen terhadap pindaan Akta Kualiti Alam Sekitar 1974 yang dipinda pada tahun 2007. Kajian semula ini adalah proses yang sedang dalam pelaksanaan dan apabila telah siapnya, suatu repot penilaian akan dihantar kepada Kementerian Sumber Asli dan Alam Sekitar untuk tindakan lanjut dan kajian tersebut akan dilakukan oleh Kementerian dan Jabatan Peguam Negara.

KESIMPULAN

Akhir sekali saya ingin mengucapkan terima kasih kepada semua ahli JUAS atas sokongan dan kerjasama mereka dalam jawatankuasa ini serta pelaksanaan program-program di atas. Saya juga ingin menyatakan penghargaan kepada semua ahli JUAS yang telah meluangkan masa mereka untuk menghadiri mesyuarat, seminar dan acara yang telah dianjurkan oleh JUAS.

Sanjeev Kumar Rasiah

Pengerusi

Jawatankuasa Undang-Undang Alam Sekitar

**Pengerusi**

Richard Wee

Naib Pengerusi

Lee Shih

Ahli-ahli Jawatankuasa

Raja Riza Shazmin

Fahri Azzat (left in May 2008
to Selangor Bar)

Andrew Teh

Foong Cheng Leong

Sarah Kambali

Krishna Roy Sreenivasan

Steven Wong

Mohamad Reza Abu Hassan

Mohd Izral Mohamed Khairy

Dato' Muzaffarah Ahmad Fairuz

Jawatankuasa Teknologi Maklumat

Jawatankuasa Teknologi Maklumat ini telah memulakan aktiviti dalam 3 arena:-

1. Laman Web dan Internet
2. Kerjasama antara Perkasasan dan Perisian
3. Kempen Tinjauan dan Kesedaran Perundangan

1. LAMAN WEB DAN INTERNET

Jawatankuasa Technology Maklumat telah melancarkan Blog interaktif di <http://klbar.blogspot.com/> untuk Badan Peguam KL. Blog ini dilaksanakan tanpa sebarang kos dan merupakan satu cara untuk ahli Badan Peguam KL untuk turut menyertai populariti blogosphere. Blog interaktif ini juga membolehkan para ahli untuk memberi komen dan membincangkan berbagai isu berbangkit.

Satu lagi kemudahan baru ialah Facebook. Ianya juga dilaksanakan tanpa sebarang kos, dan laman web interaktif ini membolehkan Jawatankuasa Peguam Kuala Lumpur untuk memuat naik semua aktiviti yang berkaitan dan seterusnya dapat menggunakan kemudahan emel 'blast' kepada semua ahli yang ada secara percuma. Malangnya tidak semua ahli Badan Peguam KL berdaftar dengan 'Facebook' ini dan oleh itu kami menggalakkan supaya semua ahli segera mendaftar ke program ini agar kemudahan percuma ini dapat digunakan sepenuhnya.

Laman Web Badan Peguam KL perlu dikemaskini dan Jawatankuasa Technology Maklumat masih mencari jalan untuk melaksanakan perkara ini dengan kos paling minima. Usaha membuat sedemikian akan diteruskan.

Walau bagaimanapun, Laman Web ini dapat menjana pendapatan bagi Jawatankuasa Peguam Kuala Lumpur melalui iklan dan notis peluang pekerjaan. Ianya dapat mengurangkan penggantungan hasil pendapatan Jawatankuasa Peguam Kuala Lumpur dari kutipan yuran keahlian yang masih RM100 seorang sejak tahun 1992.

2. KERJASAMA PERKASASAN DAN PERISIAN

Jawatankuasa Teknologi Maklumat telah berjaya membuat kerjasama dengan Hewlett Packard (HP) bagi membolehkan ahli Badan Peguam KL membeli barangan komputer dengan harga istimewa. HP juga telah bersetuju untuk membeli ruang iklan dalam majalah Relevan yang mana ianya akan menambah pendapatan Badan Peguam KL.

Panda Anti-Virus iaitu perisian anti-virus yang digunakan oleh badan-badan Kerajaan, telah bersetuju untuk memberi harga istimewa kepada ahli Badan Peguam KL. Kami juga akan terus mengadakan perbincangan untuk mendapatkan



harga istimewa bagi semua ahli untuk pembelian barangan berkaitan Teknologi Maklumat.

Jawatankuasa Teknologi Maklumat juga telah menambah kemudahan di Bilik Peguam di Sayap Kiri Komplek Mahkamah Kuala Lumpur, Jalan Duta dengan 2 komputer Lenovo berinternet untuk kegunaan ahli-ahli dengan bayaran. Juga terdapat kemudahan mesin cetak. Kemudahan Wi-fi juga telah di pasang di bilik tersebut dan ahli Badan Peguam KL perlu mendapatkan kata laluan dari kerani bertugas untuk menggunakan Wi-fi percuma tersebut.

Atas usahasama antara Jawatankuasa Pembangunan Profesional dengan Legal Workbench, satu enjin carian untuk Laporan Perundangan dan Akta telah dimuatnaikkan ke dalam komputer-komputer di Bilik Peguam tersebut dan ianya adalah percuma bagi ahli-ahli yang ingin menggunakannya. Bayaran yang dikenakan hanyalah sewa penggunaan komputer.

3. KEMPEN TINJAUAN DAN KESEDARAN PERUNDANGAN

Jawatankuasa Teknologi Maklumat telah berusaha untuk meningkatkan kesedaran perundangan yang berkaitan dengan Teknologi Maklumat dan telah mengadakan satu siri Forum. Dalam tahun 2008, 2 Forum telah dianjurkan:-

- a. Forum "Blogging & Defamation Laws";
- b. Forum "Identity Theft in Cyber Space".

Jeff Ooi, seorang 'blogger' yang terkenal disamping Nizam Bashir dari Melaka dan Foong Cheng Leong adalah penceramah untuk Forum pertama. Sambutan untuk forum ini amat menggalakkan dan kami menerima banyak permintaan agar diadakan Forum untuk topik yang sama di masa akan datang.

Forum kedua dijayakan oleh Professor Abu Bakar Munir dari Universiti Malaya, Deepak Pillai dan Shamsul Jafni Salleh - bekas Pengarah Jabatan Keselamatan, Amanah & Pentadbiran, Suruhanjaya Komunikasi dan Multimedia Malaysia. Walaupun Forum ini diadakan pada waktu pejabat, penyertaan amat menggalakkan dengan kehadiran lebih 40 peserta, ada di antara mereka merupakan wakil dari syarikat Teknologi Maklumat yang terkenal dan wakil dari universiti-universiti tempatan. Kami merancang untuk menganjurkan lagi Forum seumpamanya di masa akan datang.

Pada tahun 2009 sebelum penggal berakhir, Jawatankuasa Teknologi Maklumat ini berharap dapat menganjurkan satu lagi Forum yang topiknya belum lagi ditentukan.

KESIMPULAN

Jawatankuasa Teknologi Maklumat telah mencuba untuk memberi suatu landasan terutamanya kepada ahli Badan Peguam KL yang terlibat dalam perundangan Teknologi Maklumat. Kami juga telah mencuba untuk mendapatkan harga yang istimewa untuk barangan Teknologi Maklumat bagi semua ahli.

Kami juga cuba berjimat, walaupun di masa depan kami menjangkakan Badan Peguam KL perlu mengeluarkan kos yang agak besar untuk mengemaskini dan menaiktaraf Laman Web dan Sistem Pendaftaran dan Pembayaran (MAPS) yang kini digunakan untuk mengurangkan penggunaan kertas bagi resit-resit yuran keahlian.

Saya ingin mengucapkan terima kasih kepada ahli Jawatankuasa Peguam Kuala Lumpur yang telah banyak membantu pelaksanaan aktiviti Jawatankuasa Teknologi Maklumat ini. Saya juga harus memberi pujian dan penghormatan kepada semua ahli Jawatankuasa Teknologi Maklumat atas kerjasama mereka walaupun masing-masing sibuk dengan kerjaya sendiri. Terima kasih juga kepada Dato' Cecil Abraham, Nahendran Navaratnam, Ranjit Singh dan K. Shanmuga atas nasihat dan bantuan yang telah mereka berikan tentang isu-isu perundangan, terutamanya berkaitan dengan Blog Badan Peguam KL.

Ribuan terima kasih juga kepada semua ahli Badan Peguam KL yang turut serta dalam pelaksanaan program-program kami, yang telah memberikan kami inspirasi untuk terus menganjurkan projek-projek kami.



Akhir sekali, terima kasih saya ucapkan kepada Mary Tan dan Melissa Dass dan semua kakitangan di Sekretariat yang banyak membantu dan sentiasa memastikan semua program kami berjalan lancar.

Richard Wee Thiam Seng

Pengerusi

Jawatankuasa Teknologi Maklumat



Pengerusi

Abdul Rashid Ismail

Ahli-ahli Jawatankuasa

Joanne Long

Wong Tat Chung

Mohamad Reza Abu Hassan

Megat Abdul Munir

Mohd Izral Mohamed Khairy

Sunita Sankey

Gan Khong Aik

G Nanda Goban

Kavitha Thilagar

Jeremiah R Gurusamy

Atan Mustaffa

Eileen Othman

David Mathew

Alan Wong

Jawatankuasa Pembangunan Profesional

Jawatankuasa Penerusan Pendidikan Undang-Undang (Continuing Legal Education) telah dinamakan semula sebagai Jawatankuasa Pembangunan Profesional (Professional Development Committee) ("PDC") selaras dengan nama yang diterimapakai oleh Majlis Peguam Malaysia. Objektif PDC adalah untuk memberi peluang kepada ahli-ahli dan pelatih-pelatih dalam kamar, melalui program-program, peluang untuk mengukuhkan kemahiran asas undang-undang mereka dan mengikuti perkembangan di dalam pelbagai bidang amalan.

Bagi memenuhi objektif-objektif ini, kami telah membahagikan program-program kami kepada 5 modul yang berbeza.

MODUL 1: ASAS-ASAS AMALAN PERUNDANGAN

- Matlamat: peguam-peguam muda/pelatih dalam kamar
- Frekuensi: satu/dua seminar setiap bulan
- Tujuan: untuk menyediakan asas pengajaran kepada pelatih dalam kamar dan peguam-peguam muda.
- Bidang: Penulisan Pendapat, Mendraf Dokumen-Dokumen Mahkamah, Kepeguaman, Tatacara/Keterangan, Hal Ehwal Tanah/Konveyansing, Dokumentasi Korporat dll

MODUL 2: SEMINAR-SEMINAR AHLI PAKAR

- Matlamat: pengamal-pengamal pertengahan kepada kanan
- Frekuensi: satu/dua seminar setiap bulan
- Tujuan: untuk mengemaskinikan pengamal-pengamal akan perkembangan terkini dalam bidang undang-undang tertentu
- Bidang: ADR, Undang-Undang IT, Undang-Undang Insuran, Undang-Undang Pentadbiran, Undang-Undang Perubatan, Undang-Undang Syarikat, Undang-Undang Sekuriti, Undang-Undang Jenayah dll.

MODUL 3: BENGKEL-BENGKEL PRAKTIKAL

- Matlamat: peguam-peguam yang berminat dalam bidang ini
- Frekuensi: sebulan sekali
- Tujuan: untuk melengkapkan pengamal-pengamal dengan kemahiran yang diperlukan dalam mengendalikan perbicaraan atau aspek-aspek praktikal perundangan
- Bidang: Undang-Undang Jenayah, Undang-Undang Korporat dll

MODUL 4: PROGRAM PELATIH-PELATIH

- Selaras dengan resolusi yang telah diluluskan pada Mesyuarat Agung Tahunan 2006
- Matlamat: pelatih dalam kamar
- Frekuensi: sebulan sekali
- Tujuan: untuk menyediakan pengetahuan asas amalan perundangan kepada pelatih dalam kamar
- Bidang: Litigasi Sivil, Undang-Undang Jenayah, Hal Ehwal Tanah/Konveyansing, Pengurusan Fail dll



MODUL 5: TAJAAN UNTUK PEGUAM-PEGUAM MUDA KE PERSIDANGAN ANTARABANGSA

- Matlamat: peguam-peguam yang telah menjalani amalan kurang dari 7 tahun
- Frekuensi: bergantung kepada kelapangan seminar
- Tujuan: untuk memberi pendedahan antarabangsa kepada peguam-peguam yang dipilih dan peguam-peguam tersebut dikehendaki untuk berbincang tentang pengalamannya atau menulis satu laporan untuk terbitan dalam Relevan dan/atau dimuatnaik ke Laman Web Badan Peguam KL, jika Jawatankuasa Peguam Kuala Lumpur memutuskan sedemikian.

PDC meneruskan dengan program pelatih-dalam-kamar. Namun demikian, pada tahun ini, topik-topik Seminar Pelatih-Dalam-Kamar telah diubahkan dan PDC telah memasukkan bengkel-bengkel praktikal sebagai sebahagian daripada program. Bidang-bidang yang dirangkumi di dalam seminar-seminar untuk pelatih dalam kamar adalah:

- Asas Hal Ehwal Tanah/ Konveyansing
- Prosiding-prosiding Kebankrapan dan Penggulangan
- Asas Litigasi Sivil
- Undang-Undang Hak Asasi Kemanusiaan & Kepeguaman
- Wasiat, Probet & Pentadbiran Estet
- Asas Penulisan Komersil

PDC juga terus menekankan bengkel-bengkel praktikal dalam pelbagai bidang kemahiran perundangan dan undang-undang untuk menyediakan interaksi maksima semasa dalam proses pembelajaran. Berikut adalah sebahagian daripada bengkel-bengkel praktikal yang dianjurkan oleh PDC.

- Penulisan Moden Undang-Undang - Kursus Lanjutan
- Urus Niaga Jual dan Beli Harta
- Kewangan Islam: Dokumentasi dan Struktur
- Mengendalikan "Due Diligence 101"
- Mengendalikan Penghakiman Muktamad dan Pembatalan
- Afidavit - Penulisan dan Kebolehterimaan
- Menyediakan Kenyataan Saksi

Dalam penggal ini, PDC telah menganjurkan 44 acara di antara Mei 2008 dan Februari 2009, merangkumi bidang-bidang seperti Maritim, Hal Ehwal Tanah/Konveyansing, Undang-Undang Sekuriti, Undang-Undang Komersil, Undang-Undang Syariah, Pencukaian, Undang-Undang Jenayah, Arbitration, Harta Intelektual, Undang-Undang Syarikat, Undang-Undang Siber dan Undang-Undang Perubataan. 2 lagi Seminar telah ditetapkan untuk diadakan dalam bulan Mac 2009 dan 1 dalam bulan Mei 2009.

Seperti tahun-tahun terdahulu, PDC meneruskan tawaran tajaan untuk ahli-ahli Badan Peguam KL untuk menghadiri persidangan. Tahun ini PDC telah menaja 5 orang ahli Badan Peguam KL untuk menghadiri Persidangan LAWASIA ke-21 yang telah diadakan pada 29 Oktober hingga 1 November 2008.

Sehingga kini, sambutan terhadap acara-acara PDC sangat menggalakkan dan kami berharap bahawa ahli-ahli akan terus mendapat faedah melalui program-program yang telah diaturkan untuk penggal yang selebihnya. Kami ingin berterima kasih kepada semua ahli-ahli jawatankuasa, penceramah-penceramah, jurulatih-jurulatih dan penyelaras-penyelaras yang telah mengambil bahagian dalam acara-acara yang telah diaturkan setakat ini dan kepada mereka yang telah bersetuju untuk mengambil bahagian acara-acara akan datang.

Abdul Rashid Ismail

Pengerusi

Jawatankuasa Pembangunan Profesional



Program penuh bagi 2008/09 adalah seperti disenaraikan di bawah:

TARIKH / MASA	TAJUK	PENCERAMAH	PENYELARAS
17.05.2008 (Sabtu) 10.00 pagi	SEMINAR: Permohonan Kebenaran di Mahkamah Rayuan	Y.A. Dato' Gopal Sri Ram	
21.05.2008 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas Hal Ehwal Tanah/ Konveyansing	Jeremiah R Gurusamy	
23.05.2008 (Jumaat) 3.00 petang	SEMINAR: Amalan dan Prosedur : Asas Injuksi Interlokutori	Izral Khairy Tharminder Singh	Izral Khairy
28.05.2008 (Rabu) 4.00 petang	SEMINAR: Undang-Undang Maritim : Kewangan Kapal	Joanne Long	
30.05.2008 (Jumaat) 2.30 petang	SEMINAR: Undang-Undang Pencukaian : Isu-isu Pencukaian ketika Penggambungan dan Pemerolehan	S Saravana Kumar	Alan Wong
06.06.2008 (Jumaat) 3.00 petang	SEMINAR: Amalan dan Prosedur : Bagaimana untuk menggunakan penzahiran dan aplikasi Norwich Pharmacal untuk memenangi kes-kes anda	Vijay Kumar Ganason	
20.06.2008 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Sekuriti : Asas pengambil alihan	Wong Tat Chung	Wong Tat Chung
21.06.2008 (Sabtu) 9.00 pagi hingga 5.00 petang	BENGGEL PRAKTIKAL: Penulisan Moden Undang-Undang (Kursus Lanjutan)	Jackie Yeoh	
25.06.2008 (Rabu) 9.30 pagi hingga 4.00 petang	BENGGEL PRAKTIKAL PELATIH DALAM KAMAR: Urus Niaga Jual & Beli Harta	Joanne Long Jeremiah R Gurusamy	
27.06.2008 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Syarikat : Amalan-amalan Kesetiausahaan Syarikat	Eng Bee Hong	G Nanda Goban
08.07.2008 (Selasa) 2.30 petang	SEMINAR: Pemasaran Modal : Gambaran Keseluruhan dan Pembangunan terkini Undang-Undang Pemasaran Modal di Malaysia	Tang Ming Lee Yeat Soo Ching Yoon Ming Sun	Wong Tat Chung
15.07.2008 (Selasa) 3.00 petang	SEMINAR: Pewarisan di bawah Undang-Undang Syariah	Halimatunsa'adiah	Megat Abdul Munir
19.07.2008 (Sabtu) 9.00 pagi hingga 4.30 petang	BENGGEL PRAKTIKAL: Kewangan Islam: Struktur & Dokumentasi	Ismail Mohd Shariff Prof Madya Dr Mohamad Ismail Bin Hj Mohamad	Joanne Long
23.07.2008 (Rabu) 2.30 petang	SEMINAR: Kewajipan dan Tanggungjawab Pengarah	Lee Swee Seng	G Nanda Goban
24.07.2008 (Khamis) 3.00 petang	SEMINAR: Penghakiman Perjanjian Bersama Pertikaian di dalam Mahkamah Industri	Tuan Haji Yusoff Ahmad	Muhendaran Suppiah
25.07.2008 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Jenayah	Sivanesan Nadarajah	G Nanda Goban
30.07.2008 (Rabu) 3.00 petang	SEMINAR PELATIH- DALAM KAMAR: Prosiding-prosiding Kebankrapan dan Penggulangan	Peter Perera Alex Chang	



TARIKH / MASA	TAJUK	PENCERAMAH	PENYELARAS
08.08.2008 (Jumaat) 3.00 petang	SEMINAR : Penahanan Kapal	Jeremy M Joseph Mary Thomson	Sitpah Selvaratnam Joanne Long
16.08.2008 (Sabtu) 9.30 pagi hingga 1.00 petang	BENGGEL PRAKTIKAL: Mengendalikan “Due Diligence 101”	Geraldine Chan	
19.08.2008 (Selasa) 3.00 petang	SEMINAR: Asset Bersandarkan Sekuriti	Vincent Chan	Jeremiah R Gurusamy
26.08.2008 (Selasa) 3.00 petang	SEMINAR: Penguatkuasaan Undang- Undang Sekuriti -Prinsip-prinsip	Roz Mawar Rozain	Datuk N Sivananthan
27.08.2008 (Rabu) 3.00 petang	SEMINAR: Amalan dan Prosedur : Pengawasan Peguamcara - Peranan dan Tanggungjawab mereka	James Khong	Izral Khairy
29.08.2008 (Jumaat) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas-asas Litigasi Sivil	Izral Khairy Thar minder Singh	
10.09.2008 (Rabu) 3.00 petang	SEMINAR: Undang-Undang Perubatan: Sulit (Confidentiality) & Persetujuan	Sagadaven Thangavelu	Eileen Othman
11.09.2008 (Khamis) 2.30 petang	SEMINAR: Isu-isu berkaitan dengan Penceraian di dalam Mahkamah Syariah di Malaysia	Fahda Nur	Mohd Reza Abu Hassan
23.09.2008 (Selasa) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Undang-Undang Hak Asasi Kemanusiaan & Kepeguaman	Edmund Bon	
26.09.2008 (Jumaat) 3.00 petang	SEMINAR: Pencukaian dalam Urus Niaga Tanah : Strategy untuk mengurangkan insiden cukai	S Saravana Kumar	
24.10.2008 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Komersial: Usaha Sama - apa yang diperlukan sebagai seorang pengamal	Syed Naqiz Shahabuddin	Jeremiah R Gurusamy
31.10.2008 (Jumaat) 5.00 petang	SEMINAR: Perbezaan & Kesesuaian Tempat Timbangatara	Michael Hwang SC Dato’ Noorashikin	Joanne Long
12.11.2008 (Rabu) 3.00 petang	SEMINAR: Bantuan Kewangan : Analisis ke atas Seksyen 67 Akta Syarikat, 1965 dan Perenggan 8.23 Senarai Keperluan	Ooi Huey Ling	
19.11.2008 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Wasiat, Probet & Pentadbiran Estet	Hendon Mohamed	
25.11.2008 (Selasa) 3.00 petang	SEMINAR: Tribunal untuk Tuntutan-Tuntutan Pembeli Rumah: Kuasa, Prosedur dan Penguatkuasaan Tuntutan	Pretam Singh a/l Darshan Singh	G Nanda Goban
26.11.2008 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas Hal Ehwal Tanah/ Konveyansing	Jeremiah R Gurusamy	
13.12.2008 (Sabtu) 9.30 pagi hingga 1.00 petang	BENGGEL PRAKTIKAL PELATIH DALAM KAMAR: Pengendalian Permohonan Penghakiman Muktamad dan Pembatalan	Alan Wong Sunita Sankey	



TARIKH / MASA	TAJUK	PENCERAMAH	PENYELARAS
17.12.2008 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas Penulisan Komersil	Natalie Peh	
10.01.2009 (Sabtu) 9.30 pagi	SEMINAR: Penyediaan Kenyataan Saksi untuk digunakan di Perbicaraan	Maidzuara Mohammed	
14.01.2009 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Wasiat, Probet & Pentadbiran Estet	Hendon Mohamed	
20.01.2009 (Selasa) 2.00 petang	SEMINAR PELATIH DALAM KAMAR: Prosiding-prosiding Kebankrapan dan Penggulangan	GK Ganesan Alex Chang	
21.01.2009 (Rabu) 3.00 petang	SEMINAR: Undang-Undang Keluarga : Pertikaian Penceraian	Foo Yet Ngo	
11.02.2009 (Selasa) 3.00 petang	SEMINAR: Mahkamah Syariah : Permohonan Jagaan dan Nafkah	Fahda Nur	
18.02.2009 (Rabu) 3.00 petang	BENGGEL PRAKTIKAL PELATIH DALAM KAMAR: Afidavit - penulisan dan kebolehterimaan	Ng Sai Yeang	
20.02.2009 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Syarikat: Penggulangan Adil dan Saksama	Lim Kian Leong	
25.02.2009 (Rabu) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas Litigasi Sivil	Izral Khairy Tharminder Singh	
27.02.2009 (Jumaat) 3.00 petang	SEMINAR: Undang-Undang Keluarga: Nafkah & Jagaan	Chew Swee Yoke	
05.03.2009 (Khamis) 3.00 petang	SEMINAR: Undang-Undang Fitnah : Cabaran-cabaran berbangkit daripada Internet	Sudharsanan Thillainathan	
24.03.2009 (Selasa) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Undang-Undang Hak Asasi Kemanusiaan & Kepeguaman	Edmund Bon	
26.05.2009 (Selasa) 3.00 petang	SEMINAR PELATIH DALAM KAMAR: Asas Penulisan Komersil	Natalie Peh	



Pengerusi

Lee Shih

Naib Pengerusi

Richard Wee Thiam Seng

Ahli-ahli Jawatankuasa

Brendan Navin Siva

Dipendra Harshad Rai

Shanmuga Kanesalingam

Nicole Wee

Sukhjot Kaur Gill

Audrey Quay

Cheng Poh Heng

Yudistra Darma Dorai

Sudharsanan Thillainathan

Chan Su-Li

S Saravana Kumar

Mansoor Saat

Petrina Tan Tjin Yi

Jawatankuasa Penerbitan

Pada tahun ini, Jawatankuasa Penerbitan terus menerbitkan surat berita Jawatankuasa Peguam Kuala Lumpur, Relevan. Kami mengekalkan kulit hadapan yang bergaya yang telah disusun semula tahun lalu sambil membuat beberapa perubahan kecil ke atas susun atur kandungannya. Jawatankuasa Penerbitan bagaimanapun menghadapi pergelutan yang sama seperti tahun-tahun terdahulu kerana tidak menerima artikel-artikel yang mencukupi untuk diterbitkan.

Setakat penulisan ini, Jawatankuasa Penerbitan tahun ini telah menerbitkan keluaran pertamanya pada bulan Jun 2008 dan keluaran kedua bersedia untuk dicetak. Keluaran ketiga dan terakhir akan dikeluarkan sebelum bulan Februari 2009.

Relevan terus menyiarkan artikel-artikel yang meliputi semua bidang berkaitan dengan amalan perundangan. Pindaan-pindaan kepada Kanun Prosedur Jenayah telah diketengahkan di dalam artikel-artikel yang menampilkan hak untuk memanggil peguamcara seseorang apabila ditahan serta peruntukan-peruntukan untuk pemeriksaan tubuh. Kami pernah menerima artikel-artikel sumbangan para penulis satu daripadanya meliputi aspek pemindahhakan harta kepada bukan rakyat Malaysia dan satu lagi artikel yang menganalisis perkembangan undang-undang profesional perundangan terlindung.

Jawatankuasa Penerbitan juga telah berusaha untuk memaparkan perkembangan terbaru, berserta segmen temu ramah mendalam yang meliputi masalah-masalah dalam menarik dan mengekalkan bakat perundangan sementara satu lagi segmen meliputi rangka kerja Kursus Badan Peguam Bersama (Common Bar Course) yang dicadangkan.

Relevan juga menyiarkan satu bahagian Pengemaskinian Undang-Undang untuk mengemaskinkan ahli-ahli mengenai perkembangan terbaru undang-undang, sama ada di Malaysia atau di seberang laut.

Ekonomi dunia telah pun memasuki tempoh kelembapan dan kesukaran untuk menarik para pengiklan akan meningkat pada tahun akan datang. Kami juga telah menyaksikan kebangkitan laman-laman web, penerbitan dalam talian dan blog-blog dan jawatankuasa baru mungkin perlu mengubah semula Relevan untuk terus mendekati ahli-ahlinya.

Saya ingin menghulurkan penghargaan dan ucapan terima kasih kepada ahli-ahli jawatankuasa yang telah bertungkus-lumus bekerja sepanjang tahun ini. Relevan tidak akan wujud tanpa usaha dan pengorbanan ahli jawatankuasanya dan sumbangan artikel-artikel para penulisnya.

Lee Shih

Pengerusi

Jawatankuasa Penerbitan



Pengerusi

Reggie Wong Mew Sum

Ahli-ahli Jawatankuasa

Colin Andrew Pereira

Selva Rani Thiyagarajan

R Ragunanthanan

Vivian Victor

Molly Margrete

Richard Wee

Chong Wai Kuan

Sandesh Kabir

Jawatankuasa Hal Ehwal Pelatih Dalam Kamar

PROJEK-PROJEK

(I) Risalah Pelatih Dalam Kamar

Jawatankuasa Hal Ehwal Pelatih Dalam Kamar ("PWC") telah berpeluang untuk memperbaiki dan mengemaskini risalah pelatih dalam kamar yang diberi secara percuma. Risalah ini merupakan satu rujukan menyeluruh untuk para pelatih dalam kamar, menekankan perkara-perkara yang perlu diketahui terutamanya berkenaan perlatihan. Risalah ini boleh diperolehi di bahagian pendaftaran di Bahagian Rayuan/Perkara-Perkara Pelbagai dan Bilik Peguam, di Aras 5, Komplek Mahkamah Kuala Lumpur dan juga di Sekretariat Jawatankuasa Peguam Kuala Lumpur.

(II) Kursus Praktikal Litigasi Jenayah

PWC berbangga kerana telah berjaya menganjurkan 3 kursus praktikal litigasi jenayah untuk para pelatih pada 29.05.2008, 06.09.2008 dan 22.11.2008 yang lalu. Kursus praktikal ini telah dilaksanakan bersama oleh Encik R. Ragunanthanan dan Cik Selva Rani Thiyagarajan, mereka berdua mempunyai pengalaman luas tentang pelaksanaan seminar dan kursus praktikal untuk program-program dock brief di bawah Pusat Bantuan Guaman. Kursus praktikal ini merangkumi pengetahuan am berkenaan temubual pelanggan, mitigation, permohonan ikat jamin dan tahanan/reman. Kursus praktikal tersebut di hadkan kepada 20 orang peserta pada satu masa untuk menggalakkan penglibatan interaktif para peserta dalam berbagai senario dan masalah secara praktikal.

(III) Kursus Praktikal Litigasi Sivil

PWC juga menganjurkan dengan berjaya kursus praktikal litigasi sivil sebanyak 5 kali iaitu pada 26.06.2008, 09.09.2008, 23.10.2008, 18.12.2008 dan 19.01.2009. PWC sangat berbesar hati dengan Encik Colin Andrew Pereira dan Encik Sanjeev Kumar Rasiah yang bertanggungjawab dalam penganjuran dan pelaksanaan kursus praktikal tersebut. Perkara-perkara yang disentuh dalam kursus praktikal tersebut adalah retainer, latihan berkenaan 'opinion writing' dan 'drafting of pleading' serta pembentangan kes di Mahkamah. Sepertimana kursus praktikal litigasi jenayah, kursus praktikal litigasi sivil ini juga menghadkan penyertaan kepada 20 peserta pada setiap sesi. Suatu taklimat ringkas diberi pada para peserta di awal kursus praktikal dan peserta kemudiannya di bahagikan kepada kumpulan kerja 5 orang dan setiap kumpulan di beri permasalahan yang berbeza dan dikehendaki menyediakan 'opinion writing' dan 'drafting of pleadings' yang bersesuaian.

Kedua-dua kursus praktikal ini telah mendapat sambutan yang sangat besar daripada pelatih dalam kamar.



(IV) Seminar berkenaan Etika semasa di Bilik Mahkamah dan Persiapan untuk Perbicaraan Sivil.

PWC turut berbesar hati kerana berjaya menganjurkan seminar ini bersama Dato' Bastian Vendargon dan Encik T Gunaseelan yang telah diadakan pada 02.08.2008. Kedua-dua penceramah ini adalah antara ahli Badan Peguam yang senior dan telah banyak meluangkan masa untuk berkongsi pengalaman luas mereka dengan ahli-ahli muda Badan Peguam. Walaupun ianya diadakan pada hari Sabtu, sambutan amat menggalakkan diterima dengan kehadiran lebih 50 orang peserta. Ianya merupakan suatu sesi yang penuh berinformasi dengan kedua penceramah berkongsi berbagai pengalaman sepanjang perjalanan kerjaya mereka sebagai seorang peguam.

(V) Dialog berkenaan Peperiksaan Etika dan Standard Profesional (EPS)

3 dialog telah berjaya dianjurkan bersama dengan kerjasama Jawatankuasa Standard dan Pembangunan Profesional (PSDC) Majlis Peguam iaitu pada 29.07.2008, 04.11.2008 dan 06.01.2009 untuk membantu para pelatih yang akan menduduki peperiksaan (EPS) ini. Sesi dialog ini menyediakan platform di mana para pelatih boleh membangkitkan berbagai isu dan masalah dan untuk memberi para pelatih penerangan lebih terperinci berkenaan Kursus dan Peperiksaan tersebut. Ahli-ahli PSDC Majlis Peguam juga dapat memberikan taklimat berkenaan Kursus dan ekpektasi mereka terhadap persediaan para pelatih dalam persiapan mereka menghadapi Peperiksaan EPS ini. Penyertaan dialog ini amat menggalakkan.

(VI) Pesta Kerjaya Perundangan

Pesta Kerjaya Perundangan Ke-2 telah berlangsung pada 17.01.2009 di Hotel Legend, Kuala Lumpur. 23 firma guaman dan 3 badan korporat mengambil bahagian dalam Pesta ini yang telah menarik hampir 400 pelawat.

Pesta kerjaya ini menyediakan platform untuk para pelatih yang mencari pekerjaan dalam bidang perundangan dan pada masa yang sama memberi peluang kepada para majikan/firma guaman mengambil peguam baru. Peluang ini juga terbuka untuk peguam muda dan pelatih dalam kamar untuk mencuba melangkah ke arah organisasi korporat dengan adanya beberapa badan korporat yang turut serta dalam pesta ini. Semua universiti awam dan beberapa kolej swasta juga telah dijemput untuk turut serta dan terdapat ramai pelajar mereka telah menghadiri Pesta ini.

Ceramah Guaman bertajuk *Common Bar Exam/Ethics Course*, Pelatihan, Peguam Muda, Bantuan Guaman dan Hak Asasi Manusia juga diadakan bersama dengan Pesta Kerjaya ini. Penceramah-penceramah adalah Encik Steven Thiru, Encik Colin Andrew Pereira, Encik Dipendra Harshad Rai, Encik Ravi Nekoo dan Encik Edmund Bon.

(VII) Malam Bowling

PWC telah menganjurkan suatu acara bowling pada 16.01.2009 di Cosmic Bowl, Midvalley Megamall untuk memberi peluang merapatkan lagi perhubungan antara pelatih-pelatih dalam kamar dan bagi pelatih-pelatih dalam kamar dari firma-firma berlainan berkenalan. Peserta dikenakan bayaran nominal RM25 yang termasuk bayaran untuk 2 sesi permainan, sewa kasut dan makanan. 15 "legal bowlers" mengambil bahagian dalam acara sulung ini dan ia adalah suatu malam yang meriah bagi semua yang hadir.

(VIII) Mesyuarat bersama Mahkamah Bahagian Rayuan/Perkara-Perkara Pelbagai

Satu mesyuarat telah diadakan pada 05.06.2008 dengan para Hakim Mahkamah Bahagian Rayuan/Perkara-Perkara Pelbagai untuk mengemaskini prosedur 'Long Call'. PWC juga mengambil inisiatif untuk membuat satu garis panduan terperinci berkenaan ucapan semasa 'Long Call' untuk dijadikan satu prosedur yang standard dan seragam, dengan harapan ianya akan menjimatkan masa perjalanan upacara ini. Salinan panduan ini diberi kepada para pelatih semasa Sesi Pengenalan bersama Jawatankuasa Peguam Kuala Lumpur dan juga semasa taklimat 'Long Call' diadakan. Panduan tersebut juga boleh dimuatturun melalui Laman Web Badan Peguam Kuala Lumpur.



KESIMPULAN

Saya ingin mengambil kesempatan ini untuk mengucapkan ribuan terima kasih kepada setiap ahli PWC yang telah sama-sama menyumbang masa dan tenaga untuk menjayakan semua aktiviti dan program PWC pada tahun ini.

Saya juga ingin merekodkan rasa terima kasih saya kepada Cik Mary Tan, Cik Melissa Dass, Cik Indra dan Puan Norhayati dari Sekretariat Jawatankuasa Peguam Kuala Lumpur yang sentiasa menyokong dan sedia membantu tanpa mengira masa dan ketika.

Reggie Wong Mew Sum

Pengerusi

Jawatankuasa Hal Ehwal Pelatih Dalam Kamar

**Pengerusi**

Lai Chee Hoe

Ahli-ahli Jawatankuasa

Vincent Tey

Janet Chai

Benjamin Sathyanandam

Musyifah Malek

Carmen Teh

Melissa Ram

Dinesh Kanavaji

Rachael Tan Sung Ling

Fara Zalina Mohamed

Kenneth Wong Poh Lim

Siti Fatimah Mohd Shahrom

Muhendaran Suppiah

Seira Sacha

Zainurazira Zainal Abidin

Khaizan Sharizad

David Cheong Peng Leong

Serena Lim

Marie Soong

Chan Kit Kheong

Ng Su-San

Jawatankuasa Sosial, Kesenian dan Kebudayaan

Jawatankuasa Sosial, Kesenian dan Kebudayaan ("SAC") untuk tahun 2008/2009 adalah terdiri daripada sekumpulan peguam yang muda dan bertenaga. Dalam sepanjang tahun, minda yang kreatif telah membangkitkan banyak fikiran dan memberi banyak pendapat baru.

A. SEPETANG BERSAMA ORKESTRA FILHARMONIK MALAYSIA (31 MEI 2008)

SAC telah menganjurkan satu lawatan ke Orkestra Filharmonik Malaysia pada 31.05.2008 di Dewan Philharmonic Petronas. Tiket-tiket yang diperuntukkan kepada SAC telah dibeli habis dalam tempoh 3 hari. Pemimpin Orkestra pada petang itu adalah Hannu Lintu.

Kami dapat menikmati dengan mendengar 2 lagu yang dipersembahkan pada malam itu iaitu - Symphony No. 103 dalam E flat major oleh Joseph Hadyn dan Symphony No. 10 oleh Mahler.

Setelah persembahan itu, kami beredar ke Chinoz at the Park untuk minuman sambil terpesona dengan keindahan muzik itu.

B. PERANG PAINTBALL (14 JUN 2008)

Pada 14.06.2008, satu permainan paintball di Tanamera, Sungai Buloh telah dianjurkan. Permulaan permainan dimulakan pada kira-kira 10 pagi dengan setiap orang dibekalkan satu penanda dengan 500 penabur. Pahlawan undang-undang bersemangat tinggi dan terus bertindak dengan beria-ria menembak di 4 peta yang berlainan iaitu Vietcong Field, Lake Placid, Kill House dan Killing Field.

C. PENCARIAN HARTA KARUN LEXISNEXIS-KL BAR 2008 (9 OGOS 2008)

SAC bersama-sama dengan LexisNexis menganjurkan Pencarian Harta Karun LexisNexis-KL Bar Tahunan yang ketiga pada 09.08.2008. Pencarian Harta Karun itu menerima respons yang amat memberansangkan sehingga melebihi had nombor kenderaan yang ditetapkan dan pada satu tahap, penganjur terpaksa menolak permohonan peserta-peserta lain.

Ia terdapat banyak hadiah yang bernilai lebih daripada RM20,000 yang dihadiahkan kepada pemenang-pemenang Pencarian Harta Karun dan bahagian kutipan Badan Peguam Kuala Lumpur yang berjumlah sebanyak RM8,800 telah didermakan kepada Persatuan Dialisis Touch Petaling Jaya. Persatuan Dialisis Touch ini adalah satu organisasi tidak beruntung yang telah mendirikan satu pusat haemodialisis. Dana-dana yang diderma akan membantu pusat dialisis untuk membeli dan menyelenggarakan mesin-mesin untuk



mengatasi nombor pesakit-pesakit dengan kegagalan renal yang semakin meningkat.

D. MAKAN MALAM & TARI-MENARI TAHUNAN BADAN PEGUAM KUALA LUMPUR 2008 - KEAJAIBAN CERITA PARI-PARI (29 NOVEMBER 2008)

Pari-pari undang-undang mebanjiri dewan Hotel One World, Bandar Utama, Petaling Jaya pada 29.11.2008. Presiden Mahkamah Rayuan dan Hakim Besar Malaya adalah di antara orang-orang kenamaan yang menghadiri petang keajaiban itu.

Malam tersebut dimulakan dengan tarian waltz yang memukau ramai oleh penari-penari daripada Persatuan Penari-penari Kuala Lumpur. Orang ramai juga disajikan dengan tarian Michael Jackson yang menerima tepukan dan pujian ramai.

Acara kemuncak pada malam itu adalah persembahan ilusi oleh Anslem Roy. Pada akhir persembahannya, beliau membuat satu persembahan gilotin kepala ke atas seorang sukarelawan yang dipilih daripada orang ramai.

Kesemua tetamu kembali ke rumah dengan satu Kalendar Badan Peguam Kuala Lumpur 2009 dengan satu penanda buku sebagai tanda mata.

PENGHARGAAN

Saya ingin mengambil kesempatan ini untuk mengucapkan terima kasih kepada semua ahli SAC untuk sokongan yang tidak terhenti-henti dan membawa ketekunan yang benar ke jawatankuasa ini.

Lai Chee Hoe

Pengerusi

Jawatankuasa Sosial, Kesenian dan Kebudayaan



Pengerusi
Anand Ponnudurai

Jawatankuasa Sukan

1. AHLI JAWATANKUASA

Ahli-ahli yang berikut telah dilantik sebagai konvenor-konvenor bagi membantu dalam organisasi sukan-sukan berikut:-

- | | | | |
|------|-------------|---|-----------------------|
| i. | Badminton | : | A.I. Nathan |
| ii. | Kriket | : | Alex De Silva |
| iii. | Hoki | : | Khairul Idham |
| iv. | Bola Jaring | : | Marie-Julie Wan Ullok |
| v. | Bola Sepak | : | Robert Low |
| vi. | Tenis | : | Yeoh Cho Keong |
| vii. | Bola Tampar | : | Dinesh Kanavaji |

2. SUKAN MAJLIS PEGUAM ANTARA BADAN PEGUAM NEGERI-NEGERI

2.1 Biasanya, dalam bulan Mac and April, tidak banyak aktiviti-aktiviti dijalankan kerana kesemuanya ditumpukan dalam persiapan untuk "Bench and Bar Games" Tahunan dengan Singapura. "Bench & Bar Games" tahun ini telah dijadualkan untuk dianjurkan oleh Jawatankuasa Peguam Melaka pada hujung minggu dalam minggu Hari Pekerja. Memandangkan ini, Jawatankuasa Sukan Majlis Peguam telah memutuskan untuk mengadakan Kejohanan Badan Peguam Diantara Negeri-Negeri pada bulan Mac dalam usaha untuk menjadikannya satu proses pemilihan untuk "Bench & Bar Games" tersebut. Jawatankuasa Sukan Badan Peguam KL telah diminta untuk menganjurkannya di mana pihak kami telah bersetuju. Acara-acara sukan telah diadakan di Stadium DBKL pada 01.03.2008 di mana beberapa pasukan-pasukan negeri telah mengambil bahagian. Badan Peguam KL telah muncul sebagai juara dalam kesemua acara iaitu Bola Sepak, Badminton, Bola Tampar dan Bola Jaring.

2.2 Dengan sedemikian, ia adalah tidak hairan bahawa majoriti daripada kontinjen Badan Peguam Malaysia terdiri daripada ahli-ahli Badan Peguam KL yang telah menewaskan tanpa keraguan kontingen Singapura pada "Bench and Bar Games" di Melaka.

2.3 Pertandingan golf antara negeri telah dianjurkan oleh Badan Peguam Perak di Clearwater Sanctuary Golf Resort di Batu Gajah pada 12.07.2008. Pasukan Badan Peguam KL adalah merupakan antara 7 pasukan negeri yang telah mengambil bahagian tetapi hanya menjadi naib johan kepada pesaing utama kami, iaitu pasukan Badan Peguam Selangor.



3. KARNIVAL SUKAN YANG KE-18 – BADAN PEGUAM KL LWN KELAB DIRAJA SELANGOR (12-14 JUN 2008)

- 3.1 Siri ini dimulakan pada tahun 1985 oleh Allahyarham Tan Sri Dato' Harun Hashim di mana beberapa sukan telah dipertandingkan untuk piala keseluruhan yang disumbangkan oleh Tan Sri. Terdapat piala pertandingan untuk setiap sukan yang disumbangkan oleh ahli-ahli kanan Peguam / Kelab DiRaja Selangor. Acara-acara yang dipertandingkan pada tahun ini adalah badminton, kriket, tenis, bolasepak, hoki, bola jaring, "billiard/pool" dan "boat race". Pasukan Badan Peguam KL telah memenangi siri 2007 selepas 17 tahun dan pasukan Kelab DiRaja Selangor membawa pasukan yang kuat tahun ini dalam satu cubaan untuk memenangi piala itu.
- 3.2 Acara-acara telah diadakan dari 12 hingga 14.06.2008 di beberapa tempat di mana keputusan terakhir adalah 4-4 dimana Badan Peguam KL memenangi acara badminton, tenis, netball dan "billiard/pool" sementara pasukan Kelab DiRaja Selangor menjadi pemenang dalam acara hoki, kriket, bolasepak dan "boat race". Walaubagaimanapun, disebabkan juara bertahan, Badan Peguam KL Bar mengekalkan piala itu.

4. SUKAN BADAN PEGUAM KL/SELANGOR - SIRI KE-8 (20-21 JUN 2008)

- 4.1 Siri ini dimulakan selepas pemisahan di antara Badan Peguam Selangor dan Kuala Lumpur dan kedua-dua pasukan telah bertanding dalam beberapa sukan untuk Piala Lall Singh Muker yang disumbangkan oleh seorang ahli kanan Badan Peguam, Encik S.S. Muker yang merupakan ahli kedua-dua Badan Peguam Selangor dan Kuala Lumpur.
- 4.2 Tuan Rumah siri tahun ini adalah Badan Peguam Selangor dan pertandingan ini diadakan di beberapa lokasi pada 20-21.06.2008 dimana Badan Peguam Selangor telah menjadi juara keseluruhan dengan keputusan 5-4 apabila mereka memenangi bolasepak, bola tampar, futsal, golf dan badminton. Badan Peguam KL memenangi hoki, netball, "pool/darts" dan "boat race". Badan Peguam KL akan menjadi tuan rumah siri ke-9 dalam tahun 2009 dan akan mencuba sedaya upaya untuk memenangi piala ini.

5. AM

Satu gelanggang bola tampar di Kompleks Sukan Bangsar telah ditempah pada setiap hari Ahad kedua dan terakhir setiap bulan jam 5.00 hingga 7.00 petang. Walaubagaimanapun, tempahan ini telah digantung sementara menunggu pembaikpulihan kompleks sukan tersebut. Begitu juga, satu gelanggang badminton di Dewan SBA di Kampung Attap telah ditempah pada setiap hari Khamis dari jam 6.00 hingga 8.30 malam. Penempahan-penempahan ini adalah untuk memberi peluang supaya ahli-ahli dan pelatih-pelatih dalam kamar tetap bermain sukan-sukan tersebut sambil berinteraksi.

6. UCAPAN TERIMA KASIH

Saya dengan ini ingin merakamkan ucapan terima kasih kepada kesemua konvenor-konvenor kerana telah mengorbankan masa dan usaha mereka dalam mengaturkan permainan-permainan masing-masing. Jawatankuasa Sukan juga ingin merakamkan ucapan terima kasih kepada kesemua penderma-penderma piala dan penajaan-penajaan dalam pelbagai bentuk dalam tahun-tahun terdahulu yang mana telah menjayakan pelbagai aktiviti-aktiviti sukan. Akhir sekali, Jawatankuasa Sukan berterima kasih kepada kesemua "ahli-ahli sukan" yang telah mengambil bahagian dan menyokong pelbagai aktiviti-aktiviti Jawatankuasa Sukan sepanjang tahun ini. Walaupun penglibatan ahli-ahli telah bertambah dan adalah menggalakkan secara keseluruhannya, adalah diharapkan bahawa lebih ramai ahli terutamanya peguam-peguam muda, akan mengambil bahagian dalam aktiviti-aktiviti pada tahun-tahun yang akan datang.

Anand Ponnudurai
Pengerusi
Jawatankuasa Sukan



Pengerusi

Dipendra Harshad Rai

Naib Pengerusi

Janet Chai
Sunil Lopez

Ketua Sub-unit

Choo Dee Wei
Seira Sacha
Sandesh Kabir
Fam Yu Min
Robin Lim Fang Say
Noor Arianti
Ruth Garnet Maran
Khaizan Sharizad

Ahli-ahli Jawatankuasa

Aileen
Alan Tan Eek Han
Alan Teoh
Alicia Tan May Sien
Archana Patrick
Athena Ang
Benjamin Sathyanandam
Cheah Kit Yee
Chian Huey
Chris Soon
Cynthia Chan Huey Ming
Daniel A
Dinesh Nair
Edmund Bon
Elaine Yap
Farez Jinnah
Foo Siew June
Foo Yueh Jiin
Foong Cheng Leong
Francesca Phillip
James Ding Tse Wen
Jenny Pong Yen Nee
Jonathan Lim
Joshinae Wong
Joshua Kevin
June
Kavitha
Lai Chee Hoe
Lee Shih
Madelene Tan
Marie Soong Mei Yee
Musyrifah Abdul Malek
Ng Su-San
Ngan Fei-Fei
Nur Hidayah
Patricia Woo
Patrick Lim Tow Chai
Petrina Tan Tjin Yi
R. Mogana Das

Jawatankuasa Peguam Muda

Penggal ini, Jawatankuasa Peguam Muda Kuala Lumpur (“YLC”) meneruskan projek-projeknya yang dimulakan sejak tahun lepas. Sebagai satu jawatankuasa yang menyeluruh dan dengan ahli-ahli baru yang memasuki, YLC masih lagi meneruskan dengan struktur 4 unitnya yang direka untuk memastikan kesemua keperluan peguam muda dijaga. Unit-unit tersebut adalah seperti berikut:

- (a) *Unit Projek Kemasyarakatan* - sebuah unit kecil yang dirancang untuk mengkaji projek penggerak kemasyarakatan dan kebajikan;
- (b) *Unit Hubungan Luar* - sebuah unit kecil yang dirancang untuk mengadakan dan menggalakkan hubungan kerja yang rapat dengan badan-badan dan organisasi profesional, universiti-universiti sama ada dalam negeri atau antarabangsa;
- (c) *Unit Hak Asasi Manusia dan Perjuangan undang-undang* - sebuah unit kecil yang dirancang untuk mengkaji hak-hak asasi manusia dan isu-isu kebebasan sivil di Kuala Lumpur dan untuk bertindak selaku “watchdog”; dan
- (d) *Unit Pengurusan Amalan* - sebuah unit kecil yang dirancang untuk mengkaji isu-isu amalan yang melibatkan para peguam muda dan untuk memastikan agar peguam ini boleh/dapat dilengkapi untuk menghadapi tuntutan profesion guaman.

Kejayaan YLC penggal ini berpunca daripada dedikasi, passion dan sikap amal peguam-peguam yang mencukupkan YLC. Sikap tidak patah semangat dan tenaga tak terbatas telah membuat tugas saya senang. Penghargaan ikhlas dan telus saya pergi kepada timbalan-timbalan saya - Janet Chai dan Sunil Lopez dan juga Ketua-ketua bersama 4 Unit - Choo Dee Wei, Seira Sasha Abu Bakar, Sandesh Kabir Singh, Fam Yu Min, Noor Arianti Osman, Robin Lim, Ruth Maran and Khaizan Sharizad. Mereka menjalankan tugas-tugas mereka masing-masing dengan penuh kecemerlangan dan tanpa pilih kasih atau ketakutan. Saya juga ingin mengucapkan terima kasih kepada ahli-ahli Jawatankuasa Peguam Kuala Lumpur dan Pengerusi yang pada dasarnya, banyak menolong aktiviti yang dilaksanakan oleh YLC dan sesungguhnya Cik Melissa Dass, Pegawai Eksekutif yang bertanggungjawab ke atas YLC terhadap kerja-kerja belakang tabir tanpa mengenal lelah.

AKTIVITI- AKTIVITI

1. *Sukan ‘paintball’ pada 14.06.2008*

YLC bersama-sama dengan Jawatankuasa Sosial, Kesenian dan Kebudayaan telah menganjurkan sukan ‘paintball’ di Tanamera Paintball Field di Sungai Buloh pada hari Sabtu 14.06.2008, dari pukul 9:30 pagi sehingga 5:00 petang. Seramai 30 orang peguam telah mengambil bahagian dalam sukan tembak-menembak ini.

2. *Malam Amal YLC 2008*

Di bawah pimpinan Unit Projek Kemasyarakatan, YLC sekali

**Ahli-ahli Jawatankuasa**

R.Ragunathanan
Raja Kumar
Rajdeep Singh
Ravinder Singh Dhaliwal
Richard Wee Thiam Seng
Sandesh Kabir Singh
Sarah Kambali
Serena Lim
Sheryl Tan
Sivaruben Balasekaran
Syahredzan Johan
Tan Meng Tze
Tan Pei Lyn
Tan Siok Keng
Tay Choon Howe
Tiffany Heah
Tracy Hah
Vincent Tey
Wai Kuan
Woon Huei Chin
Zainurazira Zainal

lagi menganjurkan acara amal yang dinanti-nantikan ini di dalam kalendar Badan Peguam KL. Pada tahun ini, berbeza dengan tahun-tahun yang lepas, tiada pertandingan untuk Idol Badan Peguam KL, akan tetapi telah menampilkan pertandingan "Battle of the Bands". Lima kumpulan yang berbakat iaitu - Joe Latex and the Rubbertappers, Malayan Borneo Grasscutter Ninja Union Quartet, Taiko Tai and the Ringtones, Will Sing For Petrol dan It's OK to Adjourn - telah memberi persembahan di hadapan orang ramai di mana sebanyak 690 tiket telah dijual dan seramai 600 peguam dan kawan-kawan mereka memenuhi ruang di Savanh Too, Mont Kiara bagi mengumpul derma untuk pertubuhan amal yang telah dipilih tahun ini iaitu Persatuan Penjagaan Kanak-Kanak Cacat, Klang

Juga bersama untuk menghiburkan orang ramai adalah 2 peserta Idol dari tahun lepas, Chryshantini Niles dan Ruth Maran yang telah membuka dan menutup acara "Battle of the Bands" tersebut. Seperti acara Malam Alam tahun lepas, Malam Amal tahun ini juga telah dijalankan serentak dengan Malam Amal di Penang, Melaka dan Selangor di mana peguam-peguam telah bersatu dan hadir untuk acara amal. Dengan persembahan yang hebat, tidak ragu bahawa kumpulan-kumpulan di atas telah mencapai satu tahap keabadian di antara rakan sebaya mereka.

Jumlah sebanyak RM29,430.00 telah dikutip pada Malam Amal tahun ini. Kejayaan dan kepentingan acara Malam Amal ini mesti dilihat di dalam konteksnya memandangkan acara-acara Malam Amal pada tahun lepas telah berjaya menyalurkan lebih daripada RM100,000.00 kepada pertubuhan-pertubuhan amal yang berlainan.

Acara Malam Amal juga telah menaikkan profil Badan Peguam KL dan Badan Peguam secara amnya dengan menunjukkan sifat kasih sayang dan belas kasihan peguam-peguam. Sifat muhibbah yang telah ditunjukkan oleh semua peguam akan bergema pada masa hadapan. Tentunya acara ini mesti diteruskan sebagai satu tradisi Badan Peguam KL. YLC mengucapkan ribuan penghargaan kepada ahli-ahli kumpulan, penyokong mereka dan peguam sukarelawan yang bukan hanya telah menderma atas nama pertubuhan amal, akan tetapi telah bersatu untuk menjadikan ini satu acara yang luarbiasa.

3. *Lawatan ke Universiti-Universiti dan Kolej-Kolej Perundangan Swasta*

Lawatan-lawatan ini telah dirancang oleh Unit Hubungan Luar. Tujuannya adalah untuk mengurus jangkakan pelajar perundangan (terutamanya pelajar perundangan akhir tahun) kerana merekalah yang berada diambang menjadi pelatih dalam kamar dan menjalankan amalan guaman. Lawatan-lawatan tersebut dirancang untuk memberi pelajar perundangan ini sesuatu gambaran tentang apa yang perlu dijangka selepas menghabiskan pelajaran, harapan daripada majikan, cara-cara memohon untuk tempat bagi menjalankan latihan dan pilihan perkerjaan yang lain. Lawatan-lawatan



tersebut memang telah membawa faedah kepada pelajar perundangan dan juga kepada pihak YLC kerana kedua-dua pihak telah belajar memahami harapan mereka antara satu sama lain:

- a. Kemayan-ATC pada 06.09.2008;
- b. UiTM pada 13.09.2008;
- c. UKM pada 18.10.2008;
- d. Taylor's College University pada 15.11.2008; dan
- e. Brickfields College pada 22.11.2008

YLC juga merancang untuk melawat KDU Law School, Universiti Malaya dan Universiti Islam Antarabangsa pada bulan Januari 2009.

4. ***Majlis Berbuka Puasa pada 19.09.2008 di Medan Ikan Bakar Kampung Baru***

Berterusan dengan tradisi membuka puasa, YLC telah merancang satu lagi Majlis Berbuka Puasa. Tahun ini, Majlis Berbuka Puasa ini telah diadakan di Medan Ikan Bakar Kampung Baru. Hampir 70 peguam dan pelatih dalam kamar daripada agama dan kaum yang berlainan telah menghadiri majlis ini untuk berbuka puasa dengan makanan yang masyhur Kg Baru Ikan Bakar dan masakan tradisi Melayu.

5. ***Malam Suai Kenal Profesional Muda Ke-3 pada 15.11.2008 di Setia Alam Eco Park, Shah Alam***

Perikatan Profesional Muda (Young Professionals Alliance) ("YPA") telah dilancarkan secara rasminya pada 17.11.2008 oleh Datuk Liow Tiong Lai, Timbalan Menteri Sukan dan Belia pada masa itu, dan telah ditubuhkan dengan profesional dari profesion kejuruteraan, farmasi, setiausaha am syarikat dan perundangan. YPA adalah sebuah badan yang terdiri daripada profesional-profesional muda daripada institusi-institusi profesional yang berbeza di Malaysia. Matlamat-matlamat utama Perikatan tersebut adalah untuk mengukuhkan pertalian di antara profesional-profesional, perkongsian pengetahuan di antara ahli-ahlinya, serta mengumpulkan sumber untuk membantu komuniti. YPA juga tidak mempunyai apa-apa sandaran politik, agama dan adalah terbuka kepada semua profesional-profesional.

Edisi tahun ini, Malam Suai Kenal Profesional Muda Ke-3 telah dirancangan secara bersama oleh Kumpulan MAICSA Muda (Young MAICSA Group) dari Malaysian Institute of Chartered Secretaries and Administrators dan Malaysian Pharmaceutical Society-Young Pharmacists Chapter (MPS-YPC). Ia telah diadakan di Canopy Club, Setia Alam Eco Park, Shah Alam. Acara tahun ini adalah makan malam kebajikan bagi membantu MAKNA dalam misi mereka dengan mengumpul derma untuk kerja-kerja jasa baik mereka dan meningkatkan kesedaran mengenai barah di antara profesional-profesional dan awam. Acara ini sekali lagi memberikan peluang kepada semua untuk bergembira dan bergaul dengan setiausaha khas dan pentadbir, jurutera, peguam, ahli farmasi dan profesional-profesional muda lain. Para peserta mengalami malam yang menggembirakan dengan carian harta karun, persembahan oleh kumpulan muzik dan makanan Nyonya yang lazat.

6. ***'Young Lawyers Guide to Legal Practice' - satu usahasama dengan LexisNexis***

YLC (yang diketuai oleh Unit Pengurusan Amalan) telah memulakan satu projek buku berterusan untuk menyediakan pelajar undang-undang, pelatih dalam kamar dan peguam-peguam muda satu panduan untuk amalan undang-undang. Dijadikan sasaran untuk pelancaran dalam suku pertama 2009, Buku Panduan ini bertujuan untuk memberi pelajar undang-undang, pelatih dalam kamar dan peguam-peguam muda dengan satu sumber boleh dipercayai supaya sebagai untuk memastikan bahawa kesemua perlu dan maklumat relevan berkaitan dengan amalan undang-undang boleh didapati. Buku ini patut berkaitan untuk pelajar undang-undang tahun pertama sehingga mereka yang telah didaftarkan dan disenaraikan sebagai seorang peguambela dan peguamcara dan selepasnya.

Panduan ini diharapkan agar dapat memberikan gambaran umum kepada pembaca-pembaca yang disasarkan mengenai amalan guaman yang sebenarnya. Di dalam amalan guaman globalisasi pada hari ini, peguam-peguam muda yang baru sahaja menceburi amalan ini tidak mampu untuk mengambil masa yang banyak mempelajari selok-belok amalan ini. Mereka perlu pantas belajar dan dengan panduan ini dapat memberikan mereka dengan kelengkapan yang diperlukan untuk mencapai objektif ini.

Buku ini bukan bertujuan untuk menggantikan amalan guaman tetapi untuk melengkapkan informasi yang



banyak terdapat mengenai teori perundangan dan kekurangan maklumat yang substantif dan praktikal mengenai amalan guaman. Lebih penting, Panduan ini akan menjadi sumber pendapatan bagi Badan Peguam KL. Badan Peguam KL boleh berharap untuk menerima sejumlah dalam lingkungan RM5,000-8,000 semasa cetakan awal Panduan ini berlangsung.

Isi Kandungan bagi Panduan yang dicadangkan adalah seperti berikut:

(a) Bahagian Pertama: Pelajar Undang-Undang

- (1) Pengenalan kepada Undang-Undang
- (2) Teori v Amalan
- (3) Bagaimana hendak memberi kesan kepada majikan prospektif anda

(b) Bahagian Dua: Pelatih Dalam Kamar

- (1) Memahami proses latihan dalam kamar
- (2) Firma Besar v Firma Kecil dan memaksimumkan proses pembelajaran anda
- (3) Menguasai Penyelidikan Undang-Undang

(c) Bahagian Tiga: Peguam Muda dan selanjutnya

- (1) Selepas kemasukkan dan pendaftaran: Apa seterusnya?
- (2) Memahami tradisi-tradisi Badan Peguam
- (3) Asas-asas Guaman

7. Cadangan Kursus Pengurusan Amalan Guaman Peguam Muda

Kursus Pengurusan Amalan Guaman ini (“LPMC”) yang dianjurkan oleh Unit Pengurusan Amalan bertujuan untuk menjadi satu program komprehensif satu hari khususnya kepada asas litigasi, korporat, konveyancing untuk pelatih dalam kamar dan pengamal undang-undang yang baru bermulanya karier undang-undang mereka. LPMC ini direka untuk memastikan bahawa peguam-peguam dapat beramal undang-undang secara efisien dan berkesan dan menggunakan teknik-teknik undang-undang yang sedia ada kepada mereka. LPMC akan menumpu kepada objektif-objektif seperti pemasaran, perkhidmatan pelanggan, pengurusan risiko, pengurusan tekanan dan dilema etika. LPMC dicadangkan untuk dilaksanakan pada bulan Februari 2009.

YLC berharap untuk mencapai banyak lagi untuk penggal hadapan. Pelbagai projek sudah dirangka dan dalam peringkat perancangan seperti “Program Mentor” dan siri “Law Debates”. YLC bertujuan menjadi satu jawatankuasa yang lengkap kepada keperluan bukan sahaja bagi peguam muda tetapi untuk semua peguam secara umumnya.

Saya harus merekodkan penghargaan yang mendalam kepada Jawatankuasa Peguam Muda Nasional dan Pengerusinya kerana telah sentiasa menyokong dan memberikan nasihat sepanjang pelaksanaan aktiviti-aktiviti kami.

Sebagai Pengerusi bagi YLC selama 2 penggal, ia hanya tinggal untuk saya bagi menambah bahawa saya adalah berbangga dan bertuah untuk telah mengetuai sekumpulan peguam-peguam yang telah membuktikan bahawa mereka adalah pemimpin masa hadapan bagi Badan Peguam. Penghargaan dan penghormatan paling dalam juga saya tujukan kepada peguam-peguam yang telah menyokong projek-projek yang wajar yang telah dijalankan oleh YLC supaya memastikan dan pada masa yang sama mengekalkan pencapaian-pencapaian yang tinggi Badan Peguam.

Saya telah tidak sangsi bahawa dengan satu Jawatankuasa Peguam Muda yang kukuh, masa depan Badan Peguam KL kelihatan cerah dan positif. Saya berharap untuk melihat lebih ramai peguam yang akan mara ke hadapan dengan tujuan untuk berkhidmat demi Badan Peguam KL dan menyediakan sokongan untuk pelbagai jawatankuasa sambil memastikan bahawa matlamat Badan Peguam KL direalisasikan.

Dipendra Harshad Rai

Pengerusi

Jawatankuasa Peguam Muda



Ahli Panel

Pengerusi

Ravi Nekoo

Setiausaha Kehormat

Amer Hamzah Arshad

Pembantu Setiausaha Kehormat

Latheefa Koya

Bendahari

Sasha Lyna Abdul Latif

Ahli-ahli

Renuka T Balasubramaniam

Sa'adiah Din

Sivanesan Nadarajah

Datuk Baljit Singh Sidhu

Magesan R Ayavoo

Puspawati Rosman

Surendran Sreetharan

Rajesweri Paramasevam

Ravinder Singh Dhaliwal

Preetam Kaur

M Moganambal

Harleen Kaur

Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur)

Pengenalan

Tahun 2008/2009 merupakan satu tahun yang mencabar. Sementara Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) (KLLAC) terus membantu klien-kliennya, kami mengalami pertambahan bilangan klien yang meminta bantuan. Tahun ini kami telah memberi perkhidmatan kepada 16,572 orang klien. Ini adalah pertambahan sebanyak 39% berbanding tahun 2006 di mana kami memberikan khidmat kepada 10,062 klien. Kami menjangkakan angka ini akan meningkat pada tahun-tahun yang mendatang lantaran bertambahnya bilangan orang yang mengetahui akan perkhidmatan yang disediakan oleh KLLAC.

Bantuan Tangkapan Segera – Sekali lagi, KLLAC telah menunjukkan tekadnya mempertahankan hak perlembagaan rakyat untuk berhimpun secara aman apabila peguam-peguam sukarejanya hadir di balai polis bagi membantu mereka yang telah ditangkap kerana terlibat di dalam perhimpunan-perhimpunan HINDRAF, BERSIH, dan JERIT. Kemudiannya, kami telah memberikan perwakilan guaman kepada sesetengah daripada mereka yang terlibat tersebut ketika mereka didakwa di Mahkamah.

Pelancaran Laman Web - Dalam usaha untuk memberi perkhidmatan yang lebih baik kepada klien, kami telah melancarkan laman web kami. Hakikatnya, ini adalah laman web yang pertama seumpamanya oleh satu Pusat Bantuan Guaman Majlis Peguam. Tujuan utama pelancaran laman web ini adalah untuk berhubung dengan beberapa NGO dan kumpulan- kumpulan komuniti lain yang bekerja rapat dengan kumpulan yang terpinggir dan memberikan bantuan kami.

Pelancaran Bilik "Dock Brief" - Tahun ini juga, kami telah secara rasminya membuka Bilik "Dock Brief" di Kompleks Mahkamah Jalan Duta. Walaupun kami telah memberikan perkhidmatan kepada klien kami dari bilik ini sejak setahun lalu, kami merasakan keperluan menghebahkan kewujudan bilik ini kepada anggota masyarakat.

Pembaharuan Bantuan Guaman - Di KLLAC, kami bukan sahaja bertekad mempertahankan kebebasan berperlembagaan kepada rakyat Malaysia tetapi kami sama bertekad untuk memainkan peranan yang aktif dalam penggubalan satu polisi kebangsaan berkenaan bantuan guaman di Malaysia. Bagi maksud ini, kami telah menyokong Majlis Peguam secara aktif dengan merangka berbagai dokumen dan polisi berkenaan masa depan bantuan guaman dan peranannya di dalam pembangunan negara. Kami telah juga membantu Majlis Bantuan Guaman Kebangsaan dengan menyediakan Draf Undang-Undang Pembaharuan Bantuan Guaman.

Peguam-Peguam Sukarela - Sebagai pemberi khidmat kepada klien kami, secara berterusan meningkatkan mutu penyampaian perkhidmatan kami. Kami menyediakan latihan yang secukupnya kepada peguam sukarela yang menjalankan tugas, dan selain itu kami



juga memastikan terdapat peguam kanan yang bersedia untuk membantu sekiranya diperlukan. Pada tahun ini sahaja, kami mempunyai 112 orang peguam sukarela baru yang berdaftar untuk membantu dalam KLLAC. Ini membolehkan kami menugaskan lebih banyak fail kepada peguam sukarela kami. Kami juga berjaya menghasilkan kumpulan pelatih dan penyelia yang lebih besar.

Latihan Pelatih Dalam Kamar - Kami telah mengekalkan program-program latihan kami yang sediaada. Program-program yang terkandung di dalam latihan ini adalah untuk memastikan tiada kepincangan dalam membina keupayaan. Kami mensasarkan pelatih-pelatih yang menghadiri Pusat kami untuk tugas wajib 14 hari mereka. Sebagai tambahan, kepada program orientasi dan latihan yang telah diberikan, kami sentiasa melibatkan mereka dalam perbincangan dan aktiviti-aktiviti lain. Kami mencabar mereka untuk melangkau latihan guaman biasa mereka agar menjadi peguam luar biasa.

Satu program latihan yang khusus telah dirangka bagi melatih dan memajukan peguam-peguam ini menjadi pemimpin-pemimpin yang dinamik yang bukan hanya membantu bantuan guaman dalam jangka masa pendek tetapi juga menjadi kepimpinan Bar dalam jangka masa panjang. Sehingga kini, sukacita kami nyatakan bahawa melalui program latihan ini kami mempunyai sekitar 40 orang peguam yang muda dan dinamik membantu KLLAC, NLAC dan juga Jawatankuasa Hak Asasi Manusia Majlis Peguam.

Badan Bukan Kerajaan - Sebagai sebahagian daripada rancangan untuk bekerjasama dengan badan bukan kerajaan (NGO) yang mewakili pelbagai komuniti kami telah secara bersama menganjurkan beberapa program-program luar (out-reach programme) dengan rakan-rakan NGO kami. Undang-undang dan kekurangan pengetahuan terhadapnya adalah lebih baik dipelajari daripada mereka yang menerima bahananya. Hubungan dengan rakan NGO telah memberikan kami kefahaman lebih mendalam terhadap isu-isu yang menjadi tumpuan dan keperluan untuk laluan kepada keadilan dan pembaharuan undang-undang. Pada tahun ini, klinik LAC/ Pink Triangle telah melangkah setapak lagi ke hadapan dengan pembentukan pakatan kerja dengan Majlis AIDS Malaysia (MAC).

Pelawat Antarabangsa - Pada tahun ini, kami juga telah berpeluang untuk menjadi tuan rumah dan membangunkan hubungan kerja dengan beberapa organisasi bantuan guaman serantau seperti para peguam dari Filipina, Taiwan dan Jepun. Bantuan Guaman Vietnam telah menghabiskan dua minggu di KLLAC untuk lawatan pendedahan dan pembelajaran.

Panel Siasatan - Semasa menjalankan kesemua aktiviti ini, kami telah dihadapkan dengan panel siasatan yang ditubuhkan oleh Majlis Peguam berikutan beberapa dakwaan skandal dan remeh yang memalukan yang telah dilakukan oleh sekumpulan peguam. Kami berdiri teguh mempertahankan diri daripada tuduhan-tuduhan yang cabul dan liar ini. Kami menghadiri Panel Siasatan. Kami mempersembahkan cerita kami dan menyokong fakta tersebut dengan keterangan. Kami telah menyediakan dua jilid dokumen yang mengandungi beratus-ratus mukasurat yang menggariskan tindakan yang telah diambil, keputusan yang telah dibuat dan pertanggungjawaban proses (due process) yang terlibat. Kami telah menyediakan saksi-saksi untuk siasatan ini. Banyak masa yang berharga telah diluangkan untuk siasatan ini. Akhirnya, satu keputusan telah diumumkan oleh Majlis Peguam pada 7 Januari 2009. Kesemua 22 dakwaan yang dilemparkan terhadap kami telah diumumkan sebagai tidak berasas dan tanpa merit. Akhirnya kami berjaya tetapi dengan padah. Kami telah menghabiskan 7 bulan untuk membuat persiapan bagi siasatan ini. Saksi-saksi kami termasuklah peguam-peguam yang baru diterima masuk ke dalam Bar. Mereka terpaksa mengorbankan masa kerja untuk menghadiri siasatan ini.

Walaupun kami sememangnya tahu bahawa tuduhan tersebut adalah remeh, kabur dan dipenuhi kesamaran, kami tetap melalui keseluruhan proses tersebut. Mungkin adalah lebih wajar sebagai langkah awal, bagi Majlis Peguam, hanya menubuhkan panel siasatan sebaliknya membuat satu tanggapan prima facie di atas kebenaran/kepalsuan dakwaan-dakwaan tersebut. Ini akan menjimatkan masa kami yang berharga.

Terima Kasih - Tahun 2008/2009 adalah tahun yang sibuk dan penuh kacau-bilau. Walaupun berat untuk dipikul tuduhan yang dilemparkan, kami tetap meneruskan kerja-kerja biasa kami seperti dahulu dan selanjutnya telah mencapai beberapa tahap baru sejajar dengan matlamat kami untuk tahun berkenaan. Ini tidak mungkin dapat dilakukan tanpa sokongan padu yang tidak berbelah bagi daripada Panel Pengurusan, Pemegang Jawatan, Pengarah Eksekutif dan kakitangannya, Peguam-Peguam Sukarela, Pelatih Dalam Kamar dan rakan-rakan NGO kami. Saya mengambil kesempatan ini untuk mengucapkan terima-kasih kepada mereka semua untuk masa, tenaga dan tekad mereka.

Ravi Nekoo
Pengerusi



**PUSAT BANTUAN GUAMAN MAJLIS PEGUAM (KUALA LUMPUR)
STATISTIK (JANUARI 2008 – DISEMBER 2008)**

A. STATISTIK KLIEN: RUMUSAN 2008

	Klinik/Program	Klien 2006	Klien 2007	Klien 2008
1	Penjara Sungai Buloh : † Klien Malaysia † Klien Pemandatang asing	1285 (1010) (275)	1093 (764) (329)	1407 (1008) (399)
2	Penjara Wanita Kajang	200	139	168
3	Penjara Pemandatang Asing Wanita Kajang	84	88	132
4	Penjara Lelaki Kajang	-	217	470
5	Penjara Pemandatang Asing Lelaki Kajang*	-	26	3
6	Rumah Tahanan Juvana	77	116	20
7	Dock Brief	4714	4200	4823
8	Klinik LAC	1696	1675	1585
9	Klinik Syariah	112	129	130
10	SIS	568	673	665
11	AWAM	493	387	411
12	PTF	82	10	80
13	WAO	166	173	115
14	Tenaganita	585	2350	2284
15	UNHCR	-	3360	3931
16	Kes Kepentingan Awam	-	469	348
	Keseluruhan	10062	15105	16572

B. FAIL-FAIL: DIBUKA, DITUGASKAN & TIDAK DITUGASKAN - 2008

	Kategori	2007			2008		
		Dibuka	Ditugaskan	Tidak Ditugaskan	Dibuka	Ditugaskan	Tidak Ditugaskan
1	Jenayah • Klinik LAC • Program Penjara	136 120	79 88	57 32	95 130	114 146	38 16
2	Pekerjaan	32	26	8	22	30	-
3	Keluarga	67	60	4	82	86	-
4	Syariah	43	38	4	42	37	9
5	Lain-lain • Kes Kepentingan Awam • Misc	2 5	1 4	1 1	4 3	2 4	3 -
	Keseluruhan	405	296	107	378	419	66

C. PEGUAM SUKARELA BARU: 2008

PEGUAM SUKARELA BARU	112
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1. PBG Majlis Peguam (KL) Laporan Klinik LAC

Laporan disediakan oleh: Sekretariat

Ahli Jawatankuasa:

Renuka T.Balasubramaniam (Ketua Projek)
 Jerald Gomez
 Ramesh Lachamanan
 Jayalechumi Rajaretnam
 N. Surendran
 Sharmini Thiruchelvam
 Mahadevi Kallidass

Rajeswari Paramasivam
 Janice Leo
 Ahmad Ridza
 Chew Swee Yoke
 Kamaliyah Mohd Hafiz
 Sunitha Rengasamy
 Lai Chee Hoe

Pengenalan

Klinik Pusat Bantuan Guaman (“Klinik LAC”) telah beroperasi sejak 1983 di pejabat seketeriat bagi membantu orang awam yang datang ke Klinik LAC. Klinik ini memberikan nasihat perwakilan dan campur-tangan undang-undang secara percuma kepada mereka yang layak di bawah ujian kelayakan (“means test”). Klinik ini juga mengambil bahagian dalam meningkatkan kesedaran undang-undang. Klinik LAC diselia dan diurus oleh Ahli Jawatankuasa Klinik LAC – sekumpulan peguam sukarela. Ia dianggotai oleh Pelatih Dalam Kamar (“PDK”) yang menyempurnakan perkhidmatan bantuan guaman mereka seperti yang telah ditetapkan oleh Perintah Majlis Peguam dalam Perkhidmatan Bantuan Guaman. Jika perlu, PDK diselia melalui telefon oleh peguam-peguam yang berpengalaman. Setiap PDK bertugas sekali dalam seminggu untuk tempoh selama 3 bulan. Klinik ini dibuka kepada orang ramai setiap hari dari Isnin hingga Jumaat, pukul 10 pagi hingga 4.30 petang.

Klinik LAC mempunyai 15 Ahli Jawatankuasa yang diketuai oleh Cik Renuka T.Balasubramaniam. Mesyuarat Jawatankuasa LAC yang pertama telah diadakan pada 16 April 2008, mesyuarat kedua pada 18 Jun 2008 dan mesyuarat ketiga pada 6 November 2008. Agenda utama dalam mesyuarat tersebut ialah perancangan dalam latihan PDK seperti menentukan pemudah cara dan mengkaji semula buku panduan latihan. Rancangan tambahan yang telah dibincangkan ialah penubuhan rangkaian dengan pusat bantuan negeri-negeri lain dan juga belanjawan untuk tahun 2009.

Sebagai sebahagian daripada agenda utama, telah diputuskan bahawa ahli jawatankuasa menjalankan pemudahan cara latihan agar maklumbalas yang praktikal untuk peningkatan boleh diperolehi. Setiap kali dua orang ahli jawatankuasa akan menyelia latihan. Oleh kerana kepadatan jadual ahli jawatankuasa, hanya enam ahli jawatankuasa (Encik Jerald Gomez, Cik Sunitha Rengasamy, Encik Ahmad Ridza, Encik Ramesh Lachmanan, Cik Jayaletchumi Rajaretnam dan Cik Chew Swee Yoke) yang dapat mengambil bahagian setakat ini, sementara beberapa orang yang lain telah bersetuju untuk menjalankan latihan bagi baki tahun.

Pelbagai bahagian buku panduan latihan telah diagihkan kepada pakar-pakar di kalangan ahli jawatankuasa untuk dikaji dan ditulis semula jika perlu. Kajian semula buku panduan diharap dapat disempurnakan menjelang Februari 2009.

Program pelatih Klinik LAC telah bermula dengan Sesi 52 (Jan-April 2008), Sesi 53 (April-Julai 2008), Sesi 54 (Julai-Oktober 2008), Sesi 55 (Oktober-Disember 2008) dan Sesi 56 (Disember 2008-Mac 2009), seramai 56 PDK sudah menghadiri program ini. Kebanyakan mereka telah mendapati pertambahan pengetahuan mengenai ujian kelayakan, campur-tangan undang-undang, kemahiran menemu bual dan lain-lain. Mereka juga mendapati pengetahuan mereka mengenai prosedur, keganasan rumah tangga, undang-undang jenayah, undang-undang keluarga, undang-undang pekerjaan, undang-undang Imigresen telah bertambah.

Pelatih Klinik LAC telah menjalankan 14 campur-tangan undang-undang. Di antara contohnya ialah perintah perlindungan sementara dan juga rundingan balai polis.

Carta perbandingan Klien (klien yang berjalan-masuk) di antara 2007 dan 2008 adalah seperti berikut:-

NO	YEAR	NO KLIEN
1	2007	1580 (as at 6/12/07)
2	2008	1588 (as at 15/12/08)



Carta perbandingan Klien (perwakilan undang-undang diberikan) di antara 2007 dan 2008 adalah seperti berikut:-

NO	YEAR	NO KLIEN
1	2007	226 (as at 6/12/07)
2	2008	187 (as at 10/12/08)

Campur-tangan Undang-undang

Tahun ini melihatkan peningkatan dalam kes-kes yang melibatkan campurtangan undang-undang di mana PDK dikehendaki mengiringi klien bagi membantu mereka di dalam menuntut hak mereka. Kami melihat perbezaan yang ketara apabila klien sedemikian ditemani oleh PDK. PDK yang mengambil bahagian di dalam proses campurtangan undang-undang amat bersemangat kerana mereka berpeluang menempuh pelbagai pengalaman secara langsung dalam keadaan di mana anggota masyarakat menghadapi pelbagai kesukaran berdepan dengan pihak berkuasa/jabatan kerajaan di peringkat bawahan.

Malangnya, kami ada menghadapi keadaan di mana sehingga kini tiada tindakan atau jawapan yang diberikan berkaitan perkara-perkara yang telah dilakukan campurtangan undang-undang. PDK telah menyatakan ketidakpuasan dan kekecewaan mereka terhadap beberapa jabatan kerajaan yang tertentu. Jawatankuasa mendapati bahawa kekurangan dana dan penyeliaan oleh peguam sukarela merupakan penghalang kepada proses campurtangan undang-undang bagi kedua-dua pelatih dan sekretariat.

Perbandingan antara Campurtangan Undang-undang bagi tahun 2007 sehingga 2008 adalah seperti berikut:-

Bil.	Tahun	Jumlah	Bilangan Pelatih Dalam Kamar yang terlibat	Lokasi tempat lawatan
1.	2007	32 kes	30 orang	Polis, JPN, HUKM, Jabatan Buruh, Mahkamah Majistret
1	2008	14 kes	22 orang	Polis, Jabatan Buruh, Rumah Kanak-kanak Tengku Budriah, Cheras JKM, Jabatan Tenaga Kerja dan Bank

Latihan Pelatih Dalam Kamar

Jawatankuasa telah merombak program latihan PDK di mana kami telah memasukkan lakon-watak dan kaedah penglibatan dengan dinamik kumpulan.

Melalui proses ini kami mendapati minat dan kefahaman undang-undang PDK adalah lebih baik berbanding dengan hanya diberikan ceramah. Bagi menguji kefahaman mereka, kami menjalankan lakon-watak yang dilakukan oleh PDK dan juga peguam sukarela. PDK telah menasihatkan "klien" dan kealpaan/kesilapan mereka telah dikenalpasti dan diperbetulkan oleh peguam sukarela. Kami telah juga memperkenalkan penggunaan buku nota panduan asas berhubung isu-isu keluarga, jenayah dan pekerjaan yang telah kami hasilkan berdasarkan soal-siasat dan penemuan yang telah dipraktikkan dalam tahun 2005 dan 2006 dan yang berguna dan berkesan ketika temu-bual klien.

Walaupun ahli jawatankuasa menjalankan kebanyakan daripada ceramah dan memudahcarakannya, kami terhitung budi kepada peguam-peguam sukarela yang lain seperti En Lee Swee Seng, Pn Nachammai, En D.M Rao, En B. Murugayah, Pn Honey Tan, Cik Kavitha Havanayagam, Cik Latheefa Koya, En Sunil Vijayan dan En Ravi Nekoo yang telah bermurah hati meluangkan masa mereka yang berharga untuk menjalankan beberapa modul program latihan tersebut.

Laporan ini tidak lengkap tanpa merakamkan ucapan terima kasih kepada pengurusan dan kakitangan klinik LAC yang telah Berjaya mengatasi setiap cabaran yang timbul dalam urusan seharian klinik dan di dalam peyelarasan berbagai jadual bagi kedua-dua peguam dan PDK.



2. PBG Majlis Peguam (KL) Laporan Klinik Syariah

Laporan disediakan oleh: Sa'adiah Din (Ketua Projek)

Ketua Projek:

Sa'adiah Din

Klinik Syariah menyediakan khidmat nasihat dan perwakilan kepada masyarakat Islam berkaitan dengan undang-undang syariah. Maklumat di bawah menunjukkan bilangan klien dengan isu-isu syariah yang datang ke Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) (selepas ini dikenali sebagai "Pusat ini") dari 1hb Januari 2008 sehingga 31hb Disember 2008:-

Jumlah Bilangan Klien Syariah	132
Fail yang dibuka	41
Nasihat guaman	55
Tidak Layak	7
Luar bidang kuasa	3

Kebanyakan daripada kes yang dirujuk ke Pusat Bantuan Guaman Majlis Peguam adalah permohonan cerai, kembali taat, pengesahan cerai, tanggungan dan tuntutan harta perkahwinan.

Program klinik syariah oleh Pelatih Dalam Kamar bermula dengan kelompok 52 (Januari-April 2008), Kelompok 53 (April-Julai 2008), Kelompok 54 (Julai-Oktober 2008), Kelompok 55 (Oktober-Disember 2008) dan Kelompok 56 (Disember 2008-March 2009) di mana sejumlah 29 pelatih dalam kamar telah menyertai klinik ini. Pusat ini telah menerima maklumbalas yang baik daripada pelatih dalam kamar yang menyertai klinik ini.

Dari Januari sehingga Disember 2008, ahli jawatankuasa syariah telah menjalankan 4 sesi latihan untuk kesemua pelatih dalam kamar yang terlibat.

Kami dengan ini merakamkan ucapan jutaan terima kasih kepada kesemua peguam sukarela syariah yang telah membantu menjalankan klinik ini dengan baik.

3. PBG Majlis Peguam (KL) Laporan Program Dock Brief

Laporan disediakan oleh: Datuk Baljit Singh Sidhu (Ketua Projek)

Ketua Projek:

Datuk Baljit Singh Sidhu

Ketua Projek Alternatif:

Magesan Ayavoo

Ahli Jawatankuasa:

Nazariah bt Abbas

Navindren Subramaniam

Fadiah Nadwa

Harvinder Singh

Pengenalan

Pada tahun 2008 sebanyak 4 mesyuarat jawatankuasa telah diadakan iaitu pada 12.3.08, 10.4.08, 3.6.08 dan 3.9.08. Mesyuarat telah membincangkan Taklimat dan Latihan PDK, Sesi Perjumpaan bersama PDK dan Hakim Kanan, masalah-masalah sedia ada dan perkara-perkara penyeliaan di Mahkamah Majistret.

Sebanyak 5 kumpulan telah terlibat dalam program "Dock Brief" setakat Disember 2008; iaitu Kelompok 52, 53, 54, 55 dan 56. Kelompok 52 telah bermula pada 28.1.08 sehingga 24.4.08, Kelompok 53 bermula pada 21.4.08 sehingga 18.7.08, Kelompok 54 pada 14.7.08 sehingga 10.10.08, Kelompok 55 pada 6.10.08 sehingga 2.1.09 dan akhir sekali Kelompok 56



bermula pada 29.12.08 dan akan berakhir pada 27.3.09. Semua kumpulan mengandungi seramai 74, 64, 67, 67 dan 69 orang PDK masing-masing. Sehingga 31.12.08 PDK tersebut telah didatangi oleh seramai 5073 orang klien yang mana kebanyakannya adalah kes-kes jenayah.

Program-program

Bagi Kelompok 52 dan 53, PDK telah diberikan satu sesi latihan dan satu sesi kajian semula. Kelompok 54 dan 55 pula masing-masing diberikan 2 sesi latihan dan satu sesi kajian semula manakala kumpulan terakhir iaitu kelompok 56 diberikan satu sesi latihan dan satu sesi kajian semula. Latihan telah dimulakan pada minggu pertama atau kedua program manakala kajian semula yang dikenali sebagai “Kajian Separuh Penggal” telah diadakan pada minggu ke-6 program.

Aktiviti-aktiviti

Aktiviti lain yang dijalankan adalah memasukkan maklumat kes-kes jatuh hukum ke dalam pengkalan data mulai Januari 2008. Data tersebut berguna bagi susulan klien dan bagi pemeriksaan status maklumat klien dengan berkesan.

Kertas Temuduga Mitigasi yang baru telah juga diperkenalkan kepada Kelompok 54 agar PDK dapat memperolehi maklumat yang lebih lengkap daripada tertuduh agar mitigasi dapat dijalankan dengan lebih berkesan.

4. PBG Majlis Peguam (KL) Laporan Program Penjara (Sg Buloh, Wanita Kajang, Juvana Kajang, Pemandang Asing dan Rumah Tahanan Juvana)

Laporan disediakan oleh: Sivanesan Nadarajah (Ketua Projek)

Ketua Projek:

Sivanesan Nadarajah

Ketua Projek Alternatif:

Ramesh Lachmanan

Ahli Jawatankuasa:

Letchemanan

Bernard Francis

G Nanda Goban

Khairulnuar bin Mohamadiah

Nik Waheeda binti Nik Kamarulzaman

Mohd Radzlan bin Jalaludin

Sharon Palani Ammal

Yasmeen Haji Mohd Shariff

Paari Perumal

Pengenalan

Klinik ini bermula pada bulan Disember 1997 di Penjara Sungai Buloh dan ia berkembang kepada program-program lainnya seperti Penjara Wanita Kajang (“KWP”) pada tahun 2000, Penjara Pemandang Wanita Kajang (“KWMP”) pada bulan September 2003 dan Penjara Pemandang Sungai Buloh (“SBMP”) pada bulan Mei 2004. Sementara itu, program Pusat Tahanan Sementara Juvana (“JRH”) bermula pada tahun 2001 dan ia berkembang kepada Penjara Juvana Kajang (“KJP”) pada tahun 2007.

Pada awal bulan Mac 2005, kelima-lima klinik penjara iaitu SBP, SBMP, KWP, KWMP, KJP, JRH telah digabungkan di bawah satu program. Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur (“BCLAC”) (KL) telah bekerjasama dengan Pusat Bantuan Guaman Majlis Peguam Selangor (“Selangor LAC”) dengan penglibatan Pelatih Dalam Kamarnya di klinik Penjara Sungai Buloh sejak Jun 2005.



STATISTIK UNTUK FAIL: DIBUKA, DITUGASKAN & TIDAK DITUGASKAN - 2008

	Kategori	2007			2008		
		Dibuka	Ditugaskan	Tidak Ditugaskan	Dibuka	Ditugaskan	Tidak Ditugaskan
1	Jenayah • Program Penjara	120	88	32	128	111	17

Pada tahun 2008, sebanyak 122 fail telah dibuka dan sebanyak 109 kes telah ditugaskan kepada peguam-peguam sukarela. Sila rujuk kepada statistik di atas. Objektif utama jawatankuasa untuk tahun 2008 adalah mendapatkan seramai mungkin peguam untuk mengambil kes-kes daripada Pusat secara sukarela dan juga untuk mengurangkan jumlah kes yang tidak ditugaskan. Sebagai sebahagian daripada objektif ini, Jawatankuasa sendiri telah menetapkan bahawa setiap Ahlinya perlu mengambil sekurang-kurangnya satu (1) fail seorang bagi mengurangkan jumlah fail yang tidak ditugaskan dan ini dapat dilihat daripada jumlah kes yang tidak ditugaskan.

Pada tahun 2008, Jawatankuasa telah juga mengadakan:

- Empat (4) mesyuarat Jawatankuasa untuk membincangkan pelbagai perkara berkenaan program, tiga (3) mesyuarat dengan Pihak Penjara untuk menambahbaik perhubungan di antara Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur ("BCLAC") dan Pihak Penjara dan satu (1) mesyuarat dengan UNHCR mengenai masalah yang dihadapi oleh UNHCR dengan Pihak Penjara, Imigresen dan Peguam Negara.
- Jawatankuasa juga turut mengadakan empat (4) program latihan penjara bagi pelatih-pelatih dalam kamar dari kelompok 52, 53, 54, 55 dan 56. Sejumlah 122 pelatih dalam kamar menghadiri latihan tersebut. Jawatankuasa juga turut mengadakan empat (4) Semakan Separuh Penggal untuk pelatih dalam kamar yang terlibat dengan program penjara.

Aktiviti lain:

- Pada 23 Jun 2008, Jawatankuasa telah mengadakan mesyuarat dengan Puan Hajah Nor Amni binti Yusof (Pengarah) dan kakitangan lain daripada JRH. Mesyuarat tersebut telah diadakan bagi membincangkan isu-isu juvana ditahan di dalam instituti kebajikan atau asrama. Pusat ini menerima sepucuk surat daripada Timbalan Pengarah Bahagian Kebajikan yang telah dihantar kepada BCLAC (KL) menyebut bahawa Bantuan Guaman tidak lagi diperlukan oleh kerana kawasan itu telah dikatakan sebagai "Tempat Selamat", membawa maksud tiada peguam boleh hadir ke kawasan tersebut lagi.
- Pada 7 Julai 2008, Jawatankuasa telah mengadakan mesyuarat dengan Tuan Narendran Singh (Pengarah) Penjara Sungai Buloh dan kakitangan yang lain bagi membincangkan pelbagai perkara bagi tahun tersebut. Perbincangan tersebut termasuk mendapatkan maklumat tahanan yang telah direman melebihi enam bulan.
- Pada 17 November 2008, Jawatankuasa telah mengadakan mesyuarat dengan UNHCR dan kakitangannya bagi membincangkan pelbagai perkara terutamanya berkenaan mandat perlindungan pencari suaka, persefahaman dengan pihak Polis dan Peguam Negara berkaitan status pelarian, masalah yang dihadapi UNHCR dengan pusat Penjara/Imigresen dan masalah berkenaan akses kepada perwakilan/nasihat guaman. Perbincangan termasuk juga mendapatkan butiran tahanan reman. Jawatankuasa mencadangkan pelatih-pelatih dalam kamar yang bertugas di program penjara membantu mengenalpasti pelarian dan merujuk kepada UNHCR dengan senarai semak.
- Pada 25 November 2008, Jawatankuasa telah mengadakan mesyuarat dengan Tuan Gunasekaran (Timbalan Pengarah) dari Penjara Lelaki Kajang, Puan Zainah binti Pardi (Timbalan Pengarah) dari Penjara Wanita Kajang dan kakitangan lain bagi membincangkan pelbagai perkara bagi tahun tersebut. Perbincangan termasuk mendapatkan butiran tahanan reman dan juga rekod Kes-kes rayuan yang tidak dapat ditemui ketika temuduga. Pihak penjara juga mencadangkan BCLAC (KL) menyediakan risalah (di dalam Bahasa Melayu, Tamil, Cina dan Inggeris) untuk memeklumkan tahanan mengenai hak-hak mereka.



- Pada 15 Disember 2008, Jawatankuasa Penjara telah menganjurkan satu majlis Perjumpaan dan Makan Malam yang amat berjaya untuk semua pihak berkuasa penjara dan pelbagai Jabatan Kerajaan yang telah dirangkai oleh Jawatankuasa. Seramai 40 orang tetamu telah menghadiri majlis tersebut, di antaranya, pihak berkuasa penjara dari Sungai Buloh dan Kajang, Hakim-Hakim dari Mahkamah Tinggi dan Mahkamah Sesyen Kuala Lumpur, OCCI daripada IPK Kuala Lumpur, pegawai-pegawai dari Jabatan OC Mahkamah, Pengerusi Jawatankuasa Peguam, Peguam Kuala Lumpur dan lain-lain.

Keseluruhannya, Jawatankuasa telah menempuh tahun yang sibuk sepanjang 2008.

5. PBG Majlis Peguam (KL) Laporan Klinik LAC/AWAM/WAO/SIS

Laporan disediakan oleh: Harleen Kaur (Ketua Projek)

Ketua Projek:

Harleen Leena

Ahli Jawatankuasa:

Michelles Foo Li Mei

Stefeny David

Sharmini Thiruchelvam

Vasanthi Clement

Hanita Naliane

Pengenalan

Klinik LAC/AWAM/WAO/SIS (“Klinik tersebut”) memudahkan perhubungan dan kerjasama di antara Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur (“PBG”), All Women Action Society (“AWAM”), Women Aid Organisation (“WAO”) dan Sisters In Islam (“SIS”). Kerjasama ini membolehkan PBG sampai kepada spectrum masyarakat yang lebih besar sementara ia juga menyediakan AWAM, WAO DAN SIS dengan akses kepada sumber yang terlatih dalam bidang undang-undang seperti Pelatih Dalam Kamar, Peguam-peguam Sukarela dan sebagainya.

Aktiviti-aktiviti

(A) Latihan

Klinik memberi latihan kepada Pelatih Dalam Kamar. Latihan merangkumi perkara-perkara seperti Akta Keganasan Rumahtangga dan pemakaiannya, Undang-undang Keluarga, Undang-undang Syariah dan amali melayan klien. Tahun ini Klinik telah melatih Kelompok 52, 53, 54, 55 dan 56 di mana masing-masing terdiri daripada 12, 11, 17, 19 dan 18 orang Pelatih Dalam Kamar. Selepas setiap sesi latihan, Pelatih diminta untuk melengkapkan satu Borang Penilaian bagi mendapatkan maklumbalas mengenai latihan yang telah diterima. Klinik kini sedang menganalisa maklumbalas yang telah diberikan oleh Pelatih.

(B) Aktiviti-aktiviti

Klinik telah menghabiskan banyak masa dan sumber untuk melaksana, menyusun dan memastikan kejayaan satu projek usahasama yang dikenali sebagai Projek Klinik Bergerak (“Projek tersebut”). Tujuan Projek tersebut ialah untuk mewujudkan/meningkatkan kesedaran undang-undang. Projek yang dikepalai dianjurkan oleh SIS, telah menubuhkan satu kumpulan dianggotai oleh mereka yang berkecenderungan untuk mempersembahkan satu ceramah-juga-lakonan bersekitarkan Undang-undang Keluarga, Syariah, Pekerjaan dan sebagainya. Ia pertama kali dipersembahkan di Klang pada 27.7.08, di mana penonton kebanyakannya terdiri daripada golongan wanita berpendapatan rendah. Menyusuli kejayaan dan tindakbalas positif yang diterima Klinik telah mengadakan ceramah-juga-lakonan yang serupa di Kota Damansara pada 3.8.08, di mana penontonnya juga kebanyakannya adalah daripada golongan wanita berpendapatan rendah. Klinik telah juga mempersembahkan ceramah-juga-lakonan yang ke-3 di Subang Jaya pada 17.8.08 dan Klinik Bergerak yang ke-4 di Setapak Jaya pada 6.12.08.

Projek bertujuan mendidik masyarakat mengenai hak mereka, prosedur asas tangkapan dan reman dan juga bagi menyediakan peguam bagi boleh menjawab soalan mereka di dalam gerai-gerai yang disediakan khusus



untuk maksud tersebut.

6. PBG Majlis Peguam (KL) Laporan Klinik LAC/Tenaganita

Laporan disediakan oleh: Sekretariat

Ketua Projek:

Moganambal

Terdapat pengurangan seramai 66 pendaatang pada tahun 2008 (2284 pendaatang) berbanding dengan tahun 2007 (2350 pendaatang). Pelatih dalam kamar dalam program ini telah terlibat dalam menasihatkan klien dan membantu Tenaganita dalam campurtangan undang-undang. Di antara aktiviti-aktiviti yang melibatkan pelatih-pelatih tersebut adalah: -

Lawatan ke

- a) Putrajaya untuk pas istimewa, memo keluar, visa pasangan, pembayaran kompaun dsb.
- b) Mahkamah Buruh – Rawang, Bangi dan Subang Jaya dan PERKESO di Ampang
- c) Suruhanjaya Tinggi – India, Bangladesh, Myanmar, Sri Lanka
- d) Balai Polis – Masjid Jamek, Dang Wangi, Jalan Tun H S Lee dan Brickfields
- e) Hospital KL – seorang klien telah dipukul oleh ejen
- f) Bukit Aman – beberapa pembantu rumah telah didera oleh majikan mereka (keganasan domestik)
- g) PWTC – untuk membuat penyelidikan ke atas Suruhanjaya Syarikat
- h) Imigresen – Shah Alam
- i) Mahkamah – Petaling Jaya
- j) Rundingan dengan Majikan – Shah Alam, Subang Jaya, Putrajaya, Cheras, Melaka
- k) Pusat Penghantaran Semenyih – untuk menemuduga klien-klien yang dalam proses pulang ke negara asal
- l) Tahanan di Penjara
- m) Membantu dalam rundingan dengan pihak Imigresen dalam pembebasan 3 wanita Myanmar
- n) Menghadiri perbicaraan kes Irene Fernandez yang didakwa di bawah Akta Percetakan dan Penerbitan

7. PBG Majlis Peguam (KL) Laporan Klinik Undang-Undang LAC/PT/MAC

Laporan disediakan oleh: Preetam Kaur dan So Chien Hao

Terjemahan oleh: Darwina Ismail

Ahli Jawatankuasa:

Wakil-wakil PBGKL:

Preetam Kaur
So Chien Hao
James Loh
Lim Ka-Tsung, Joachim
Darwina Ismail
Zuraifah Abd Rahman
Mohd Syahril (berhenti beramal)
Andrew Heng

Wakil Yayasan PT:

Hisham Hussein (Pengerusi)

Majlis AIDS Malaysia (MAC):

Prof Adeeba Kamarulzaman (Presiden)

Tahun ini menyaksikan satu peristiwa penting untuk Klinik dengan kemasukan Majlis AIDS Malaysia (MAC) ke dalam program. Dengan kebenaran yang diterima daripada ahli panel pengurusan, klinik bantuan guaman kini dikenali sebagai klinik LAC/PT/MAC. Ia teretus akibat rangkaian besar yang dilakukan oleh Preetam Kaur dan So Chien Hao di antara MAC dan PBG di mana kedua-dua pihak telah bersetuju untuk berkerjasama dalam isu-isu berkenaan HIV/AIDS & STI.

Klinik LAC/PT/MAC

Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur (PBGMPKL) secara bersama dengan Yayasan Pink Triangle (PT) dan Majlis AIDS Malaysia (MAC) telah melayari tahun yang lalu dengan projek-projek usahasama yang diadakan untuk lima (5) komuniti terpinggir yang diiktiraf iaitu pengguna dadah, pekerja seks, mereka yang hidup dengan HIV/AIDS, transeksual dan lelaki homoseksual. MAC juga telah menjemput kami untuk menghadiri beberapa mesyuarat polisi



mereka dan latihan-latihan untuk organisasi rakan. Isu-isu yang dihadapi oleh komuniti MAC dan PT adalah serupa contohnya kes-kes kacau-ganggu dan diskriminasi berdasarkan jantina, orientasi seksual dan status kesihatan. MAC telah merujuk kes-kes diskriminasi berdasarkan status kesihatan secara terus kepada PBG i.e. isu perjawatan orang yang positif HIV dan isu kerahsiaan status kesihatan mereka. Kebanyakan kes-kes tersebut sedang diuruskan terus oleh Preetam Kaur, So Chien Hao atau Chitrah.

Klinik Pelatih Dalam Kamar (PDK)

Sejak bermulanya program PDK, ia telah berkembang dan untuk tahun ini kami telah berjaya menjalankan klinik sehari penuh di perkarangan PT dan tidak setengah hari di PBG dan setengah hari di PT seperti yang telah dilakukan sebelum ini. Ini merupakan satu pencapaian cemerlang bagi program PDK. Kami turut berjaya mendapatkan bantuan MAC untuk mengadakan ceramah berkenaan HIV/AIDS kepada PDK pada 10 haribulan Julai, 2008 di mana PT telah mengadakan sesi sensitiviti selama setengah hari, berbanding 2 jam sebelum ini. Tahun ini terdapat 80 kes-kes, pertanyaan e-mail, campurtangan undang-undangan dan kes-kes susulan.

Aktiviti-Aktiviti Sepanjang Tahun 2008

- PBG dan MAC buat pertamakalinya telah mengadakan mesyuarat bersama sebagai sebahagian dari rancangan PBG untuk mengadakan rangkaian secara terus dengan MAC dan memanjangkan perkhidmatan kami kepada kumpulan komuniti yang lebih besar selain daripada hanya PT. Perbincangan utama telah diadakan pada 25 haribulan Januari, 2008 pada pukul 1.00 tengah hari. Kami telah berjaya merangka banyak cadangan untuk manfaat komuniti di seluruh Malaysia. MAC inginkan PBG bersama mereka secara usahasama di dalam banyak aktiviti seperti latihan 'paralegal', mesyuarat bersama dengan agensi kerajaan mengepalai jawatankuasa peringkat kebangsaan dan seumpamanya.
- Preetam Kaur dan So Chien Hao telah ditemuramah oleh New Straits Times pada 26 haribulan Mac, 2008 di premis PT di mana mereka telah berkongsi maklumat mengenai undang-undang relevan yang memberi kesan kepada golongan transeksual di Malaysia.
- Kami turut mengadakan mesyuarat bersama di antara PT dan MAC pada 23 haribulan Mei, 2008 pada pukul 6.00 petang bagi membutirkan perkongsian di sini dan untuk menambah-baikkan hubungan bagi membolehkan kami berkhidmat kepada komuniti dengan lebih baik lagi. Dorongan ini adalah sebahagian daripada dayausaha Preetam Kaur dan So Chien Hao dalam merangkaikan kerjasama. Pada mesyuarat ini, kesemua ahli bersetuju sebulat suara bahawa nama klinik, Klinik Khidmat Informasi Perundangan PBG/PTF digantikan dengan Klinik Perundangan PBG/PT/MAC. Mereka turut memutuskan bahawa PDK akan digilirkan di antara PT dan MAC mengikut kesesuaian. Nama klinik kemudiannya telah ditukar setelah ia dipersetujui panel pengurusan.
- MAC juga menganjurkan acara tahunan mereka iaitu Hari Memperingati AIDS Sedunia pada 31 haribulan Mei, 2008 di One Utama dan mereka telah menjemput PBG untuk membuka gerai. Kami berjaya memasukkan risalah kami ke dalam beg barangan MAC yang kesemuanya berjumlah 200 beg. So Chien Hao telah memberi khidmat nasihat kepada 10 orang dari komuniti berkenaan hak-hak asasi mereka. Pelatih dalam kamar daripada klinik guaman juga turut mengambil bahagian untuk membantu di klinik 'out-reach'.
- Klinik juga terlibat di dalam dokumentari yang difilemkan oleh seorang wartawan, Poh Si. Dokumentari ini akan dimasukkan ke pertandingan tahunan anjuran KOMAS (Freedom Film Festival). Beliau telah ditemuramah Preetam Kaur dan So Chien Hao pada 24 haribulan Jun, 2008 pada pukul 4.00 petang, mengenai isu undang-undang yang memberi kesan kepada transeksual di bawah undang-undang syariah dan sivil. Dokumentarinya yang berjudul "Pecah Lobang" adalah berdasarkan transeksual Muslim di Malaysia. Dokumentari tersebut kini dijual oleh KOMAS dan lamannya ialah <http://pecahlobang.com>.
- Kami turut dijemput oleh MAC untuk menghadiri 'National Strategic Planning Cluster Action Plan' dan Bengkel Cadangan MAC bermula dari 27 haribulan Jun, 2008 hingga 29 haribulan Jun, 2008 di Hotel Citrus, Kuala Lumpur. Dalam bengkel tersebut, untuk pertama kalinya, PBGKL telah dijemput untuk memberikan komen berkenaan bajet Tahun 2009/2010. Kumpulan berjaya berkongsi, meluahkan pandangan dan memberikan komen membina dan berkongsi peranan PBGKL dalam menolong komuniti. Kami berbangga untuk mengumumkan bahawa PBGKL bakal menerima peruntukan yang nominal dari bajet untuk menjalankan aktiviti di bawah pengawasan MAC.



- Projek video “Legal Aiders” yang mendokumentarikan kesemua program PBG yang melibatkan juga komuniti PT seperti Ikhlas, TS, SW & PL dan suasana pekerjaan mereka.
- Kami telah campurtangan undang-undang dengan DBKL berkenaan sebuah rumah kebajikan (“Crisis Home”) yang menempatkan mereka yang hidup dengan HIV/AIDS. Rumah tersebut berhadapan dengan perintah diruntuhkan lantaran aduan penduduk setempat yang tidak mahu orang yang positif HIV/AIDS tinggal berhampiran mereka. Kami telah memberikan nasihat undang-undang dan mengutus surat kepada pihak DBKL agar menimbang semula keputusan mereka dan mereka telah berbesar hati untuk menilai semula dan perintah merobohkan rumah tersebut kini digantung. Penghargaan rumah kebajikan tersebut terhadap PBG telah dicatatkan di dalam surat berita rumah tersebut.
- PT telah mengelolakan satu bengkel “Crime & You” pada 12 haribulan Julai, 2008 di premis “Sex Workers Drop In Centre” (DIC) bermula pada pukul 10.00 pagi sehingga pukul 2.30pm. Bengkel tersebut telah dihadiri oleh 29 orang dari komuniti-komuniti termasuk Pekerja Sex, Pengguna Dadah, Lelaki Homoseksual, Orang Yang Hidup Bersama HIV dan lain-lain. Topik yang dibentangkan merangkumi Struktur Mahkamah Jenayah, Tangkapan & Dakwaan, Proses Reman Dan Anda, Apakah Hak Anda Selepas DiBerkas?, Asas Prosedur Jenayah – Kajian Kes. So Chien Hao mengawasi bengkel tersebut dan ceramah telah disampaikan oleh sekumpulan peguam muda kami iaitu Mohd Syahril, Nurul Aminatul (DPP), Andrew Heng dan Zuraifah Abdul Rahman dan pelatih dalam kamar, Lim Kar Mern. So Chien Hao telah mencadangkan agar kesemua peguam muda mengambil bahagian dalam latihan atau bengkel lain yang dijalankan oleh PBGKL untuk komuniti. Mereka telah bersetuju untuk melakukannya.
- Melalui MAC, kami telah diminta untuk menghadiri Perbincangan Meja Bulat anjuran bersama “Centre of Excellence in Research for AIDS (CERIA)” dan Fakulti Perubatan Universiti Malaya di JW Marriot pada 30 haribulan Julai, 2008. Penceramah jemputan yang hadir ialah Mr. M. Puravalen (Malaysian Bar), Prof Dr. Mahmood Nazaar (Deputy Director General National Drug Agency, Malaysia), Y Bhg Dr. Hassan Abdul Rahman (Director, Disease Control Division, Ministry of Health Malaysia), Mr. David Stephens (Nossal Institute for Global Health, University of Melbourne), Mr. Gary Sattler (Regional Advisor HIV/AIDS, UNODC, Regional Officer, Bangkok), Dr. Ethan Nadelmann (Executive Director, Drug Policy Alliance) dan Encik Shaharuddin (staff MAC, Drugs Users). Sesi tersebut turut dihadiri oleh para pegawai daripada Kamar Peguam Negara, wakil pihak polis, pegawai penjara, doktor, professor, NGO, peguam PBG Penang dan individu yang arif berkenaan isu-isu pengguna dadah dan HIV/AIDS. Kesudahannya ialah untuk kesemua wakil menjadi titik perhatian apabila sekretariat tersebut digubal dan PBGKL telah dijemput untuk menganggotainya.
- PBGKL telah menjadi tuan rumah kepada sekumpulan peguam dari Kementerian Keadilan dan Agensi Bantuan Guaman Kebangsaan Vietnam yang mengadakan lawatan belajar ke Malaysia. Mereka melawat beberapa program termasuk Majlis Peguam dan Biro Bantuan Guaman. Kumpulan tersebut juga melawat Wanita & Kesihatan Kuala Lumpur (WAKE) pada 2 haribulan Oktober, 2008 pada pukul 10 pagi, iaitu Hari Raya Ke-2 di Rumah Kanak-Kanak WAKE. Ia adalah hari yang menggembirakan bagi anak-anak dan para pelawat tersebut.

Begitu juga pelawat yang sama telah disambut oleh MAC untuk berkongsi pengalaman Malaysia berkenaan HIV/AIDS. Wakil MAC turut berkongsi statistik bagi pelawat membandingkan dengan polisi negara mereka. Mereka menyatakan bahawa Vietnam telah mempunyai Akta untuk HIV/AIDS yang tidak terdapat di Malaysia.

- Latihan sulung “National Paralegal Training for Sex Workers” PBG dan MAC telah diadakan di Hotel Cititel, Kuala Lumpur pada 18 haribulan Oktober, 2008. Untuk merancang latihan ini, kami telah mengadakan mesyuarat pra-latihan di antara Jenithaa Santhira (MAC) dengan Preetam Kaur dan So Chien Hao pada 9 haribulan Ogos, 2008 pada pukul 10 pagi. Selepas penyelarasan dan perbincangan kami akhirnya berjaya merangka program latihan yang bersesuaian bagi komuniti terpinggir yang dimaksudkan. Kami mengadakan persembahan, sesi dialog dan perbincangan panel bagi menggalakkan penglibatan aktif komuniti dalam latihan tersebut.

Penceramah utama dari PBGKL ialah Preetam Kaur, Zuraifah Abdul Rahman, Darwina Ismail, penceramah jemputan iaitu YB Dato’ Siva Subramaniam (Pesuruhjaya, SUHAKAM), Tuan Ahmad Bachee (DPP, Kamar Peguam Negara, Putrajaya), Tuan ASP Gulam Rashed Khan (Pegawai D7, PDRM), Tuan Nik Azlan bin Nik Mat (Penolong Pengarah Kanan, JAWI), Mr. Andrew Heng (Pensyarah, Peguam), Mr. Subramaniam Nambiar (Peguam), Ms Jayaletchumi Rajaretnam (Peguam), Mr. Jag Ramachandran (Peguam). Terdapat 74 peserta dari Sabah, Sarawak, Melaka, Penang, Kuala Lumpur, Selangor, Pahang, Perak, Kedah, Johor dan Kelantan. Latihan tersebut dianggap berjaya selepas kami menerima borang maklum balas daripada para peserta. MAC ingin



mengadakan lebih banyak sesi bersama kami.

8. PBG Majlis Peguam (KL) Laporan Klinik LAC/UNHCR

Laporan disediakan oleh: Sekretariat

Ketua Projek:

Moganambal

Ahli Jawatankuasa:

Amer Hamzah Arshad

B Murugayah

Joyce Ooi

Komathi A

Latheefa Koya

Nanda Goban

Nazariah Abbas

Nik Waheeda

Ravi Nekoo

Sumitra Devi

Klinik LAC/UNHCR ini adalah suatu klinik yang sangat sibuk kerana semakin ramai pendatang mencari bantuan. Klinik ini mendapat seramai 3931 klien pada tahun 2008. Pelatih-pelatih dalam kamar telah dilatih oleh wakil UNHCR dan mereka telah didedahkan kepada berbagai jabatan dan aspek kerja UNHCR.

9. PBG Majlis Peguam (KL) Laporan Program LAC/Pembangunan Kemahiran

Laporan disediakan oleh: Ravinder Singh Dhaliwal (Ketua Projek)

Ketua Projek :

Ravinder Singh Dhaliwal

Ahli Jawatankuasa:

Pushpamalar Ratnam

Komathi Arunasalam

Jayaletchumi Rajaretnam

G Nanda Goban

Pengenalan

Program Pembangunan Kemahiran sentiasa mensasarkan untuk membina dan meningkatkan kemahiran selain meningkatkan motivasi di kalangan pelatih, peguam dan kakitangan Pusat Bantuan Guaman Kuala Lumpur [PBG (KL)] untuk memperbaiki kualiti dan kuantiti perkhidmatan yang diberikan kepada klien. Jawatankuasa ini telah menganjurkan program-program latihan berkaitan bagi mencapai dan melengkapkan keperluan PBG (KL).

Aktiviti-Aktiviti

Sepanjang 10 bulan yang lepas 4 mesyuarat jawatankuasa telah diadakan bagi memperbincangkan perkara-perkara dan perancangan bagi tahun tersebut. Program-program yang dicadangkan adalah Cakera padat undang-undang Jenayah-Prosedur Penahanan Segera/ Litigasi Jenayah dalam bentuk Cakera Padat, Latihan bagi Isu-isu Penduduk Bandar, Latihan Pekerjaan/ Isu PERKESO, cadangan latihan bagi kakitangan PBG dan cadangan Latihan Undang-Undang Syariah/ Keluarga.

Program yang telah dijalankan sepanjang tahun ini ialah Litigasi Jenayah- Bengkel “Ambil-Satu-Fail” (TAF). Seramai 56 orang telah mengambil bahagian dalam bengkel tersebut termasuk 46 peguam dan 14 orang Pelatih Dalam Kamar. Bengkel tersebut telah dikendalikan oleh En Amer Hamzah dan En Ravi Nekoo.

Tujuan bengkel diadakan adalah untuk menugaskan fail-fail jenayah yang masih belum ditugaskan dan untuk melatih



para peserta mengendalikan perkara-perkara jenayah. Setakat ini sejumlah besar fail telah ditugaskan kepada peserta-peserta bengkel tersebut. Program 4 jam ini telah memberikan peserta pengetahuan asas undang-undang jenayah, maklumat terkini dan kemahiran guaman yang asas bagi menangani perkara jenayah secara sendiri.

Program lain yang telah dijalankan pada tahun ini adalah Bengkel TAF, Undang-Undang Keluarga yang telah diadakan pada 12.12.08. Matlamat bengkel tersebut adalah sama seperti Bengkel TAF Undang-Undang Jenayah iaitu untuk menugaskan fail-fail Keluarga yang belum ditugaskan kepada peguam sukarela dan bagi melatih peserta dalam mengendalikan fail-fail Undang-Undang Keluarga secara sendiri. Bengkel TAF Undang-Undang Keluarga telah dikendalikan oleh Pushpa P.Ratnam (Pengerusi Penganjur) dari Tetuan Ravi Nekoo & Pushpa Ratnam, Sharmini Thiruchelvam dari Tetuan Francis Pereira & Shan, Vicky Alahakone dari Tetuan Alahakone & Associates dan Ravinder Singh Dhaliwal dari Tetuan Jagjit Singh & Co.

Kedua-dua bengkel TAF Undang-undang Jenayah dan Keluarga telah membekalkan para peserta dengan senarai Peguam-peguam yang pernah meluangkan masa mereka sebagai Penyelia. Fungsi Penyelia ini adalah untuk membantu sekadar yang boleh sekiranya dihubungi oleh peguam sukarela untuk bantuan, dalam hal pengendalian fail-fail yang telah diambil dari PBG. Cara ini telah terbukti sangat berkesan kerana ia memberikan peguam-peguam sukarela lebih keyakinan dalam pengambilan fail-fail.

Akhir sekali, jawatankuasa ini telah mengadakan Latihan PERKESO pada 16.12.08. Matlamat latihan adalah untuk memberi pengetahuan am mengenai syarat-syarat dan faedah-faedah yang disediakan oleh PERKESO kepada warganegara Malaysia. Latihan ini adalah penting kepada Peguam-Peguam yang mengendalikan tuntutan berkenaan PERKESO dan perkara-perkara pekerjaan.

10. PBG Majlis Peguam (KL) Laporan Program Kesedaran Undang-Undang (ORIENTASI)

Laporan disediakan oleh: Ketua Projek/Sekretariat

Ketua Projek:

Puspawati Rosman

Ahli Jawatankuasa:

S. Sivaruben
Abd Shukor Tokachil
Joyce Oo Mei Ling
Sasha Lyna Abdul Latif
Mohd Radzlan Jalaludin
Komathi Arunasalam
Nik Waheeda
Ravinder Singh
Siti Aliza Alias
Goh Siang Joo
Kamaliyah Mohd Hafiz
Farah Mohd Shahwahid
Soh Hoon Hoon (Stephennie)
Sumitra Devi Krishnan

Ketua Projek Alternatif:

Rajeswari Paramasevam
Surendran Sreetharan

Gan Bee Ling
Bong Chiew Ling, Claire
Raina Kiren Kaur
Izyan Darlina Dato' Balia Yusof
Harleen Kaur
Fadiah Nadwa Fikri
Afzan Harrison Zainuddin
Valen, Khor Xiou Shan
Chin Hsu Lin
Ravi Nekoo
Amer Hamzah Arshad
Latheefa Koya
Rajen Devaraj
Legal AIDERS

Pengenalan

Program ini bertujuan untuk memberikan gambaran kepada Pelatih Dalam Kamar tentang apa yang diperlukan dan diharapkan daripada mereka sepanjang 14 hari tugas wajib Bantuan Guaman (Legal Aid) dan untuk memperkenalkan kepada mereka pelbagai jenis klinik dan program yang dijalankan oleh Pusat Bantuan Guaman Majlis Peguam(Kuala Lumpur).

Objektif

- Untuk membantu Pelatih Dalam Kamar menemui dan memahami peranan dan tanggungjawab mereka sebagai peguam dalam masyarakat.
- Untuk memupuk rasa tanggungjawab sosial dan keprihatinan mengenai hak asasi manusia, "rule of law" dan keadilan; dan



- Untuk mendedahkan Pelatih Dalam Kamar kepada bantuan guaman dan untuk menanam dan dalam diri mereka komitmen yang berpanjangan terhadap bantuan guaman dan, hak samarata untuk mendapatkan keadilan, yang melangkaui tugasan wajib mereka.

Aktiviti-aktiviti

Setakat 31 December 2008, Jawatankuasa telah menjalankan dan memperkenalkan program-program/ sesi-sesi berikut:-

- Sepuluh (10) sesi orientasi telah diadakan dan seramai lebih kurang 660 orang Pelatih Dalam Kamar telah diberikan latihan. Sesi Orientasi ini telah menggunakan kaedah penyertaan (participative methodology) dengan membentuk kumpulan dinamik, diskusi terbuka, memupuk hak-hak kemanusiaan disamping pengenalan kepada pelbagai program BCLAC (KL).
- Jawatankuasa juga telah membuka penyertaan sesi orientasi ini kepada Pelatih Dalam Kamar dari negeri-negeri lain. Sehingga hari ini, seramai lebih kurang 110 orang Pelatih Dalam Kamar dari Pusat Bantuan Guaman Selangor telah diberikan latihan.
- Empat (4) sesi Penilaian Akhir (Exit Evaluation) telah diadakan untuk semua Pelatih Dalam Kamar yang terlibat di dalam pelbagai program Pusat Bantuan Guaman bagi menghargai sumbangan mereka kepada masyarakat dan Pusat Bantuan Guaman. Lebih kurang 480 Pelatih Dalam Kamar telah menyertai sesi ini dan berkongsi pengalaman daripada pelbagai program yang telah mereka sertai sebagai sebahagian daripada tugas bantuan guaman mereka. Semasa sesi-sesi tersebut, jawatankuasa telah menjemput Cik Chew Siew Yoke, Tuan Haji Sulaiman dan Encik Cecil Rajendra, Pengerusi Bantuan Guaman Kebangsaan serta Encik Rajpal Singh, Pengerusi Majlis Peguam Selangor untuk menghargai sumbangan Pelatih Dalam Kamar dan memberikan dorongan serta motivasi kepada mereka untuk menyertai aktiviti-aktiviti BCLAC (KL).
- Jawatankuasa juga telah mengadakan program Latihan Lanjutan (advance training) keempatnya yang bertajuk “Kesedaran Undang-undang dan Kepimpinan untuk Peguam-Peguam” (“Legal Awareness and Leadership for Lawyers”) yang telah dijalankan di Pusat Latihan NUBE, Port Dickson dari 16 hingga 18 haribulan Mei 2008. Tujuan program tersebut adalah untuk menggalakkan Pelatih Dalam Kamar/ Peguam muda meneruskan penglibatan mereka di Pusat Bantuan Guaman (LAC) disamping memperkenalkan kemahiran-kemahiran kepimpinan; dan untuk meningkatkan pengetahuan mereka di dalam pelbagai bidang/isu yang khusus.
- Sejumlah 27 orang peserta telah menghadiri latihan berserta lima orang ahli Jawatankuasa (En. Rajen, Cik Latheefa, Cik Puspawati, En. Suren, dan Cik Stephanie) dan tujuh orang pemudahcara pelatih daripada Legal AIDERS (Radzlan, Sasha, Komathi, Shukor, Nik Waheeha, Hsu Lin dan Valen Khor) telah memudahcarakan sesi ini. En Ravi Nekoo, Pengerusi BCLAC (KL) juga telah hadir bagi menjalankan satu sesi. Sesi latihan ini juga amat berjaya mengekalkan para peserta untuk terus terlibat dalam aktiviti BCLAC (KL).
- Sebagai susulan kepada latihan lanjutan yang keempat tersebut, satu sesi perjumpaan telah diadakan untuk peserta latihan dan Legal AIDERS. Sesi tersebut telah diadakan pada 21 Jun 2008 di Bilik Mesyuarat Majlis Peguam. Tujuan sesi tersebut adalah untuk berkongsi dan mendapatkan maklum balas daripada para peserta mengenai aktiviti dan perkembangan mereka sejak sesi latihan tersebut. Ia juga bertindak sebagai sesi perancangan di mana para peserta boleh berkongsi fikiran dan membincangkan tindakan susulan yang boleh diambil bagi menangani isu-isu yang dibangkitkan ketika latihan.
- Jawatankuasa juga telah menganjurkan satu sesi Latihan untuk Jurulatih pada 7 Jun 2008 di Auditorium Majlis Peguam K.L. Hasil pemerhatian Jawatankuasa daripada beberapa sesi latihan yang telah dijalankan oleh Jawatankuasa Kesedaran Undang-Undang, kemahiran penyampaian jurulatih boleh dipertingkatkan bagi mengekalkan minat peserta dan juga untuk menyampaikan kemahiran dan pengetahuan yang perlu kepada mereka. Telah dikenalpasti bahawa jurulatih muda yang ada sekarang walaupun mempunyai pengetahuan undang-undang yang baik namun kekurangan di segi kemahiran melatih. Oleh itu, Jawatankuasa percaya bahawa sesi melatih para jurulatih ini secara dasarnya akan membantu peguam muda untuk membangun dan mengembangkan kemahiran melatih disamping memperbaiki kemahiran pertuturan dan penyampaian mereka dan menjadikan mereka jurulatih yang lebih berjaya. Semasa latihan ini, peserta telah juga dilatih bagaimana untuk mengendalikan program orientasi BCLAC(KL) dan Penilaian Akhir bagi Pelatih Dalam Kamar. Sesi latihan ini telah dijalankan dengan jayanya dan mendapat sambutan yang menggalakkan daripada para peserta.



- Pada 14 hingga 16 haribulan November 2008 Ahli Jawatankuasa telah menganjurkan Latihan Lanjutan kali kelima di Commonwealth Forest & Park Resort, Rawang. Jawatankuasa telah merancang Latihan Lanjutan kelima ini dengan penekanan khusus atas dua tujuan utama. Pertama adalah untuk mengekalkan peserta-peserta supaya terus melibatkan diri di dalam aktiviti BCLAC (KL) dan selanjutnya untuk melatih peguam muda yang sedia ada supaya menjadi ketua yang berkesan dan juga menjadi jurulatih. Seramai 15 peserta telah mengambil bahagian di dalam latihan ini dan seramai 17 orang pelatih peguam muda telah secara sukarela menjadi jurulatih untuk latihan ini. Secara dasarnya, peguam muda ini telah mengendalikan kesemua sesi latihan yang diadakan selama 3 hari 2 malam. Berdasarkan maklum balas yang telah diterima peserta cenderung untuk melibatkan diri di dalam kerja-kerja bantuan guaman dan pelatih jurulatih adalah lebih yakin untuk mengendalikan sendiri latihan lanjutan di masa akan datang.
- Sebagai susulan kepada Latihan Lanjutan kelima, satu sesi perjumpaan telah diadakan untuk para peserta latihan tersebut pada 13 Disember 2008. Hampir kesemua peserta latihan lanjutan kali kelima tersebut telah hadir. Peserta berkongsi pengalaman mengenai apa yang telah mereka lakukan semenjak Latihan Lanjutan tersebut. Mereka memaklumkan bahawa mereka sangat berminat untuk membantu dalam kerja bantuan guaman dan telah mengambil peluang sesi tersebut untuk menyertai pelbagai jawatankuasa kecil Legal AIDERS di samping juga menyertai pelbagai aktiviti lain BCLAC (KL).
- Legal AIDERS adalah satu kumpulan yang terdiri daripada lebih kurang 40 orang Peguam Muda buah hasil program Latihan Lanjutan telah melibatkan diri secara aktif di dalam pelbagai program dan aktiviti BCLAC(KL). Program-program yang melibatkan mereka adalah seperti berikut:-

Penglibatan Legal AIDERS di dalam Aktiviti/Program Biasa PBG Majlis Peguam (KL)

SEBAGAI JURULATIH

1. Sesi Latihan Orentasi bagi Pelatih Dalam Kamar
2. Sesi Penilaian Akhir untuk Pelatih Dalam Kamar
3. Latihan untuk Jurulatih
4. Latihan Lanjutan

Bermesyuarat bagi melakarkan pelan tindakan

1. Sesi Perjumpaan Legal AIDERS

Disamping itu, Legal AIDERS juga sedang bertugas di bawah 4 jawatankuasa kecil yang dibahagikan kepada 4 kumpulan iaitu:-

1) Jawatankuasa Hiburan

Tugas yang terlibat:

- i. Mencetak baju T Bantuan Guaman
- ii. Malam Kutipan Derma Gala NLAC

2) Jawatankuasa Perhubungan Awam & Editorial

Tugas yang terlibat:

- i. Fungsi Editorial - Cerita Penilaian Akhir, penulisan untuk sambutan ulangtahun pertama Legal AIDERS
- ii. Malam Kutipan Derma Gala NLAC/ Penaja korporat
- iii. Internet - Laman web LAC/ Laman web Majlis Peguam/ Facebook
- iv. Street Law
- v. Kesedaran Awam tentang LAC dan perkhidmatannya
- vi. Risalah - CSR (Corporate Social Responsibility)

3) Keadilan Jenayah/Rasuah/Tahanan Tanpa Perbicaraan & Peneroka Bandar/Perkhidmatan Social

Tugas yang terlibat:

- i. Bengkel ISA
- ii. Tahanan Segera
- iii. Penyebaran Kesedaran Undang-undang
- iv. Perkhidmatan Sosial - Program OK Tak OK
- v. Peneroka Bandar



4) Rakaman video bagi Jawatankuasa Program LAC

Tugasan yang terlibat:

1. Untuk menghasilkan dokumentari mengenai LAC dan program-program yang dijalankannya.

5) Aktiviti lain - Malam Kopi-O.

Kelebihan

- Ahli Jawatankuasa yang komited dan kemampuan mereka untuk menyumbangkan idea bagi melaksana dan memperbaiki sesi latihan.
- Motivasi kepada Pelatih dalam Kamar terhadap keperluan memberikan perkhidmatan kepada mereka yang memerlukan dan terpinggir.
- Pendidikan kepada Pelatih Dalam Kamar mengenai hak-hak asasi dan menanamkan dalam diri mereka rasa keadilan.
- Mengekalkan ramai Peguam Muda untuk khidmat sukarela di LAC melalui Program Latihan Lanjutan.

Kelemahan

- Masa dan sumber manusia
- Tindakan/ Sesi Susulan

Cadangan

- Berusaha untuk menjalankan lebih banyak sesi kesedaran dan hak asasi manusia kepada peguam-peguam dan/ atau orang awam.
- Berusaha untuk mencari jalan bagi mengekalkan penglibatan Legal AIDERS.

Tahun 2008 merupakan tahun yang sibuk bagi jawatankuasa ini.



PUSAT BANTUAN GUAMAN MAJLIS PEGUAM (KUALA LUMPUR) 2007/08

Ahli Panel

Pengerusi

Ravi Nekoo

Setiausaha Kehormat

Alexis Diana

Pembantu Setiausaha Kehormat

Latheefa Koya

Bendahari

Harleen Kaur

Ahli-Ahli

K M Nachammai
Nik Nurul Atiqah Nik Yusof
Ellysyeliza Mat Desa
N Sivanesan
Ramesh Lachmanan
M Moganambal
Selva Rani Thiyagarajah
Magesan R Ayavoo
Nicholas Netto
R. Ragunanthanan
Sivarasa Rasiah
Saravana Kumar
Puspawati Rosman
Abd Shukor Tokachil
Sukhvinder Kaur Chahl
Ravinder Singh Dhaliwal
Preetam Kaur
So Chien Hao

PENGENALAN

Tahun 2007 adalah tahun yang amat sibuk bagi Pusat Bantuan Guaman (Kuala Lumpur). Telah berlaku peristiwa-peristiwa baru yang mengakibatkan permintaan yang tidak putus-putus untuk bantuan kami. Secara ringkasnya Pusat ini telah menjadi satu pusat yang sibuk dengan pelbagai aktiviti. Kami telah berusaha untuk menangani pelbagai cabaran dengan sebaik mungkin dengan sumber yang terhad. Kini adalah masa untuk menilai kerja-kerja kami yang masih dalam proses.

Sepanjang tahun ini, Pusat ini telah membantu 15,951 anakguam dengan nasihat guaman, perwakilan dan pencelahan guaman melalui pelbagai programnya yang berterusan. Ini adalah peningkatan sebanyak 50% berbanding tahun lalu di mana kami telah membantu 10,062 anakguam. (Sila rujuk statistik untuk program yang dilampirkan).

Mereka yang dibantu termasuk 1,804 anakguam yang datang ke Pusat ini di bawah Klinik-klinik LAC dan Syariah, 1,679 orang yang telah ditemuduga di penjara, 4,200 tahanan yang telah dibantu di bawah Program 'Dock Brief' dan ribuan buruh asing di bawah Program LAC/Tenaganita. BCLAC (KL) juga telah membantu ratusan orang yang lain melalui Klinik-klinik usahasama dengan NGO seperti AWAM, WAO, SIS, UNCHR dan PTF.

Sebanyak 399 fail telah dibuka sepanjang tahun ini yang mana 288 telah di tugaskan. Pusat ini juga telah menggalakkan penggunaan pencelahan guaman untuk menyelesaikan kes secara terus dan efektif. Hingga ke hari ini sebanyak 32 kes telah direkodkan.

Pusat ini terus mengekalkan hubungan yang rapat dengan rakan-rakan kongsi NGOnya seperti All Women's Action Society (AWAM), Women's Aid Organization (WAO), Sisters in Islam (SIS), Tenaganita, Pink Traingle Foundation (PTF), United Nations High Commissioner for Refugees (UNHCR) dan input mereka sangat membantu dalam memberi perspektif yang berlainan kepada Panel Pengurusan dalam beberapa isu.

Dalam tahun 2007, Pusat ini telah menyaksikan lahirnya satu kumpulan baru peguam muda yang dikenali sebagai "**Legal AIDERS**". "Legal AIDERS" ialah satu kumpulan peguam yang bertenaga, berbakat dan bersemangat yang ghairah membantu BCLAC (KL) dalam pelbagai aktiviti dan programnya (rujuk kepada laporan jawatankuasa Legal Awareness).

Tahun 2007 juga menyaksikan Kumpulan "Urgent Arrest" kami teramat sibuk mengendalikan beberapa litigasi kepentingan awam. Tidak seperti



2006 di mana isu pengusiran menjadi perkara utama litigasi kepentingan awam, dalam 2007 BCLAC (KL) telah membantu pihak-pihak yang telah ditahan kerana terlibat dalam perhimpunan haram. Peguam-peguam yang telah mendengar tentang penangkapan ini, telah hadir di IPK (KL) dan Polapol dari tengahari hingga ke petang untuk pendengaran reman. Peguam-peguam juga telah hadir di Mahkamah Selayang dan Kuala Lumpur untuk membantu anakguam-anakguam. Pelatih-pelatih dalam kamar juga telah bersama-sama membantu dalam mendapatkan sebanyak mungkin maklumat daripada anakguam untuk membantu peguam dalam permohonan ikat-jamin. Amat mengagumkan untuk melihat peguam-peguam ini membantu anakguam. Mereka bertindak tanpa kepentingan diri sendiri, tidak memberi nama atau memberi reaksi semasa dipuji. Komitmen mereka patut dijadikan contoh. Kami panjangkan rasa penghargaan tidak terhingga kepada semua peguam sukarela dan pelatih dalam kamar yang telah menyertai kami dalam membantu anak guam.

Selain daripada program-program perkhidmatannya yang biasa, BCLAC (KL) juga menjalankan dan terlibat dalam pelbagai program dan aktiviti lain seperti:

Pendidikan – Selain nasihat guaman dan perwakilan, ramai orang telah diberi kesedaran mengenai undang-undang dan hak mereka melalui program pendidikan dan ‘outreach’ yang telah dijalankan oleh BCLAC (KL). BCLAC (KL) telah menjalankan lebih daripada 10 program di sekolah-sekolah dan menganjurkan ceramah-ceramah kepada beberapa komuniti termasuk komuniti-komuniti yang terpinggir seperti pekerja seks dan transexual yang telah dimaklumkan dan diberi kesedaran mengenai hak undang-undang mereka. BCLAC (KL) juga melalui rancangan realiti TV3, “Nescafe Kick Start” dan ASTRO, “Sattam” telah mengiklankan perkhidmatannya dan mendidik orang awam mengenai bantuan guaman.

Pembinaan Hubungan – Dalam tahun 2007, BCLAC (KL) juga merasakan pentingnya pembinaan rangkaian dan hubungan dengan kumpulan dan organisasi lain. Tujuan utama pembinaan rangkaian ialah untuk memberi perkhidmatan yang lebih baik kepada anakguam. Di antara kumpulan yang telah ditemui dan di adakan perbincangan untuk menambah-baik hubungan kerja adalah Jabatan Kebajikan Masyarakat, Pihak Berkuasa Penjara, Pegawai Polis Daerah, Biro Bantuan Guaman, Majlis Aids Malaysia, Palang Merah Antarabangsa, Kumpulan Sokongan Pekerja Myanmar dan Nepalese, Shelter, PS the Children, Women Centre for Change, dan SUARAM.

Pembaharuan Undang-undang – BCLAC (KL) telah mengambil beberapa langkah untuk penglibatan dalam inisiatif pembaharuan undang-undang. Pada April 2007 bersama-sama dengan Jawatan Kuasa Imigresen Majlis Peguam, Pusat ini telah menjadi pemerhati dan pemantau di Mahkamah Tahanan Semenyih selama lima hari. Pusat ini juga telah menghadiri dan memberi input di persidangan meja bulat yang dianjurkan oleh SUHAKAM untuk berbincang dengan semua agensi-agens kerajaan yang relevan, mengenai isu-isu keadaan dan kesesakan penjara. Perbincangan dan rundingan juga sedang dijalankan dengan pihak berkuasa penjara dan kebajikan mengenai isu program pemulihan yang wajar untuk juvana di penjara dan rumah reman. Selain itu, kes-kes yang melibatkan pengusiran penduduk setinggian telah dicabar di mahkamah, dalam usaha untuk mendesak pembaharuan dalam bidang ini. Kini, BCLAC (KL) juga sedang dalam proses menderafkan bil bantuan guaman yang baru untuk negara.

Pelajar Sangkutan – Program sangkutan Pusat ini telah berkembang dari setahun ke setahun. Pelajar dari intitusi pengajian tinggi awam dan swasta seperti UM, IIUM, Taylor’s dan HELP sering membuat lawatan dan menjalani program sangkutan bersama BCLAC (KL). Terdapat juga pelajar dari Monash dan universiti-universiti lain.

Laman Web BCLAC (KL) – Laman Web LAC kini telah didaftarkan dan sedang dalam proses pembinaan ‘web-page’. (www.legalaidkl.org)



Kami ingin menekankan bahawa apa yang dicapai setakat ini adalah mustahil tanpa adanya sokongan padu dari ramai peguam sukarela yang berdedikasi dan pelatih dalam kamar. Kami percaya dengan pertambahan sokongan daripada Majlis Peguam dan ahli-ahli Badan Peguam KL, Pusat ini mampu mencapai tahap yang lebih tinggi lagi dan memberikan bantuan, mewujudkan dan meningkatkan kesedaran dan memberikan bantuan guaman kepada mereka yang lebih memerlukan dan kepada ahli masyarakat yang terpinggir.

Mukasurat-mukasurat seterusnya membentangkan pelbagai laporan daripada pelbagai jawatankuasa kecil yang menunjukkan pelbagai aktiviti yang telah dijalankan dan dilaksanakan tahun ini.

Akhir sekali kami mengambil kesempatan ini untuk mengucapkan terima kasih kepada semua peguam sukarela, rakan kongsi NGO, Ketua Projek, pelatih dalam kamar dan kakitangan, yang telah memberikan kami sokongan dan bantuan dalam memenuhi objektif kami. Kami berharap dapat bekerjasama lagi dalam tahun 2008 dan tahun-tahun yang mendatang bagi memenuhi tanggungjawab sosial kami kepada masyarakat.

Terima Kasih.

Ravi Nekoo
Pengerusi

B. STATISTIK 2007

PUSAT BANTUAN GUAMAN MAJLIS PEGUAM (KUALA LUMPUR) STATISTIK (JANUARI – DISEMBER 2007)

STATISTIK ANAKGUAM : RINGKASAN 2007

	Clinic/Programme	Anakguam 2005	Anakguam 2006	Anakguam Jan- Dec 2007
1	Penjara Sungai Buloh : * Anakguam warganegara Malaysia * Anakguam warganegara Asing	1294 (876) (418)	1285 (1010) (275)	1093 (764) (329)
2	Penjara Wanita Kajang	181	200	139
3	Penjara Wanita Warga Asing Kajang	153	84	88
4	Penjara Lelaki Kajang			217
5	Penjara Lelaki Warga Asing Kajang			26
6	Rumah Tahanan Juvana	121	77	116
7	Dock Brief	5216	4714	4200
8	Klinik LAC/Syariah	1898	1808	1804
9	SIS	523	568	673
10	AWAM	571	493	387
11	PTF	87	82	10
12	WOA	102	166	173
13	Tenaganita	998	585	2350
14	UNHCR	-	-	3360
15	Kes-Kes Kepentingan Awam	-	-	469
	TOTAL	11144	10062	15105



C. LAPORAN JAWATANKUASA

1. KLINIK PUSAT BANTUAN GUAMAN (LAC)

Laporan disediakan oleh Ketua Projek, Nachammai Kumarappan

Ahli Jawatankuasa:

Nachammai Kumarappan
Alexis Diana
Ahmad Ridza
Jayaletchumi Rajaretnam

Molly Gomez-Kerisnan
Kalaiichelvi
Ramesh Lachmanan

Pengenalan

Klinik Bantuan Guaman ("LAC Clinic") telah mula beroperasi sejak 1983 di sekretariat bagi memberikan perkhidmatan kepada orang awam yang datang ke Klinik Pusat Bantuan Guaman. Klinik ini juga menyediakan khidmat nasihat guaman percuma kepada mereka yang layak berdasarkan Ujian Kelayakan, kesedaran undang-undang, perwakilan undang-undang dan campurtangan undang-undang. Klinik ini diselia dan diurus oleh sekumpulan peguam sukarela di bawah Jawatankuasa Klinik Pusat Bantuan Guaman. Jawatankuasa ini telah mengadakan perjumpaan sebanyak 4 kali dan menyelesaikan beberapa masalah pentadbiran yang dihadapi oleh Klinik ini. Klinik ini beroperasi dari Isnin hingga Jumaat bertempat di Pusat Bantuan Guaman (KL) dari 10 pagi hingga 4.30 petang.

Perbandingan Jumlah klien berjalan-masuk LAC di antara tahun 2006 dan 2007 adalah seperti berikut:-

BIL	TAHUN	BILANGAN KLIEN
1	2006	1586 (hinggat 8/12/06)
2	2007	1580 (hingga 6/12/07)

Perbandingan klien (yang telah diberikan perwakilan undang-undang) di antara tahun 2006 & 2007 adalah seperti berikut :-

BIL	TAHUN	BILANGAN KLIEN
1	2006	244 (hingga 8/12/06)
2	2007	326 (hingga 6/12/07)

Campurtangan Undang-Undang (Legal Intervention)

Tahun ini menyaksikan penurunan kes-kes berkenaan campurtangan undang-undang di mana para pelatih dalam kamar telah pergi ke balai polis.

Satu perbandingan mengenai campurtangan undang-undang yang diberikan di antara tahun 2006 dan 2007 adalah seperti berikut :

BIL	TAHUN	TOTAL NUMBERS	JUMLAH PELATIH DALAM KAMAR YANG TERLIBAT	KAWASAN / JABATAN YANG DILAWATI
1.	2006	51 kes	80 pelatih	Polis, MPJ, Jabatan Buruh, Asrama Sentul, JKM, Jabatan Perhubungan Industri, Majistret/Sesyen/Trafik/ Mahkamah Wisma Denmark, Bank-bank, Tanah Selangor, Amanah Raya.



2.	2007	32 kes	60 pelatih	Polis, JPN, HUKM, Jabatan Buruh, Mahkamah Majistret
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Jawatankuasa / Peguam sukarela / Pelatih dalam kamar

Tiada penambahan kepada bilangan peguam-peguam sukarela untuk menyelia pelatih-pelatih dalam kamar dan juga mengambil kes-kes terutamanya jenayah. Oleh yang demikian, kami merayu kepada peguam-peguam untuk tampil dan menawarkan diri sebagai sukarelawan.

Kami ingin merakamkan setinggi-tinggi penghargaan kepada pelatih-pelatih dalam kamar, kakitangan dan sebilangan peguam-peguam sukarela yang telah membantu menangani masalah kekurangan ini.

Latihan Pelatih-Pelatih Dalam Kamar

Kesemua ahli jawatankuasa telah mengambil bahagian secara aktif dalam program latihan dengan bantuan pegawai LAC secara bergilir di mana dua ahli jawatan kuasa memantau latihan pada setiap satu masa.

Kami terhutang budi kepada peguam-peguam sukarela (yang bukan ahli jawatankuasa) seperti En. D M Rao, En. Muhendaran, Dato' Manpal Singh dan En. Rabinder Singh yang telah dengan murah hati meluangkan masa mereka yang berharga untuk klinik ini dan hadir melatih para pelatih dalam kamar.

Pembinaan Perhubungan

Pusat Bantuan Guaman berjaya menjalinkan perhubungan dengan pelbagai agensi Kerajaan.

1. Bermesyuarat dengan Jabatan Kebajikan Masyarakat (KL) – 18hb Mei 2007
- Perjumpaan ini berjaya dengan rujukan-rujukan yang dibuat bersama Jabatan-jabatan Kebajikan Masyarakat
2. Bermesyuarat dengan Biro Bantuan Guaman – 8hb Mei 2007
- Mesyuarat ini dihadiri oleh pegawai-pegawai daripada BBG dan perhubungan telah dijalinkan terutamanya berkenaan klinik "Outreach".
3. Nescafe Kickstart oleh Derek Chong di TV3
- Klinik LAC juga telah mengambil bahagian dalam rancangan realiti ini di mana Derek Chong mengambil bahagian dan meletakkan "Klinik Undang-Undang Bergerak" sebagai kerja idealnya. Sepanjang tempoh ini, LACKL telah berulang kali dipaparkan dalam televisyen kebangsaan. Nachammai, Sa'adiah, Ravi Nekoo, Amer Hamzah, Edward Saw dan Edmund Bon juga telah terlibat di dalam program ini.
4. Bermesyuarat dengan pihak Polis
- Ia amat berjaya dengan mesyuarat diadakan dengan IPD Sentul dan IPD Cheras

Klinik Luar "Outreach"

Jawatankuasa bagi tahun 2007 memutuskan untuk tidak mengadakan apa-apa klinik 'outreach' untuk orang ramai memandangkan kami ditenggelami dengan Program Sekolah.



Di bawah ialah laporan untuk program tersebut :

LAPORAN PROJEK SEKOLAH KLINIK LAC

Disediakan oleh: Kalaiichelvii & Chitrah

Program Sekolah Klinik Pusat Bantuan Guaman (Program Sekolah Klinik LAC) telah memberikan kesedaran undang-undang dan juga sosial kepada pelajar-pelajar sekolah melalui seminar bertajuk “Ceramah Perundangan & Implikasi Sosial Terhadap Murid-Murid Sekolah Menengah” semenjak 5 tahun yang lampau. Pada tahun 2007, jawatankuasa telah sekali lagi menerima satu surat menyeluruh daripada Kementerian Pelajaran dengan terma-terma dinyatakan di dalamnya.

Pada permulaannya, apabila projek ini dimulakan kami mendapatkan peguam-peguam untuk menyampaikan syarahan berkaitan undang-undang Keluarga, undang-undang Pekerjaan, Keganasan Rumahtangga dan Undang-undang Jenayah. Namun, para guru telah meminta jawatankuasa penganjur pada ketika itu untuk melakukan perubahan dan menjadikan program itu berbentuk ikut-serta dengan isu-isu sosial yang menarik. Maka, kami memajukan program tersebut dengan bekerjasama dengan Kamar Peguam Negara, Polis Diraja Malaysia, peguam, personaliti sukan, bekas pelajar sekolah-sekolah terbabit mengenai Perkongsian Kehidupan Sebenar, kesedaran mengenai HIV/AIDS, Perhubungan, Jantina & Seks serta isu-isu lain yang melibatkan para pelajar. Kami juga mengadakan sesi permainan dan soal jawab dengan para pelajar disertai dengan pemberian cenderahati kepada para pelajar yang mengambil bahagian secara aktif.

Program perintis ini telah disambut baik oleh pengetua-pengetua sekolah, guru-guru kaunseling dan para pelajar. Seterusnya, permintaan terhadap program tersebut meningkat dengan guru-guru membincangkan program ini di dalam perjumpaan antara guru-guru kaunseling. Ahli-ahli jawatankuasa juga telah membuat lawatan peribadi ke sekolah-sekolah untuk mendapatkan kepercayaan guru-guru kaunseling dan pengetua-pengetua sekolah. Sejak dua tahun kebelakangan ini, program ini telah mendapat sambutan hangat namun kami kekurangan jurulatih untuk memenuhi permintaan semasa. Program baru ini telah disambut baik oleh para pelajar dan juga pihak sekolah kerana ia merangkumi kedua-dua aspek undang-undang dan sosial. Pada tahun 2007, kami telah berjaya menembusi sekolah-sekolah baru seperti SMK Maxwell, Jalan Sultan Ismail, SMK Convent, Sentul, SMK Methodist Sentul dan SMK Seri Mutiara, Cheras.

Pada tahun ini, sebanyak 10 sesi telah berjaya diadakan (SMK Methodist Sentul- 3 sesi, SMK Maxwell - 2 sesi, SMK Seri Mutiara- 2 sesi, SMK La-Salle- 1 sesi, SMK Taman Connought- 1 sesi, SMK Convent - 1 sesi). Projek ini juga mendapat sokongan berkualiti daripada Jabatan Peguam Negara (Putrajaya) yang telah menamakan beberapa orang DPP untuk memberikan ceramah di sekolah-sekolah berkenaan, Polis Diraja Malaysia iaitu IPD Sentul dan IPD Cheras juga telah menjanjikan sokongan. Galakan ini juga dikekalkan dengan penglibatan bekas-bekas pelajar sekolah-sekolah berkenaan yang pada masa kini berjaya dalam kehidupan mereka.

Personaliti-personaliti sukan juga telah menyokong program kami dan berkongsi disiplin diri dan keazaman mereka yang menjadikan mereka popular. Jawatankuasa juga mengekalkan hubungan yang erat dengan PT Foundation di mana mereka telah menghantar pegawai-pegawai mereka untuk berkongsi dan mendidik mengenai kesedaran HIV/AIDS dan STI kepada para pelajar.

**Senarai Penceramah yang Terlibat dalam Program Sekolah Tahun 2007**

TARIKH	10/4/07, 30/4/07, 14/6/07, 6/8/07, 8/8/07, 11/8/07, 4/9/07, 10/10/07, 22/10/07, 23/10/07	10 HARI
JABATAN PEGUAM NEGARA	PUAN NOORIN BADARUDDIN, PUAN RAJA ROZELA RAJA TORAN, PUAN ASMAH MUSA, TUAN DEVANANDAN S SUBRAMANIAM, PUAN NURULHUDA NUR'AINI, PUAN EVAWANI FARISYTA (beliau telah melakukannya dua kali)	6 DPP
POLIS	DSP TAN YAN THIAN (IPD SENTUL), ASP GULAM RASSID KHAN (IPD SENTUL), ASP NASRI (IPD CHERAS), C/I CHANDERAN SEGARAN (IPD CHERAS), INSP DEEN JONATHAN (IPD SENTUL)	5 PEGAWAI POLIS
PEGUAM	KALAIICHELVII, ALEXIS DIANA, NACHAMMAI, JAG RAMACHANDRAN, WAN AZMIR BIN WAN MAJID, RAGUNANTHANAN,	6 PEGUAM
BADAN BUKAN KERAJAAN	HISHAM HUSSEIN, MARHALEM, SHAHRUDDIN, KISHEN, JAMALIAH, ROSLAN, ROSLAN (MAC), WONG LAI CHENG, MAZNAH IBRAHIM, ABIGAIL DEVRIES (AWAM, PTF, WAKE, PS THE CHILDREN)	10 AHLI
INDVIDU	AMARJIT KAUR, THOMAS SAMUELS, GANGA DEVI	3 AHLI
SUKAN	VASANTHA MARIAL ANTHONY, G I YAAMINII, SHEKAR MARIMUTHU, PAVITHRAN PRATABAN, THOMAS SAMUELS, JAMALIAH JALALUDDIN	6 AHLI

2. KLINIK SYARIAH

Laporan Disediakan oleh Ketua Projek

Ahli Jawatankuasa

Nik Nurul Atiqah Binti Nik Yusof (Ketua Projek)
Sabrina Ali Binti Mohamad Ashfar

Ellysyeliza Binti Mohd Desa
Mohd Hafiizh Mohd @ Ghazali

Matlamat Klinik Syariah ialah untuk memberikan perkhidmatan guaman percuma kepada yang memerlukan serta memberikan mereka kefahaman yang lebih mengenai prinsip dan prosedur undang-undang syariah selain membantu mereka mendapatkan bantuan yang sewajarnya dan memperolehi perbicaraan yang adil di Mahkamah Syariah yang berkenaan.

Klinik ini beroperasi di Sekretariat dan dibuka kepada orang ramai dari hari Isnin hingga Jumaat dari pukul 10.00 pagi hingga pukul 4.30 petang. Klinik Syariah yang bertempat di sekretariat ini dikendalikan oleh Pelatih Dalam Kamar sebagai memenuhi khidmat bantuan guaman yang menjadi sebahagian daripada peraturan Majlis Peguam dalam Khidmat Bantuan Guaman. Setiap Pelatih ditugaskan sekali seminggu untuk tempoh tiga (3) bulan.

Pelatih dalam kamar diberi latihan selama separuh hari yang memfokuskan kepada undang-undang Syariah Sivill, Jenayah dan Prosedur. Mereka juga diberi latihan satu hari dengan Klinik Bantuan Guaman yang memberikan latihan asas berkenaan teknik temuduga selain mengambil bahagian dalam perbincangan mengenai undang-undang jenayah, pekerjaan dan yang berkaitan dengan kekeluargaan.

Klinik Bantuan Guaman berjalan selari dengan Klinik Syariah. Selain daripada menemuduga anakguam



syariah, pelatih juga membantu menemuduga anakguam sivil. Tugas mereka termasuk menemuduga klien yang datang sendiri, menjalankan ujian kelayakan dan memberi nasihat yang betul apabila diperlukan setelah penjelasan diperolehi dari peguam sukarela dan/atau pengamal undang-undang syariah. Sesungguhnya kami percaya bahawa perkhidmatan ini perlu diberikan kepada sesiapa yang lulus ujian kelayakan disamping menjaga kepentingan mereka di dalam Mahkamah Syariah.

Walaupun bilangan orang awam yang meminta khidmat dan nasihat kami masih kecil berbanding dengan klinik bantuan guaman lain tetapi jumlahnya semakin meningkat dan tidak terhad kepada golongan wanita sahaja malahan Klinik Syariah dikunjungi juga oleh kaum lelaki yang datang untuk mendapatkan nasihat dan perwakilan guaman di dalam beberapa perkara berkaitan dengan prosedur perceraian termasuk permohonan fasakh yang difailkan oleh isteri mereka, hak-hak selepas perkahwinan seperti penjagaan, hadhanah dan permohonan matrimony, hal-hal berkaitan pusaka dan prosiding pelaksanaan.

Selaras dengan Minggu Kesedaran Undang-Undang yang bertemakan “Hak Generasi Baru”, Jawatankuasa telah menganjurkan satu program akar umbi bertempat di Taman Tasik Titiwangsa, Kuala Lumpur pada 2hb September 2007 yang dinamakan ‘Riadah dan Didik’ yang mana aktiviti utamanya adalah mengedarkan risalah dan makalah undang-undang (yang termasuk pengenalan kepada Pusat Bantuan Guaman Majlis Peguam Kuala Lumpur) yang mana kami telah berjaya mendekati kumpulan sasaran utama kami iaitu “Mat & Minah Rempit”.

Harapan kami untuk tahun-tahun mendatang ialah agar kami dapat mengendalikan lebih banyak program kesedaran dalam mendidik masyarakat mengenai hak mereka di bawah undang-undang dan prinsip-prinsip syariah dan untuk memperkenalkan khidmat yang ditawarkan klinik kepada mereka yang memerlukan.

Kami juga ingin merakamkan penghargaan kepada pihak Panel Pengurusan, kakitangan Pusat Bantuan Guaman, ahli Jawatankuasa Syariah, peguam sukarela dan pengamal undang-undang syariah, Pelatih Dalam Kamar untuk minat, penglibatan dan sokongan yang tak putus dalam menjalankan Klinik Syariah dengan lancar.

3. PROGRAM DOCK BRIEF

Laporan Disediakan oleh Jawatankuasa Dock Brief

Ahli Jawatankuasa

Selva Rani Thiyagarajan (Ketua Projek)
Ragunanthanan. R (Setiausaha)
Wan Hidayati Nadirah Wan Ahmad Nasir
Vivian Victor

Magesan (Penolong Ketua Projek)
Henry Ngok Heng Hui
Nicholas Netto
Shirdieswaran Thangarajah

Pengenalan

Program Dock Brief ini mengandungi beberapa kumpulan merangkumi 70 orang pelatih dalam kamar secara bergilir yang dikehendaki untuk memberikan khidmat guaman seperti peringanan hukuman, permohonan ikat-jamin dan perkara-perkara berkaitan reman secara percuma. Setakat ini khidmat kami meliputi 7 Mahkamah Majistret Jenayah, satu Mahkamah Kanak-Kanak dan Mahkamah Majistret 10.



Jawatankuasa Dock Brief telah menjalankan pelbagai aktiviti seperti: -

- Latihan praktikal untuk kemasukan baru pelatih-pelatih 'Dock Brief' yang dijalankan pada hari Sabtu
- Memperbaiki panduan latihan
- Satu sesi dialog yang berjaya dengan Badan Kehakiman
- Kumpulan-kumpulan Dock Brief diangkat oleh ahli jawatankuasa untuk tujuan penyeliaan
- Penyediaan risalah bagi menyebarkan maklumat mengenai khidmat Program Dock Brief
- Menjemput peguam-peguam kanan untuk mendidik pelatih dalam kamar semasa latihan
- Penyeliaan secara 'ad-hoc' oleh ahli-ahli jawatankuasa

Cadangan

- Mendapatkan lebih ramai peguam sukarela
- Memelihara hubungan baik dengan Badan Kehakiman

4. KLINIK PENJARA SG BULOH, PENJARA WANITA DAN WARGA ASING KAJANG, PENJARA JUVANA KAJANG DAN RUMAH TAHANAN JUVANA

Laporan Disediakan oleh Ketua Projek

Ahli Jawatankuasa

Sivanesan Nadarajah (Ketua Projek)	Ramesh Lachmanan (Penolong Ketua Projek)
Moganambal	Kamalam
Samynathan	Letchemanan
Bernard Francis	G Nanda Goban
Nurshafini Musthafa	Daniel Abhisheegam

Pengenalan

Klinik ini telah menjalankan Klinik Penjara Sg. Buloh ("SBP") sejak bulan Disember 1997, Penjara Pemandang Asing Sg. Buloh ("SBMP") sejak bulan Mei 2004, Penjara Wanita Kajang ("KWP") sejak pertengahan tahun 2000, Penjara Pemandang Asing Wanita ("KWMP") sejak bulan September 2003, Program Rumah Tahanan Juvana ("JRH") sejak tahun 2001 dan juga Penjara Juvana Kajang ("KJP") sejak tahun 2007. Pada awal bulan Mac tahun 2005, keenam-enam Klinik Penjara iaitu SBP, SBMP, KWP, KWMP, KJP dan JRH telah digabungkan di bawah satu program. Pusat Bantuan Guaman juga telah bekerjasama dengan Pusat Bantuan Guaman Selangor ("Selangor LAC") dengan mengambil pelatih-pelatih dalam kamar daripada Pusat Bantuan Guaman Selangor bagi menyertai Klinik Penjara Sg. Buloh sejak bulan Jun 2005.

Ringkasan Program

Program ini dijalankan setiap 3 bulan dan melibatkan lebih kurang 27 orang pelatih dalam kamar dari Kuala Lumpur dan 6 hingga 10 orang pelatih dalam kamar dari Pusat Bantuan Guaman Selangor, dihimpunkan kepada beberapa pasukan yang diketuai oleh satu atau dua orang peguam pemantau yang melawat penjara-penjara tersebut dan juga JRH setiap sepuluh hari sekali untuk menemubual mereka yang ditahan reman. Pelatih-pelatih dalam kamar di dalam Program ini, yang telah dilatih dan dilengkapkan sewajarnya, juga mengambil tindakan lanjutan di Pusat Bantuan Guaman seperti berikut :-

- (a) menghubungi ahli keluarga mengenai perkara-perkara yang berkaitan dengan ikat-jamin dan perwakilan guaman;



- (b) merujuk kes-kes yang relevan kepada Program “Dock Brief”, Pusat-pusat Bantuan Guaman negeri masing-masing atau untuk kesalahan berat, kepada skema “Court Assigned Counsel”; dan,
- (c) berhubung dengan peguam-peguam sukarela tentang status fail-fail;
- (d) berhubung dengan Kedutaan masing-masing berkaitan warga asing yang ditahan reman di dalam penjara-penjara;
- (e) merujuk kes yang berkaitan tahanan dari negeri-negeri lain kepada Pusat Bantuan Guaman Majlis Peguam di negeri masing-masing untuk tindakan mereka.

Statistik mengenai perkara-perkara yang dikendalikan/diproses oleh Program ini dilampirkan di bahagian B (Statistik 2007).

Aktiviti-aktiviti

Berikut merupakan aktiviti-aktiviti utama yang dilaksanakan sepanjang tahun semakan:

- (a) satu mesyuarat telah diadakan pada 23-05-2007 di antara ahli Jawatankuasa Penjara dan Pengarah Penjara Kajang berserta pegawai-pegawainya bagi membincangkan beberapa perkara berkaitan dengan kelancaran perjalanan Program dengan kerjasama pihak berkuasa Penjara. Yang menjadi perhatian khusus ialah mengenai jumlah besar juvana yang ditahan reman di Penjara Kajang dan usaha-usaha yang diperlukan bagi menanangi masalah tersebut;
- (b) dalam usaha yang berterusan untuk mengukuhkan hubungan dengan pelbagai pihak berkuasa berkenaan, satu majlis makan malam bersama telah diadakan dibawah kelolaan Jawatankuasa Program Penjara, pada 25-07-2007 di Lake Club Kuala Lumpur di antara BCLAC (KL) dan pegawai-pegawai dari Penjara Sg. Buloh, Penjara Kajang, Penjara Wanita Kajang, Asrama Sentosa, Sek Tunas Bakti Rumah Reman Sg. Besi dan juga Jabatan Kebajikan Masyarakat;
- (c) semasa Minggu Kesedaran Undang-undang yang telah berlangsung di antara 1 hingga 9 September 2007, Jawatankuasa telah menganjurkan satu sesi dengan 23 juvana di Asrama Sentosa Sentul.

Aktiviti utama Jawatankuasa ialah untuk memastikan adanya peguam-peguam sukarela yang mencukupi untuk menerima pelbagai kes yang ada. Di dalam konteks ini, keutamaan telah diberikan kepada kes-kes yang telah ditugaskan oleh Mahkamah dan kes-kes di mana tahanan telah direman melebihi enam (6) bulan. Perkara yang perlu diambil berat dalam hal ini ialah untuk memastikan kumpulan peguam sukarela dapat dikembangkan agar lebih banyak kes dapat ditugaskan.



5. **KLINIK KHIDMAT MAKLUMAT GUAMAN LAC/AWAM 2007**

Laporan disediakan oleh Jawatankuasa AWAM

Ahli Jawatankuasa:

Sharmini Thiruchelvam
Stefeny David
Foo Li Mei, Michelle
Vasanti Clement

Mary Manickam
Hanita Naliane
Raymond Tan

Wakil AWAM

Betty Yeoh
Su Chang

Klinik

Klinik ini dikendalikan secara kerjasama dengan sebuah organisasi sukarela, tanpa-keuntungan dan bukan-kerajaan wanita, All Women's Action Society (AWAM). AWAM telah menubuhkan perkhidmatan kaunseling telefon TELENITA pada tahun 1990. Sebahagiannya sebagai natijah kejayaan AWAM meningkatkan kesedaran umum mengenai isu-isu keganasan terhadap wanita, AWAM telah menerima panggilan yang meningkat mengenai wanita dan kanak-kanak yang telah didera/dicabul. Permintaan terhadap perkhidmatan ini terus meningkat dan AWAM kemudiannya telah meluaskan perkhidmatan bantuan untuk merangkumi kaunseling secara bersemuka dan juga perkhidmatan maklumat guaman. Klinik ini telah berjalan semenjak September 1994 berikutan ramai wanita yang menghubungi TELENITA meminta juga nasihat guaman tetapi tidak mengetahui bagaimana untuk memperolehi maklumat tersebut dan juga tidak menyedari hak-hak mereka di bawah undang-undang. Dari sinilah bermulanya fikiran untuk mengadakan klinik guaman mingguan. Klinik ini memberikan nasihat guaman dan bantuan mengenai hak ehwal keluarga bagi kedua-dua sivil dan syarie, keganasan rumahtangga, gangguan seksual, penderaan seksual dan perkara-perkara lain berhubung dengan wanita. Klinik ini beroperasi dari Isnin hingga Sabtu daripada pukul 10 pagi sehingga 4.30 petang di Pusat AWAM di Petaling Jaya. Di klinik ini Pelatih Dalam Kamar diwajibkan untuk melaksanakan tugas mereka di AWAM sebagai sebahagian daripada program bantuan guaman selama 3 bulan.

Program Latihan Bersama

Pada tahun ini, program latihan bersama untuk pelatih dalam kamar telah dilanjutkan kepada 2 hari. Latihan untuk hari pertama adalah berkenaan dengan kepekaan jantina yang dikendalikan oleh Kumpulan Tindakan Bersama (JAG) daripada AWAM/WAO/SIS. Program latihan ini telah diperbaharui dengan memasukkan konsep feminis dan kesamarataan jantina. Objektif utama konsep baru ini adalah untuk melahirkan kepekaan peguam-peguam muda terhadap isu-isu kesamarataan jantina dan perspektif undang-undang feminis. Permainan-peranan(role play) telah dilaksanakan untuk meningkatkan kemahiran perhubungan pelatih dalam kamar, kerana pelatih tidak dibenarkan untuk memberikan kaunseling kepada anak-anak guam, lantaran mereka bukanlah kaunselor yang terlatih. Pada hari kedua program, latihan adalah berkenaan undang-undang keluarga sivil dan prosedur keganasan rumahtangga yang dikendalikan oleh peguam-peguam sukarela daripada LAC/AWAM dan kakitangan dari AWAM/WAO. Semasa latihan undang-undang keluarga dan syarahan keganasan rumahtangga, pelatih dalam kamar melibatkan diri dalam pembentangan kes, yang diselia dan diaturkan oleh penceramah berkenaan. Sesi ini adalah untuk memastikan bahawa pelatih dalam kamar mampu menggunapakai undang-undang yang relevan selepas mendengar teori dan mereka diletakan dalam keadaan untuk menggunapakai undang-undang.

Program yang telah dipinda ini, memberikan pelatih dalam kamar satu kefahaman yang lebih baik



dan jelas berkenaan isu-isu dan perspektif-perspektif. Di samping itu, pelatih dalam kamar juga akan menyedari kekurangan (loop holes) dalam undang-undang dan juga amalan tiada-sokongan oleh penyedia perkhidmatan. Tahun yang berlalu juga melihat pelatih dalam kamar lelaki mengambil bahagian dalam Klinik ini, satu rangsangan dalam perkembangan kedua-dua jantina berganding bahu dalam usaha menamatkan keganasan terhadap wanita dan juga dalam perkongsian dengan Pusat Bantuan Guaman Selangor.

Aktiviti

Pada tahun ini, selain menjalankan tugas di klinik, beberapa pelatih dalam kamar telah membantu dalam mengikuti prosiding Mahkamah dalam kes tersohor berkaitan pertukaran agama.

Aktiviti lain yang dibantu oleh pelatih dalam kamar pada tahun 2007 :

Bil	Tarikh	Aktiviti	Bilangan Pelatih
1	30th Jun	"Walk and Wheel" events	3
2	8th Sep	"National Law Awareness Week"	1
3	9th Sep	"Family Day for Free-scale"	1
	Jumlah		5

Statistik

Bilangan Pelatih-Pelatih Dalam Kamar di AWAM dari Januari hingga Disember 2007

Bil	Batch	Tarikh	Bilangan Pelajar
1	48	26/2 - 26/5	12
2	49	21/5 - 17/8	11
3	50	13/8 - 10/11	12
4	51	5/11 - 2/2/08	12
	JUMLAH		47

Kes-Kes dari Januari hingga November 2007

JENIS-JENIS KES	JUMLAH
Penceraian (Sivil)	172
Nafkah (Sivil)	19
Hak Penjagaan (Sivil)	21
Perintah Tahanan Sementara (IPO)	4
Masalah Kewangan	9
Penculikan	4
Orang Hilang	3
Rogol	4
Penceraian (Syariah)	9
Hak Penjagaan (Syariah)	7
Keganasan Rumah tangga	30
Gangguan Seksual	23
Undang-Undang	6
Pertukaran Agama	5
Immigresen	2
Lain-lain	69
JUMLAH BESAR	387



Dari Januari hingga November 2007, Klinik AWAM telah menerima sebanyak 387 kes-kes seperti yang tertera di jadual atas.

KESIMPULAN

Dengan perkhidmatan maklumat guaman dijalankan di klinik LAC/AWAM, bilangan kes yang dikendalikan berkurangan berbanding dengan jumlah 517 kes-kes pada tahun lepas. Juga diperhatikan, walaupun hampir kesemua pelatih dalam kamar melayan klien klinik ini seperti yang dijadualkan, ada sesetengahnya lebih tekun dan rajin dari yang lain, ada pula yang hanya 'menanti masa' malahan terus menghilangkan diri dengan pelbagai alasan.

AWAM mengesa kedua-dua LACKL dan LAC Selangor untuk menghantar peguam mereka bagi memantau kes-kes yang dikendalikan pelatih dalam kamar khususnya dan sikap pelatih secara amnya. Kami berterima kasih kepada kedua-dua LAC untuk sokongan yang berterusan dan menanti untuk memberikan perkhidmatan maklumat guaman yang lebih baik pada tahun 2008.

6. KLINIK BANTUAN GUAMAN LAC/WAO

Laporan disediakan oleh Jessie Ang, WAO

Ahli-ahli Jawatankuasa:

Meera Samanthar (Presiden)

Shoba Aiyar (Pengurus Pekerja Sosial)

Jessie Ang (Koordinator / Penyelaras)

Objektif Klinik LAC/WAO:-

1. Membantu pekerja-pekerja sosial WAO yang berada di tempat perlindungan dengan panggilan telefon – memberi maklumat mengenai keganasan rumahtangga, prosedur-prosedur perceraian, gangguan seksual dan sebagainya;
2. Membantu anakguam WAO membuat laporan polis dan menemani mereka ke hospital;
3. Menanam dan memikat pelatih dalam kamar mengenai kerja-kerja NGO ini.

WAO ialah sebuah organisasi yang tidak membuat keuntungan dengan polisi bahawa tiada sesiapa yang patut didera dan secara khusus, WAO hanya memilih untuk menolong wanita dan anak-anak mereka.

WAO telah memberi perlindungan kepada wanita-wanita dan kanak-kanak yang telah didera secara fizikal, psikologi, seksual, kewangan dan sosial sejak 25 tahun yang lepas,

Di samping memberi sokongan kepada wanita-wanita tersebut, WAO juga memperjuangkan dan mengenengahkan hak-hak wanita bersama-sama dengan organisasi wanita yang lain.

Sebelum pelatih-pelatih dalam kamar menyertai WAO, mereka mesti terlebih dahulu memulakan latihan mereka di LAC/AWAM/WAO/SIS. Sukatan pelajaran mereka termasuklah undang-undang keluarga, syaria, kepekaan jantina, keganasan rumahtangga, keganasan terhadap wanita dan "Proses Bantuan".

WAO akan mengambil seorang pelatih setiap satu dari LAC-KL dan LAC-Selangor daripada setiap kelompok. Pelatih-pelatih akan datang ke tempat perlindungan pada hari Isnin dan Jumaat untuk



12 sesi. Pelatih-pelatih yang datang ke tempat perlindungan tidak hanya melayan panggilan telefon tetapi juga menemani anakguam ke Mahkamah, membantu anakguam membuat laporan polis, memberi nasihat guaman melalui telefon dan bersemuka dengan anakguam, mendokumentasikan kes-kes, pergi ke pejabat imigresen, hospital, kedutaan dan Jabatan Pendaftaran Negara.

Selain daripada menjawab panggilan telefon dan menemani anak-anak guam ke pelbagai tempat, pelatih-pelatih juga membuat kajian dan menyelaras-bersama kumpulan perbincangan dengan kakitangan WAO mengenai berbagai isukepada wanita-wanita di tempat perlindungan. Pelatih-pelatih yang datang ke tempat perlindungan tersebut tidak sahaja berkerja di dalam lingkungan latihan mereka, malah sesetengah di antara mereka sanggup meluangkan masa untuk bersama dengan wanita-wanita dan anak-anak mereka. Mereka makan bersama, berbual dan berkawan dengan wanita-wanita tersebut. Mereka juga bertolak-ansur terhadap keperluan wanita-wanita tersebut.

WAO mempunyai lebih kurang 10 pelatih dalam kamar yang hadir ke tempat perlindungan dari Disember 2006 hingga November 2007.

Jenis-jenis panggilan yang dikendalikan oleh pelatih-pelatih:-

1.	Keganasan rumahtangga	45
2.	Prosedur perceraian	52
3.	Nafkah	10
4.	Penjagaan	14
5.	Masalah kewangan	8
6.	Isteri warga asing	4
7.	Ibu tunggal	4
8.	Gangguan Seksual	5
9.	Masalah dengan polis	2
10.	Perintah Perlindungan Sementara	6
11.	Kebankrapan	4
12.	Masalah rumahtangga	6
13.	Masalah perumahan	2
14.	Pertukaran ke agama Islam	2
15.	Wasiat/EPF	1
16.	Pembahagian Harta	1
17.	Pengambilan Anak angkat	2
18.	Lain-lain	5
		173

Seorang pemanggil mungkin menghadapi beberapa masalah. Purata, seorang pelatih melayan 5 panggilan sehari di WAO.



7. KLINIK LAC/SIS (Sisters in Islam)

Laporan Disediakan oleh SIS

Wakil SIS

Radzlinawati Razali

Nur Fadhlina Binti Mohd Yusof

Pendahuluan

Klinik LAC/SIS menyediakan nasihat undang-undang secara percuma, maklumat dan bantuan kepada orang awam berkenaan undang-undang Malaysia, terutamanya undang-undang syariah. Pelatih dalam kamar yang ditugaskan untuk melaksanakan bantuan guaman dengan Klinik LAC/SIS terlibat dalam memberi nasihat undang-undang percuma kepada anakguam, membuat penyelidikan mengenai isu-isu undang-undang, dan membuat dokumentasi wajar dan terperinci mengenai persoalan yang diajukan oleh anak guam. Mereka juga dikehendaki menghubungi badan-badan berkaitan dalam membantu anakguam, sebagai contohnya, Pusat Bantuan Guaman, Biro Bantuan Guaman, balai polis, pejabat agama negeri, dan Jabatan Pendaftaran Negara.

Bagi membekalkan pelatih dengan pengetahuan dan kemahiran yang relevan untuk melaksanakan bantuan guaman di Klinik LAC/SIS, SIS telah merangka satu latihan khusus yang perlu dijalani pelatih. Latihan ini memperkenalkan para pelatih kepada SIS dan kerja-kerja yang dijalankannya, menonjolkan perbezaan antara undang-undang syariah Malaysia dengan undang-undang sivil Malaysia dan dengan undang-undang Islam yang dipraktikkan di negara Islam lain, bagaimana untuk mengendalikan anakguam SIS dengan berkesan, dan tanggungjawab yang perlu mereka laksanakan di Klinik LAC/SIS.

Setakat 26.11.2007, terdapat sejumlah 673 anakguam bagi Klinik LAC/SIS. Ini bermakna, setiap pelatih yang ditugaskan ke Klinik LAC/SIS tahun ini (sejumlah 12 pelatih kesemuanya) telah terpaksa mengendalikan secara purata 56 kes semasa melaksanakan tanggungjawab bantuan guaman mereka.

Para pelatih juga memperolehi pengalaman sebenar tentang bagaimana undang-undang digunakan apabila wanita terlibat. Ini dilakukan dengan dua cara: dengan memerhatikan prosiding mahkamah di bawah program yang dikenali sebagai 'CourtWatch'; dan melalui aktiviti-aktiviti yang dikelolakan bersama dengan Klinik NGO lain.

Di bawah program CourtWatch, para pelatih dikehendaki memerhatikan prosiding di mahkamah, dengan memberi tumpuan khusus kepada dua perkara, yakni, kelewatan dan kecondongan. Para pelatih kemudiannya merekodkan hasil pemerhatian mereka untuk analisa.

Di bawah aktiviti-bersama dengan Klinik NGO lain, para pelatih SIS akan mendapat pengalaman sebenar yang lebih luas. Kalau dulu mereka lebih tertumpu kepada pengendalian kes-kes syariah, kini mereka dapat melihat bagaimana undang-undang lain digunapakai dalam situasi kehidupan sebenar, yakni dalam kes-kes keganasan rumahtangga, imigresen, dan buruh. Ini telah dilakukan dengan menghantar pelatih SIS untuk mengekori pelatih dari Klinik NGO lain, iaitu AWAM, WAO dan Tenaganita, ke badan-badan berkaitan. Badan-badan tersebut termasuklah jabatan imigresen, kedutaan, pejabat buruh dan jabatan perhubungan perusahaan, rumah perlindungan, jabatan kebajikan masyarakat, badan kehakiman syariah, balai polis dan kementerian atau pusat perkhidmatan ahli parlimen.

Para pelatih SIS juga digalakkan untuk mengambil bahagian dalam aktivisma dan program "outreach", contohnya, mengendalikan gerai pameran semasa Minggu Kesedaran Undang-Undang (8.9.2007)



yang dianjurkan oleh Pusat Bantuan Guaman Selangor, dan menyebarkan risalah pada Hari Hak Untuk Tahu Antarabangsa (28.9.2007) yang diselenggarakan oleh Pusat Untuk Kewartawanan Bebas.

Kekuatan

1. Melaksanakan bantuan guaman dengan Klinik LAC/SIS membantu dalam mempekatkan pelatih dalam kamar kepada isu-isu, terutamanya isu undang-undang yang dihadapi wanita dan kanak-kanak, yakni wanita dan kanak-kanak Muslim;
2. Klinik LAC/SIS merupakan tempat berkesan menghadapi kekhuatiran awam mengenai hak-hak mereka di bawah undang-undang;
3. Data yang diperolehi daripada Klinik LAC/SIS berguna bagi aktivisma hak-hak wanita dan aktiviti pembaharuan undang-undang; dan
4. Klinik LAC/SIS menonjolkan isu-isu kepentingan awam, seperti nafkah anak, kesan perkahwinan poligami, dan pengawalan moral.

Kelemahan

Kekurangan sokongan daripada pengamal undang-undang syariah untuk bertindak sebagai peguam panel.

Cadangan-Cadangan

1. Penambahan jumlah pelatih dalam kamar yang ditugaskan ke Klinik LAC/SIS untuk menangani jumlah anak guam yang semakin meningkat;
2. Memulakan diskusi dengan fakulti undang-undang berkenaan kurikulum yang disediakan: kebanyakan pelatih dalam kamar yang menyertai program bantuan guaman di Klinik LAC/SIS tidak didedahkan dengan realiti pemakaian undang-undang di Malaysia. Ada juga di antara mereka yang datang ke Klinik LAC/SIS dengan tanggapan salah akan undang-undang serta penggunaannya; dan
3. Membina hubungan dengan para pengamal syariah untuk menggalakkan mereka menjadi panel peguam bagi Klinik ini.



8. LAC/TENAGANITA KLINIK PERKERJA MIGRAN

Laporan Disediakan oleh Tenaganita

Wakil Tenaganita

Aegile Fernandez

Florida

Malaysia terus bergantung kepada tenaga-kerja asing untuk memenuhi pertumbuhan ekonominya. Berdasarkan statistik Imigresen, terdapat lebih daripada 2.2 juta pekerja asing dan jumlahnya semakin meningkat. 57.5 peratus adalah dari negara jiran Indonesia sementara 11 peratus adalah dari Nepal, 8.8 peratus dari Bangladesh dan 7 peratus dari India (sumber: NST 10 Okt. 2007). Selanjutnya dikatakan bahawa pada 2010 negara ini akan menggunakan lebih kurang 10 juta pekerja migran untuk memenuhi pasaran tenaga-kerjanya.

Hak-hak pekerja migran telah dinafikan secara berterusan dengan ketiadaan undang-undang dan polisi yang jelas dan tetap. Pihak Imigresen berterusan menafikan pekerja hak untuk tinggal dan bekerja sementara menunggu keputusan kes-kes mereka.

Aduan terbanyak yang difailkan di Tenaganita adalah berkaitan dengan pekerjaan, tidak memiliki dokumen, ketidak-pembaharuan permit kerja dan penganiayaan. Bermula tahun ini, Tenaganita telah menerima jumlah aduan yang mencemaskan daripada pekerja-pekerja Bangladesh yang baru direkrut yang tiba untuk pekerjaan. Lebih kurang 300,000 permit kerja telah diluluskan oleh Kementerian Dalam Negeri untuk pekerja-pekerja Bangladesh. Kebanyakan daripada pekerja ini telah diambil bekerja melalui syarikat-syarikat "Out Sourcing" yang baru diperkenalkan. Tenaganita menerima banyak aduan daripada pekerja-pekerja mengenai tidak ditempatkan dalam pekerjaan seperti yang dijanjikan atau dipindahkan dari satu syarikat ke syarikat lain dalam tempoh beberapa minggu. Memindahkan pekerja-pekerja ini dari satu tempat ke satu tempat lain tanpa pekerjaan yang sesuai ataupun gaji. Ini telah mengakibatkan ribuan pekerja ditinggalkan dengan ketiadaan makanan, air dan tempat perlindungan. Bila sahaja para pekerja menuntut pekerjaan dan gaji, agen-agen tersebut bersama dengan majikan, mengugut dan memukul mereka.

Pada masa yang sama, ribuan pekerja terkandas di lapangan terbang semasa ketibaan untuk sehari-hari lamanya kerana majikan gagal menjemput mereka. Kegagalan majikan menjemput pekerja pada masa yang telah ditetapkan oleh pihak Imigresen akan menyebabkan pekerja ditahan di Pusat Tahanan KLIA dan kemudiannya dihantar balik ke negara asal. Keputusan sebegini tidak menangani isu-isu punca dan tidak juga meletakkan majikan dalam keadaan bertanggungjawab. Yang menjadi mangsa ialah para pekerja, mereka yang menanggung akibatnya, kerana mereka telah membayar kesemua simpanan mereka, meminjam wang dengan kadar faedah yang tinggi. Mereka telah membayar sehingga 200,000 taka (RM 12,000) untuk bekerja di Malaysia.

Polisi "Out Sourcing" telah diperkenalkan oleh Kementerian Dalam Negeri pada Ogos 2006 untuk pekerjaan yang memerlukan kurang daripada 50 orang pekerja. Bagi syarikat yang mengambil lebih daripada 50 orang pekerja pula, mereka mempunyai pilihan sama ada untuk menggunakan syarikat "out sourcing" atau mengambil sendiri pekerja secara terus. Syarikat-syarikat "out sourcing" bertanggungjawab atas setiap aspek berkaitan pekerja. Justeru, syarikat prinsipal tidak mempunyai apa-apa tanggungjawab terhadap para pekerja. Pembayaran gaji dibuat oleh syarikat prinsipal terus kepada syarikat "out sourcing" yang akan menolak komisen mereka daripada gaji pekerja sebelum pembayaran dibuat kepada pekerja. Dengan demikian, polisi "out sourcing" dengan jelas bercanggah dengan Akta Pekerjaan yang melindungi para pekerja.



Pada Oktober 2007, kerajaan telah mengumumkan satu lagi polisi baru iaitu bahawa pengurusan pusat tahanan akan diambilalih oleh Kementerian Dalam Negeri daripada Jabatan Penjara. Kerajaan berterusan membuat polisi secara ‘ad hoc’ tanpa pendekatan perbincangan. Tenaga kita amat prihatin akan keputusan mendapatkan khidmat organisasi seperti RELA bagi membantu dalam pengurusan pusat-pusat tahanan. Amatlah membimbangkan bahawa sukarelawan diberi kuasa yang begitu menyeluruh yang akan menyebabkan berlakunya rasuah dan penyalahgunaan kuasa dalam tahanan dengan wanita dan kanak-kanak menjadi kumpulan yang paling terancam. Dengan Jabatan Immigresen berserta RELA sahaja melaksanakan penangkapan pendatang dan juga menguruskan pusat tahanan, maka tidak akan ada sistem sekat dan imbalan dan juga pemantauan.

Klinik pekerja asing, satu program bersama dengan Pusat Bantuan Guaman (Majlis Peguam) melalui sangkutan para pelatih dalam kamar telah banyak membantu pekerja asing dalam perjuangan harian mereka. Peguam-peguam muda menjalani 14 hari tugas bantuan guaman bagi membantu pekerja asing di dalam pelbagai aspek. Di antara aktiviti dan bantuan yang diberikan ialah mendokumentasikan kes-kes mereka, berunding untuk penyelesaian, memfailkan kes di Jabatan Buruh/Mahkamah yang berkenaan, menemani pekerja dalam membuat laporan polis dan dalam permohonan kepada Jabatan Immigresen untuk mengesahtarafkan kedudukan mereka di sini sementara menunggu kes mereka diputuskan dan juga penghantaran pulang dengan selamat ke negeri asal pekerja-pekerja tersebut. Pelatih dalam kamar juga membantu menyusuli kes-kes dan melakukan penyelidikan undang-undang tertentu dan polisi-polisi yang berkait dengan pekerja asing.

Program sangkutan tersebut adalah satu jalan untuk peguam-peguam muda mempelajari kesan penghijrahan dalam konteks Globalisasi. Selanjutnya, ia juga menjadikan Pelatih Dalam Kamar lebih peka terhadap hak asasi dan layanan yang tidak berperikemanusiaan terhadap pekerja asing. Program tersebut menekankan kesefahaman, bukan simpati dan membuka kepalsuan imej negatif mengenai pekerja asing.

Namun, kelemahan program tersebut ialah kurangnya pengalaman dan kurangnya sifat mendesak peguam-peguam muda yang mewakili pekerja-pekerja asing. Peguam-peguam muda juga tidak dapat menganalisa secara kritikal terutama apabila wujudnya undang-undang dan polisi-polisi yang bercanggah.

Untuk tahun 2007, 51 orang peguam muda telah ditugaskan ke klinik Bantuan Guaman/Pekerja Asing Tenaga Kita. Untuk tahun semasa, jumlah kes-kes yang diuruskan telah meningkat, aktiviti-aktiviti dan ‘outreach’ komuniti telah juga diperluaskan. Namun, pengurangan jumlah pelatih dalam kamar telah mengakibatkan tergendalnya program-program.

MAHKAMAH / JABATAN	JUMLAH KES YANG DIFAILKAN
Jabatan Perhubungan Perusahaan	3 (105 MW)
Mahkamah Perusahaan	4
Jabatan Buruh/Mahkamah	13
Lain-lain – Jabatan Buruh (Penilaian Insuran)	3
Mahkamah Tuntutan Kecil	1
Mahkamah Majistret	1
Mahkamah Rayuan	4

**PERLINDUNGAN HAK MIGRAN***Laporan Perlanggaran Hak Pekerja Migran setakat 6 Disember, 2007***PENGURUSAN KES**

Jenis Aduan	Bil. Aduan	Bil. Pengadu
PEKERJAAN		
Gaji tidak dibayar	59	271
Pemberhentian kerja tidak sah/ konstruktif	3	3
Pemotongan gaji yang salah	2	16
Tiada hari rehat	2	22
PELANGGARAN KONTRAK		
Tiada kontrak	3	258
Gaji rendah	4	4
Pekerjaan lebih masa tidak dibayar	3	4
Pekerja dikontrakkan (out - sourcing)	21	1930
Waktu pekerjaan yang panjang	2	7
Tiada kerja di tempat kerja	14	1425
Pemotongan levi	30	30
Tiada tempat tinggal	4	207
STATUS UNDANG-UNDANG		
Penahanan passport	56	678
Permit kerja tidak diperbaharui	9	26
Tinggal melebihi tempoh	3	3
Visa Pelajar	1	1
Pengerahan (ditipu oleh agen)	9	43
Dokumen Palsu	3	3
TANGKAPAN, PENAHANAN DAN DEPORTASI		
Tangkapan, Penahanan & Deportasi	27	91
Tangkapan, Penahana & Deportasi (pelarian)	4	16
KESIHATAN		
OSHA	5	64
Rawatan Perubatan	5	5
Kemalangan Industri	19	19
Penderaan dan penganiayaan	12	1183
Keadaan hidup yang daif	4	112
Kematian / bunuh diri	3	2
KELUARGA DAN PERKAHWINAN		
Visa pasangan	4	4
Penjagaan anak	2	2
Perkara kekeluargaan yang lain	4	4
LAIN-LAIN		
Rompakan	5	5
Kecurian	2	2

(Dari Januari 2007 hingga 6 Disember 2007, sebanyak 246 fail yang dibuka melibatkan 2350 pekerja migran)

Bilangan aduan yang diterima pada tahun ini telah meningkat. Seorang pekerja migran yang datang ke Klinik Migran mempunyai beberapa aduan. Namun, hanya beberapa kes sahaja yang



telah difailkan di Mahkamah. Kebanyakan pekerja memutuskan untuk tidak memfailkan kes akibat kelewatan berpanjangan dalam proses Mahkamah dan kedudukan mereka di dalam negara ini ialah di atas budibicara Imigresen tanpa pekerjaan alternatif.

Tahun ini, aduan berkenaan pekerjaan “out sourcing” telah meningkat dengan banyaknya. Tenaganita mendapati kami menghadapi cabaran yang berat terutamanya dengan sumber kewangan dan kakitangan yang terhad. Tenaganita hanya mampu membantu seberapa banyak yang dapat. Oleh yang demikian, lebih daripada 1000 pekerja telah diberi kaunseling melalui telefon dan nasihat undang-undang sahaja. Sesetengah kes juga dirujuk kepada rakan kongsi organisasi seluruh negara untuk bantuan segera.

Tenaganita berserta Migration Working Group telah menerima sokongan yang kuat daripada kumpulan-kumpulan keagamaan dan orang perseorangan dalam menyediakan makanan dan perlindungan.

Pada Julai 2007, suatu perbincangan bersama telah dianjurkan oleh Majlis Peguam dan Tenaganita berkenaan “out sourcing” berikutan daripada Pencarian Fakta oleh Tenaganita berkenaan dengannya. Ia telah dihadiri oleh wakil daripada Kementerian Dalam Negeri, pegawai-pegawai diplomatik, SUHAKAM, NGO-NGO, Transparency International, ahli-ahli Badan Peguam dan beberapa individu lain. Beberapa orang pekerja yang terlibat telah memberikan keterangan mereka. Ini akan disusuli oleh perbincangan bersama yang kedua pada 2008.

Kesan positif daripada perbincangan bersama tersebut adalah kami dapat berhubung secara terus dengan wakil daripada Kementerian Dalam Negeri dan memperkukuhkan pertalian di antara Kerajaan Bangladesh dan Tenaganita. Satu perwakilan terdiri daripada pegawai tinggi kerajaan sementara Bangladesh telah sendiri melawat Malaysia untuk meninjau perkara ini. Cik Latheefa Koya dan Cik Renuka Ahnanthkrishana daripada Pusat Bantuan Guaman telah banyak menghabiskan masa dan tenaga untuk bertemu dengan pekerja-pekerja Bangladesh secara peribadi dan mewakili mereka di dalam pertikaian mereka.

9. BCLACKL/PTF KLINIK PERKHIDMATAN MAKLUMAT PERUNDANGAN

Laporan disediakan oleh Preetam Kaur & So Chien Hao

Ahli Jawatankuasa

Wakil PBG:

Preetam Kaur
So Chien Hao
James Loh
Lim Ka-Tsung, Joachim
Lee Choo Suat, Tevina

Wakil PTF:

Hisham Hussein (Pengerusi, PTF)

Klinik LAC/PTF

Pusat Bantuan Guaman Majlis Peguam Malaysia Kuala Lumpur (BCLACKL) bersama-sama dengan Yayasan Pink Triangle (PTF) telah mengendalikan Klinik Guaman untuk lima (5) kumpulan yang diakui sebagai terpinggir iaitu pengguna dadah, pekerja seks, mereka yang hidup dengan HIV/AIDS, transeksual dan lelaki homoseks.

Kami berbangga untuk mengumumkan bahawa baru-baru ini, PTF telah berjaya mendapatkan dana yang besar daripada suatu kementerian. Dengan dana ini, mereka telah mendapatkan 3 Pusat di bangunan SONY berdekatan Jalan Sultan Ismail untuk pekerja seks, transeksual, dan Program “Positive Living People” sementara program Homosexuals (MSM) telah mendapatkan geran mereka dan telah berjaya mendapatkan satu lagi pusat di bank CIMB berhampiran dengan lokasi ketiga-tiga



Pusat diatas. Ini membuktikan kesediaan pihak kerajaan dalam usaha mencegah gejala HIV/AIDS & STI.

Seperti yang diketahui, Klinik LAC/PTF mempunyai 2 pelatih dalam kamar yang ditugaskan untuk bekerja secara berpasangan di Klinik PT setiap hari Khamis. Bagi sesi pagi, para pelatih biasanya membantu Klinik LAC dengan bertemu anakguam dan campurtangan guaman untuk Klinik LAC sementara di sebelah petang dari pukul 2 hingga 4.30 petang, para pelatih akan bergilir-gilir menjalankan tugas mereka di 4 Pusat yang berlainan.

Kes-kes penting yang dikendalikan oleh Pelatih

Para pelatih telah berjaya mendapatkan maklumat mengenai gangguan polis, penderaan, penganiayaan samseng dan tanggapan seorang wanita melarat yang tidak mempunyai sebarang dokumen pengenalan diri. Para pelatih sentiasa berbincang mengenai bagaimana kumpulan ini dijadikan mangsa keadaan bersama staf dan ahli jawatankuasa.

Para pelatih juga telah berjaya membantu seorang bekas pekerja seks yang mempunyai bayi daripada dilanjutkan tahanan reman oleh kerana beliau ialah pemegang kad pengenalan hijau. Para pelatih telah mendapatkan bantuan yang diperlukan dari pihak berkuasa berkenaan dan campurtangan guaman kami berjaya dan para pelatih telah meneruskan khidmat sukarela mereka kepada PTF. Kini mereka membantu merangka sistem pengkalan data bagi program pekerja seks.

Para pelatih PTF yang baru pula menyusuli satu kes untuk 3 bulan berkaitan dengan seorang wanita papa yang tinggal di jalanan, mengalami gangguan mental dan juga mengandung 5 bulan. Dia telah dibawa kepada kami oleh teman lelakinya yang merupakan seorang pengguna dadah. Para pelatih membantu dengan berhubung abatan Pendaftaran Wilayah Persekutuan (JPNWP). Pegawai yang terlibat berusaha untuk mengenalpasti identiti perempuan tersebut dan analisis cap jari telah disediakan untuk LAC tetapi malangnya, tiada rekod wanita tersebut dijumpai. Para pelatih berasa sedih dengan kesudahan kes ini dan mengambil inisiatif untuk ke hospital bagi menziarahi wanita tersebut dan anaknya yang dilahirkan awal seminggu namun sihat.

Pelatih-pelatih dalam kamar juga turut membantu empat orang adik-beradik perempuan yang tidak memiliki sijil kelahiran meskipun kesemua mereka telah melebihi 40 tahun. Kes-kes yang menyedihkan ini masih berlaku dan berterusan di dalam masyarakat kita meskipun kita telah menyambut ulangtahun kemerdekaan yang ke 50 baru-baru ini.

Kerjasama dengan Majlis AIDS Malaysia (MAC)

Pada tahun ini LAC telah menembusi Majlis AIDS Malaysia (MAC) buat julung kalinya dan kini kami sedang membantu mereka berkenaan perkara bersangkutan undang-undang dalam projek "Integrated Bio-Behavioral Surveillance" (IBBS) di bawah Kementerian Kesihatan Malaysia. Kami juga bercadang untuk mengeratkan lagi hubungan dengan memanjangkan perkhidmatan kami kepada badan-badan bersekutu MAC menjelang tahun depan.

Aktiviti Tahun 2007

1. Kami telah mengadakan 4 program latihan untuk Pelatih Dalam Kamar yang mana kami telah menyuntik kepekaan mereka berkaitan isu-isu berkaitan yang dihadapi oleh komuniti. Sebilangan daripada Pelatih Dalam Kamar telah mengambil inisiatif untuk menjadi sukarelawan dan bekerjasama dengan PTF.



2. Kami telah mengadakan mesyuarat jawatankuasa yang pertama pada 30 Mac 2007 (Jumaat) pada jam 6.50 petang bertempat di LAC
3. Kami juga telah mengadakan satu Bengkel berserta Klinik Guaman untuk program MSM pada 8 April 2007 (Ahad)
4. Kami juga turut menyertai perbincangan meja-bulat mengenai “Legal Review & Response” yang dianjurkan oleh Kementerian Kesihatan pada 16 April 2007.
5. Kami juga telah mengadakan satu Bengkel berserta Klinik Guaman di “Ikhlas Drop In Centre for Drug Users” pada 27 April 2007 (Jumaat) jam 3.00 petang dan walaupun diundang, pihak Polis tidak dapat menghadiri Bengkel ini.
6. Membantu dalam penganjuran dan mengadakan ceramah-ceramah sempena program “Give A Hug” di SMK Bandar Baru Seri Petaling pada 9 Jun 2007 (Sabtu) dari 9.00 pagi hingga 1.00 petang Program ini adalah di bawah Program “Youth Leadership Program/Award” sekolah tersebut
7. Kami telah mengadakan mesyuarat jawatankuasa yang ke 2 pada 27 Jun 2007 (Rabu) pada jam 6.40 petang bertempat di LAC
8. Ceramah tentang program “Legal Rights for Transsexuals” pada 10 Julai 2007 (Selasa) pada jam 2.30 petang
9. Sesi Dialog dengan IPD Dang Wangi oleh 5 wakil komuniti daripada PTF dan Ketua-ketua dari Polis Dang Wangi pada 17 Julai 2007 (Selasa) pada jam 3.00 petang
10. Kami telah mengadakan Bengkel berserta Klinik Guaman untuk Program MSM pada 22 Julai 2007 (Ahad) di PTF
11. Latihan Paralegal untuk kakitangan, sukarelawan/wati dan ahli Exco PTF yang dianjurkan oleh KLLAC pada 8 Disember 2007 (Sabtu)

Aktiviti-aktiviti yang dicadangkan untuk tahun 2008

1. Pembaharuan Undang-undang (law reform)
2. Sesi dialog dengan Jabatan Pendaftaran Negara tentang masalah kad pengenalan yang masih dihadapi oleh komuniti.
3. Penyelidikan undang-undang oleh pelatih dalam kamar atau “para legals”
4. Penyediaan risalah-risalah
5. Memberikan nasihat guaman percuma melalui laman web PTF kepada komuniti-komuniti terpinggir.



10. KLINIK LAC/UNHCR (United Nations High Commissioner for Refugees)

Laporan yang disediakan oleh Sekretariat

Pengenalan

Klinik LAC / UNHCR adalah projek perintis di antara Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) dan UNHCR yang dimulakan pada Oktober 2006. Program ini telah dimandatkan untuk memimpin dan menyelaraskan tindakan antarabangsa bagi melindungi pelarian dan menyelesaikan masalah pelarian sedunia. Objektif utamanya ialah untuk melindungi hak dan kebajikan pelarian.

Objektif

- Untuk memberikan nasihat guaman percuma kepada pelarian dan pencari-perlindungan yang datang ke UNHCR untuk mendapatkan bantuan dalam pelbagai isu undang-undang.

Aktiviti

- Empat latihan untuk pelatih telah dijalankan dan seramai 12 pelatih kesemuanya telah menyertai klinik ini.
- Para pelatih membantu UNHCR dengan menjalankan temu-ramah perlindungan guaman untuk kes-kes tangkap dan kes-kes mahkamah, memberikan khidmat nasihat guaman kepada mereka yang menghadapi masalah bahaya perlindungan, menjalankan temu-ramah penghantaran pulang, mengambil laporan tangkapan, laporan tahanan terkini dan laporan mahkamah, menghadiri mahkamah untuk “watching brief” dan untuk mendapatkan pembebasan warga UNHCR daripada pendakwaan dan penahanan berterusan.
- Pelatih juga terlibat dalam pelbagai aktiviti yang dianjurkan oleh UNHCR.
- Sehingga November 2007, klinik ini telah membantu hampir 3360 anakguam.

Masalah

- Para pelatih menghadapi kesukaran memahami prosedur UNHCR dan mengambil masa yang lama untuk membiasakan diri dengan mandat perlindungan UNHCR.
- Sumber manusia/ sukarelawan.

Cadangan

- Menambahkan jumlah pelatih.



11. PROGRAM KESEDARAN UNDANG-UNDANG (ORIENTASI)

Laporan Disediakan oleh Sekretariat

Ahli Jawatankuasa

Sivarasa Rasiah (Ketua Projek)	Puspawati Rosman (Penolong Ketua Projek)
Saravana Kumar (Penolong Ketua Projek)	Latheefa Koya
Rajen Devraj (Majlis Peguam)	Harleen Kaur
Abd Shukor Tokachil	Kamaliyah Mohd Hafiz
Nik Waheeda Nik Kamarulzaman	Joyce Oo Mei Ling
Jessie Tan	Arumugam
Kavitha Rajan	Azah Yazmin

Legal AIDERS

Pengenalan

Program ini bertujuan untuk memberikan kepada pelatih-pelatih dalam kamar “dimensi sebenar” khidmat yang perlu disumbangkan mereka kepada Pusat bantuan Guaman untuk tempoh 14 hari yang diwajibkan ke atas mereka dan untuk memperkenalkan mereka kepada pelbagai klinik dan program yang dijalankan oleh Pusat Bantuan Guaman.

Objektif

- Bagi membantu pelatih-pelatih dalam kamar menemui peranan dan tanggungjawab mereka sebagai peguam di dalam masyarakat dan untuk memupuk rasa tanggungjawab sosial dan keprihatinan terhadap hak-hak asasi, “rule of law” dan keadilan.
- Untuk mengenalkan pelatih-pelatih dalam kamar kepada fikiran yang baru dan untuk menanam dan membina komitmen jangka panjang terhadap bantuan guaman dan laluan kepada keadilan, melangkaui tugas bantuan guaman yang diwajibkan

Sesi-sesi ini (lebih kurang 4 ½ jam setiap sesi) mempraktikkan konsep “participative methodology” dengan dinamika kumpulan dan perbincangan umum. Struktur ini masih baru dan sedang di ubahsuai dan dibina mengikut penilaian pelatih.

Aktiviti-aktiviti

Sehingga 10hb Disember 2007, ahli jawatankuasa telah mengendalikan dan memperkenalkan program/sesi berikut:

- Lapan (8) sesi orientasi telah diadakan dan lebih kurang 500 pelatih-pelatih dalam kamar telah dilatih.
- Ahli jawatankuasa juga telah membuka sesi orientasi ini kepada pelatih daripada negeri lain. Sehingga kini, ahli jawatankuasa telah melatih lebih kurang 90 orang pelatih daripada Pusat Bantuan Guaman Selangor.
- Empat (4) sesi Penilaian Keluar (“Exit Evaluation”) telah diadakan untuk semua pelatih yang terlibat dalam pelbagai program Pusat Bantuan Guaman bagi menghargai sumbangan mereka kepada pihak awam dan Pusat Bantuan Guaman. Lebih kurang 440 pelatih telah mengambil bahagian dalam sesi ini dan telah berkongsi pengalaman dalam pelbagai program yang mereka jalani sebagai sebahagian daripada tugas bantuan guaman mereka. Ketika sesi ini, ahli jawatankuasa telah menjemput Encik Yeo Yang Poh, Encik



Lim Chee Wee, Encik Ravindra Kumar dan Encik Ravi Nekoo bagi menghargai sumbangan pelatih-pelatih dan untuk merangsang mereka untuk terus terlibat dalam aktiviti-aktiviti Pusat Bantuan Guaman (Kuala Lumpur).

- Berikutan kepada kejayaan program latihan lanjutan (“Advanced Training”) yang dikenali sebagai “Legal Awareness & Leadership for Lawyers”, yang diadakan di Selesa Health Farm Resort, Bukit Tinggi, Bentong, Pahang dari 3 hingga 5 November 2006 yang bertujuan untuk menggalakkan para pelatih dalam kamar serta peguam-peguam muda untuk meneruskan penglibatan mereka di Pusat Bantuan Guaman untuk jangka panjang, sesi kedua telah diadakan di Genting Permai Park & Resort dari 20 hingga 22 April 2007. Sesi ini juga telah berjaya dilaksanakan dan mampu menyebabkan peserta melibatkan diri dalam program BCLAC (KL) yang seterusnya. Objektif utama program ini adalah (i) untuk merangsang dan menggalakkan para pelatih dalam kamar serta peguam muda untuk lebih melibatkan diri dalam aktiviti LAC; (ii) untuk memperkenalkan kemahiran yang diperlukan untuk kepimpinan; (iii) untuk meningkatkan pengetahuan dalam isu/bidang spesifik.
- Sebagai susulan kepada program pertama dan kedua sesi “Advanced Training”, satu perhimpunan telah diadakan untuk peserta kedua-dua program ini. Sesi ini telah diadakan pada 14 Julai 2007 di Bilik Mesyuarat Majlis Peguam. Matlamat sesi perhimpunan ini adalah untuk berkongsi dan mendapatkan maklumbalas daripada para peserta tentang aktiviti dan perkembangan mereka sejak dari sesi latihan yang lalu. Ia juga diniatkan sebagai sesi perancangan di mana para peserta dapat berkongsi fikiran dan membincangkan langkah susulan mengenai isu-isu yang dibangkitkan semasa sesi latihan yang terdahulu. Ahli Jawatankuasa juga telah mendapat permintaan daripada peserta untuk mengadakan sesi susulan bagi program “Advanced Training” memandangkan kebanyakan peserta yang menghadiri sesi latihan tersebut sangat berminat dan bersemangat untuk memberi sumbangan selanjutnya tetapi tidak mempunyai idea bagaimana untuk meneruskannya. Ahli Jawatankuasa juga berbangga untuk mengumumkan bahawa semasa sesi perhimpunan, telah lahir sekumpulan baru peguam muda yang bersemangat dan ghairah untuk membantu BCLAC (KL) di dalam pelbagai aktiviti yang menggelarkan diri mereka sebagai **“Legal AIDERS”**.
- Setelah mengkaji semula program “Advanced Training” tersebut, ahli jawatankuasa telah menetapkan untuk mengadakan sesi latihan tersebut dua kali setahun sebagai program tetap untuk para pelatih dan peguam muda. Berikutan itu, sesi “Advanced Training” yang ketiga telah diadakan dari 26 hingga 28 October 2007 di The Pines Resort, Fraser Hill. Legal AIDERS telah diberi peluang untuk membantu menganjurkan aktiviti-aktiviti latihan dan menjadi pemudah cara/jurulatih sesi tersebut. Pada penghujung latihan, peserta telah dijemput untuk menyertai Legal AIDERS. Berdasarkan penilaian akhir di sesi latihan tersebut kami dapati bahawa para peserta terpengaruh dengan cara latihan itu dilaksanakan dan adalah dicadangkan bahawa latihan seperti ini haruslah diadakan lagi untuk memberi persediaan kepada peguam-peguam muda memasuki dunia perundangan yang sangat mencabar.
- Legal AIDERS telah mengadakan sesi bersama yang ke-dua/AGM pada 20 October 2007 di Auditorium Bar Council. Sesi bersama/AGM ini adalah bertujuan untuk membincangkan tentang perkembangan Legal AIDERS dan ahli-ahli jawatankuasanya serta untuk mengutarakan isu-isu yang berkaitan dengan aktiviti-aktiviti yang telah dijalankan terdahulu. Ahli jawatankuasa juga turut membincangkan tentang program “Advanced Training” yang ke-tiga dan bercadang untuk mengajak para peserta program tersebut menyertai Legal AIDERS. Lain-lain isu yang berbangkit ialah yang turut dibincangkan secara mendalam ialah mengenai ciri-ciri ataupun kriteria-kriteria yang perlu ada pada para peguam muda supaya



mereka dapat melayakkan diri untuk menyertai Legal AIDERS. Ianya telah dipersetujui secara bersama bahawa ciri atau criteria utama yang diperlukan untuk menyertai Legal AIDERS ialah dengan menyertai program “Advanced Training” yang diadakan. Ianya juga dipersetujui bahawa, sekiranya ada di antara para pelatih yang tidak menyertai program “Advanced Training”, tetapi berminat untuk menyertai Legal AIDERS, adalah disarankan supaya individu tersebut meminta mana-mana ahli Legal AIDERS untuk menyarankan nama individu tersebut kepada semua ahli jawatankuasa.

- Sesi Bersama turut diadakan untuk para peserta “Advanced Training” yang ke-tiga pada 25 November 2007. Tujuan perjumpaan ini adalah supaya para peserta di dalam sesi ini dapat melihat semua isu-isu yang telah dibincangkan semasa sesi latihan lanjutan dengan lebih mendalam lagi termasuklah cadangan dan perbincangan mengenai idea-idea baru serta memberi peluang kepada mereka untuk menyertai kumpulan Legal AIDERS.
- Ahli Jawatankuasa juga telah menganjurkan sesi “Training of Trainers” pada 4 Ogos 2007 di Pearl International Hotel. Setelah memerhatikan dan mengkaji beberapa sesi latihan yang telah diadakan di Pusat sebelum ini, jawatankuasa berpendapat bahawa, kemahiran presentasi para peserta boleh dipertingkatkan agar mereka dapat mengekalkan minat yang ada dan dapat menyampaikan kemahiran dan ilmu pengetahuan yang diperlukan. Kami juga dapat mengenalpasti bahawa, pelatih-pelatih yang ada sekarang, walaupun mereka mempunyai pengetahuan yang baik tentang undang-undang, namun mereka masih lagi mempunyai kelemahan dan kekurangan di dalam kemahiran latihan. Disebabkan ini, ahli jawatankuasa percaya bahawa sesi Melatih Pelatih “Training of Trainers” ini, secara asasnya dapat membantu peguam-peguam muda untuk memperkembangkan dan seterusnya mempertingkatkan kemahiran latihan mereka. Sesi latihan ini telah berjaya dan diterima baik oleh para peserta yang juga membuat permintaan agar sesi lanjutan dapat diadakan.

Kekuatan

- Ahli Jawatankuasa yang komited dan berkebolehan dalam menyumbangkan idea untuk melaksanakan dan seterusnya memperbaiki mutu sesi latihan.
- Motivasi kepada para pelatih dalam kamar tentang kepentingan memberi khidmat dan membantu orang-orang yang memerlukan dan ditindas.
- Pendidikan kepada para pelatih dalam kamar tentang hak-hak asasi dan menanam di dalam diri mereka nilai-nilai keadilan

Kelemahan

- Masa dan sumber manusia
- Tindakan/sesi lanjutan

Saranan

- Agar dapat menganjurkan lebih banyak sesi-sesi kesedaran dan hak-hak asasi manusia untuk para peguam dan/atau orang ramai
- Agar dapat mencari jalan untuk mengekalkan penglibatan Legal AIDERS.



12. PROGRAM PEMBANGUNAN KEMAHIRAN (Skills Development Program)

Laporan disediakan oleh Sekretariat

Ahli-ahli Jawatankuasa

Sukhvinder Kaur Chahl

Lalithaambigai

Komathi Arunasalam

Komati Kaliappan

Ravinder Singh Dhaliwal

L I Kannan

Saravana Kumar

Jessica

Pengenalan

Program ini bertujuan untuk membina dan mengembangkan kemahiran dan meningkatkan motivasi di kalangan para pelatih dalam kamar, Badan-badan Bukan Kerajaan (NGO) serta peguam-peguam sukarela bagi meningkatkan kualiti perkhidmatan yang diberikan kepada para pelanggan.

Matlamat/Tujuan

- Menganjurkan program latihan khususnya kepada peguam-peguam sukarela dan bakal peguam-peguam sukarela dan ‘paralegal’ bagi memenuhi keperluan LACKL.
- Membantu mengendalikan program-program latihan kepada para pelatih dalam kamar.
- Mengkaji semula program-program latihan dan memberi cadangan untuk memperbaiki, di mana patut.
- Melatih para pembimbing.

Aktiviti-aktiviti

i) Sesi Pengenalan dan Perbincangan mengenai Penderaan Seksual Kanak-kanak (12 Mei 2007)

- Sesi ini telah dianjurkan dengan kerjasama P.S. The Children, satu badan tidak berasaskan keuntungan (non-profit organization) yang mengkhususkan kegiatannya kepada kebajikan kanak-kanak. Tujuan utama sesi perbincangan ini adalah untuk para peguam memahami caramana kanak-kanak didera secara seksual dan bantuan yang mereka perlukan dari sudut perundangan. Beberapa ruang berkaitan telah dikenalpasti di mana fraterniti guaman dapat melakukan perubahan dan yang mana pada ketika ini wujudnya kekosongan yang memerlukan pengisian segera :

- i) Bantuan dalam mengendalikan “watching brief”
- ii) Membantu mangsa dan ahli keluarganya mengenai prosedur Mahkamah serta perkara-perkara lain yang berkaitan; dan
- iii) Membantu menyumbang bagi mewujudkan satu suasana yang akan menggalakan Mahkamah untuk melindungi dan mengutarakan kepentingan kanak-kanak terutamanya ketika kanak-kanak tersebut ialah sebahagian daripada prosedur Mahkamah, contohnya ketika kanak-kanak tersebut memberi keterangan di Mahkamah dan sebagainya.

- Tiga orang penceramah terkenal iaitu En. M Puravalen. Cik Madeleine Yong dan Cik Vicky Alahokone telah memberikan kepada para peserta perspektif-perspekif berbeza yang diperlukan untuk memahami tajuk perbincangan dengan lebih baik.



- Jawatankuasa ini berpendapat bahawa sesi perbincangan ini berjaya dengan jumlah peserta seramai 50 orang – yang merangkumi peguam sukarelawan LAC sedia ada, para peguam baru, rakan-rakan NGO, para pelatih dalam kamar dan orang awam – yang telah menghadiri perbincangan ini
- ii) Menerbitkan sebuah buku kecil mesra kanak-kanak mengenai Akta Kanak-kanak**
- Jawatankuasa ini berserta P.S The Children telah melakukan perbincangan secara mendalam (brain storming) dan menerbitkan satu buku kecil mesra kanak-kanak mengenai Akta Kanak-kanak yang kini sedang dicetak.
- iii) Latihan Cara Mengendalikan Program “OK Tak OK” (6 Oktober 2007)**
- Jawatankuasa ini bersama Women’s Centre for Change, Pulau Pinang (WCC) telah menganjurkan satu sesi latihan dan bimbingan dalam mengendalikan program “OK Tak OK”. Program ini adalah mengenai keselamatan diri dan direka bagi mengajar kanak-kanak (11-12 tahun) mengenai sentuhan baik dan sentuhan tak baik. Program ini memberi penekanan terhadap penggunaan perasaan untuk membantu kanak-kanak membezakan di antara sentuhan baik (OK) atau sentuhan tak baik (Tak OK). * Kanak-kanak ini mempelajari peraturan-peraturan mengenai sentuhan melalui lagu, siri kartun dan cerita, yang semuanya ditunjukkan dalam VCD. Pada akhir program, kanak-kanak digalakkan untuk memberitahu seorang dewasa yang ia percaya jika mereka berada dalam suatu situasi yang sukar.
 - Jawatankuasa ini berpendapat bahawa latihan ini berjaya dengan memperoleh maklumbalas positif para peserta yang menghadiri latihan ini. Kira-kira 50 orang peserta – yang merangkumi para sukarelawan LAC semasa, peguam-peguam baru, rakan-rakan NGO, guru-guru pra-sekolah, pelatih-pelatih dan orang awam menghadiri latihan ini.
 - Melalui penilaian, para peserta mengesahkan mereka telah memperolehi banyak maklumat melalui pendedahan yang diberikan oleh jurulatih, Dr. Prema Devaraj dari WCC semasa latihannya malahan para peserta telah meminta Pusat supaya menganjurkan lebih banyak lagi sesi sedemikian kerana mereka merasakan ada lebih banyak lagi yang boleh mereka pelajari.
- iv) Latihan Undang-undang Jenayah – 2 & 3 November 2007, Universiti Malaya**
- Latihan ini tercetus lantaran kekurangan peguam yang menawarkan diri untuk mengambil kes-kes, seiringan dengan peningkatan bilangan anakguam LAC yang memerlukan nasihat guaman dan perwakilan dalam perkara jenayah.
 - Latihan ini telah diadakan dengan penekanan khusus untuk persediaan dan memperbaiki kemahiran kepeguaman para peguam dalam perbicaraan jenayah.
 - Latihan ini mempunyai dua matlamat. Pertama, untuk menyediakan sekumpulan peguam berkemampuan yang akan memperolehi kemahiran kepeguaman dalam mengendalikan perbicaraan jenayah dengan cekap. Kedua, setelah memperolehi kemahiran ini, peguam-peguam ini dijangka dan akan diminta, dari semasa ke semasa, untuk membantu ahli-ahli masyarakat miskin dan terpinggir yang meminta perwakilan guaman daripada Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) dan Pusat Bantuan Guaman negeri-negeri lain.
 - Kira-kira 60 peserta – yang merangkumi kumpulan sukarelawan-sukarelawan LAC semasa, peguam-peguam baru, pelatih-pelatih dan penuntut-penuntut undang-undang telah menghadiri latihan ini.



- Latihan ini telah dikendalikan oleh En. Jagjit Singh, En. Manjeet Singh Dhillon, En. Baljit Singh, Datuk K. Kumaraendran, En. Tan Hock Chuan, En. Ravi Nekoo, En. Edmund Bon dan juga Tuan Hakim Harminder Singh Dhaliwal.
- Bagi kesinambungan latihan ini dan untuk meningkatkan lagi keyakinan para peguam dalam mengendalikan fail-fail jenayah, suatu sistem “Buddy” telah diperkenalkan, supaya peguambela-peguambela jenayah kanan dapat memberi tunjuk ajar kepada peguambela-peguambela jenayah baru.

Sepertimana yang dapat diperhatikan dari aktiviti-aktiviti jawatankuasa di atas, pada tahun ini jawatankuasa telah mengalihkan perhatiannya kepada salah satu isu yang paling membimbangkan iaitu Penderaan Seksual Kanak-kanak daripada latihan-latihan biasanya untuk para peguam dan seumpamanya atas sebab jawatankuasa ini merasakan bahawa sudah tiba masanya untuk juga mendidik para peguam dan pelatih-pelatih mengenai isu-isu sebegini.

Aktiviti-aktiviti yang dicadangkan untuk masa akan datang:

Jawatankuasa ini telah merancang sesi-sesi latihan berikut untuk tahun yang akan datang:

- Latihan Hak Asasi Manusia untuk para peguam. Secara tentatifnya dijadualkan sekitar bulan Disember 2007 atau Januari 2008.
- Latihan untuk pemudah cara/penganjur yang dijadualkan sekitar Disember 2007 atau Januari 2007.
- Latihan Undang-undang Keluarga.
- Latihan Undang-undang Buruh.
- Latihan Undang-undang Syariah
- Latihan Kakitangan mengenai Pembangunan Pasukan untuk semua kakitangan LAC setiap negeri.

Kekuatan/Kelebihan

- Memperbaiki kemahiran guaman, pengetahuan dan keyakinan para peserta, bagi menyediakan serta menggalakkan mereka untuk mengendalikan fail-fail dan menjalankan kerja-kerja bantuan guaman.
- Memudahkan dan melengkapkan program-program latihan BCLAC(KL) yang sedia ada.
- Ahli-ahli jawatankuasa yang komited dan keupayaan mereka untuk memberikan buah fikiran bagi melaksanakan dan memperbaiki lagi sesi-sesi latihan.

Kelemahan

- Masa, sumber manusia / sukarelawan yang memiliki kemahiran bersesuaian atau mereka yang bersedia untuk dilatih.
- Tindakan susulan.



Cadangan

- Di masa hadapan LACKL seharusnya menganjurkan ceramah dan/atau program yang melibatkan bidang undang-undang lain yang menarik
- Lebih ramai ahli jawatankuasa sepatutnya melibatkan diri dalam program sedemikian
- Menggalakkan kakitangan Mahkamah dan juga pihak polis untuk menghadiri sesi sedemikian dan mendapatkan maklumbalas mereka.



**REPORT OF THE INQUIRY ON THE ALLEGATIONS RAISED IN THE
PETITION DATED 20TH. FEBRUARY, 2008 PERTAINING TO BAR COUNCIL
LEGAL AID CENTRE – KUALA LUMPUR (KLLAC)**

1. THE PETITION

- 1.1. 18 Members of the Bar Council Legal Aid Centre Kuala Lumpur forwarded a Petition dated 20th. February, 2008 to the President of the Bar Council, Bar Council Members, the Chairman of the National Legal Aid Committee, (NLAC), NLAC Members, the Chairman of the Kuala Lumpur Bar Committee (KLBC) and the KLBC Committee Members.

The Petitioners raised various concerns pertaining to the Annual Review and Elections of the KLLAC held on the 16/2/2008; and the lack of transparency/accountability in the KLLAC.

The Petition is annexed hereto and marked as **Appendix A**.

1.2. THE REPLY

The KLLAC responded to the various concerns/allegations vide their responses dated 13/3/2008 and 20/11/2008.

Copies of the Responses are annexed hereto and marked as **Appendix B** and **Appendix C**.

2. THE INQUIRY COMMITTEE

The Bar Council appointed the following persons to inquire into the various matters averred to in the Petition.



- Chairman - Dato' M. Ramachelvam
Members - Encik Zainudin Bin Ismail
- Encik Loh Wann Yuan

3. THE INQUIRY

The Inquiry was held on 10 July 2008 and 18 October 2008.

The Inquiry also received many written representations and explanations from the Petitioners, the KLLAC and the Administrator/Executive Director of the KLLAC.

4. THE ALLEGATIONS

4.1. Use of Funds

4.1. (a) Appointment of External Researcher to do research work on amendments to the Legal Aid Act (LAA).

- (i) The Petitioners allege that one Mr. Eric Paulsen was appointed to carry out research work on amendments to the Legal Aid Act (LAA) without the knowledge of the Sub-Committee that was looking into the amendments of the LAA.
- (ii) The Petitioners further allege that there was no transparency in the selection process and multiple quotations for fees were not obtained.
- (iii) The KLLAC states that all procedures were complied and all Members of the Sub-Committee on the LAA and Management Panel were informed of the proposal to appoint an external researcher.



- (iv) The position of the external researcher was advertised and one candidate was shortlisted.
- (v) The NLAC had also agreed to the appointment of the external researcher at a meeting on the 21 December 2007. Mr. Cecil Rajendra further confirmed this fact to the Inquiry.

We find that the appointment of the external researcher was done properly and there was no abuse in the process of appointment. We are further fortified in our finding as the NLAC had deliberated on the appointment of an external researcher and approved the same.

(Note: The appointed researcher did not take up the offer as he had been offered another position with another institution).

4.2. Training of pupils

- (i) The Petitioners allege that substantial funds exceeding RM30,000-00 had been spent on training at various resorts without approval and/or knowledge of the Committee members of the various projects who conduct training for pupils. The Petitioners further allege that if the training had been conducted in Kuala Lumpur substantial funds could have been saved.
- (ii) The KLLAC avers that all training programmes were carried out with proper approval and accepted procedures. The budget for the programmes carried out was also approved at the joint NLAC and Finance Committee Meeting on 21 December 2007.
- (iii) The KLLAC also states that the training programmes are an important part in capacity building; and for sustaining legal aid/KLLAC programmes and services.



- (iv) The cost incurred was reasonable and not excessive for the time period/duration of the training.
- (v) That for a training of more than 1 day the same had to be held in a place where there is no distraction so that the trainees can fully concentrate/focus.

We find as follows :-

- (i) That the KLLAC had followed the proper procedures in carrying out the training programmes for pupils.
- (ii) The Panel accepts the reasons given for the training to be held at the venues where the same was held ie. Genting Permai Hill Resort and Pearl International Hotel.
- (iii) The Panel further note that only RM16,000-00 was spent on the training programmes instead of the alleged RM30,000-00.

4.3. Training of Trainers at Pearl International Hotel.

- (i) The Petitioners allege that the aforesaid training was not made known to the Management Panel members, committee members and volunteer lawyers who normally conduct training for pupils.
- (ii) The KLLAC state that the aforesaid training was made known to all Management Panel Members.

Therefore we find as follows :-



- (i) That the training programme was made known to the Management Panel Members.
- (ii) There was ample evidence of the training programmes being disclosed to the members of the Management Panel in the minutes of the KLLAC Management Panel Meetings.

4.4. Budget of RM530,000-00 for 2008

- (i) The Petitioners state that the Budget was presented to the NLAC without being tabled at the Management Panel Meeting.
- (ii) The NLAC had approved the aforesaid Budget and the Management Panel was merely informed of the approved Budget. The Petitioners allege that proper procedures were not followed.
- (iii) The KLLAC states that proper procedures were followed and the proposed Budget to be tabled at NLAC was sent by e-mail to all Management Panel Members for their comments.
- (iv) The KLLAC further states that some of the Petitioners were present at the NLAC meeting on the 21/12/2007 when the Budget was presented before the NLAC.

Based on the Minutes of the KLLAC and the Minutes of the NLAC and the confirmation by Mr. Cecil Rajendra – Chairperson of NLAC, we find that the proper procedures were complied with in the preparation of the Budget and in the presentation of the same before the NLAC.

4.5. UNHCR Clinic



- (i) The Petitioners allege that a UNHCR Clinic was implemented by the KLLAC without a Committee to oversee the said Clinic. The Petitioners also questioned the rationale for using the resources of LAC when UNHCR had its own panel of Solicitors. The Petitioners also queried on the authenticity of the number of cases cited in respect of the UNHCR cases.
- (ii) The KLLAC replied that the resources of UNHCR were limited and the number of cases referred to in the LAC Report were matters where advice was rendered. There were no files opened by KLLAC for the UNHCR cases.

We find that the aforesaid complaint is a non-issue. We opine that the KLLAC should continue to assist UNHCR and refugees who require assistance.

4.6. Allegations against the Administrator of KLLAC

A.1. The Petitioners made several allegations against the Administrator of the KLLAC.

The detailed allegations are as per paragraph 3 of Appendix A.

2. The Response to the various allegations by the KLLAC is as per Paragraph 4 A – D of Appendix B.

3. The Administrator gave a written explanation to the Inquiry vide a letter dated 4/7/2008. The written explanation of the Administrator is enclosed hereto and marked as **Appendix D**.

B. Allegations and Findings

1. That the Administrator had amended the minutes



This allegation is ambiguous and unsubstantiated.

We find that there is no basis to the allegation that the Administrator had amended the Minutes submitted by various Project Heads without the knowledge or consent of the Committee.

2. That the Administrator had taken over the role of the Chair

We find that the Administrator had not taken over the role of the Chair for the first 6 months of the year 2007. The Chairperson himself confirmed that the Administrator carried out her duties at his behest and in full consultation with him. Therefore we find that this allegation is without merit.

3. That the Administrator uses the title Executive Director

We find that the title of the Administrator was properly changed to Executive Director and that all Members of the Management Panel were informed and were aware of the same and therefore this matter is a non-issue.

We further note that the re-designation of the Administrator to Executive Director followed the guidelines of the KLLAC dated 10/11/2003.

We also note that there is no change of salary or scope of work and the re-designation was a mere change of title.

4. That minutes of meeting had either gone missing and/or been misleadingly altered



This allegation is too general.

This issue was not raised at any of the Sub-Committee or Management Panel meetings.

We find that this allegation is unsubstantiated and has been fully explained by the Respondents.

5. The alleged Emergency Meeting on 20th August, 2007 pertaining to the Dock Brief Programme

We are of the view that a discussion was held on the 20/8/2007 between the Office Bearers of KLLAC and the Dock Brief Project Head, Ms Selvarani. Since it was a discussion there was no need for Minutes to be taken and there was no need for Mr. Ragu to be present.

6. The allegation that the Administrator had requested the Dock Brief Programme Head to step down and/or take a 2-month break.

We find that the Dock Brief Programme Head had evinced an interest to step down or take a break.

The Administrator had discussed this with the Chairperson and the Dock Brief Committee Members for someone to take over as Head. Therefore we find that this allegation is without basis.

7. The Administrator had referred to the Project Head of the Dock Brief Programme “undignified”

We find no evidence in support of this allegation against the Administrator.



8. The Administrator had attempted to instigate mutiny within LAC Clinic and Dock Brief Committees

From the evidence presented to us we find that this allegation is unfounded.

9. Deletion of mailing addresses of Management Panel Members, Committee Members and volunteer lawyers

We find that there was no deliberate deletion of the Mailing addresses by the Administrator.

We however recommend that a more comprehensive system be introduced/kept to keep members informed of meeting and activities of the KLLAC.

4.7. Validity of Elections of 2008 Chair and Office Bearers

A.1. The Petitioners allege that the Election of the Chair and the Office Bearers for the term 2008/2009 is flawed based on their allegations that:-

- (i) The staff of the KLLAC, on the instructions of the Administrator, had campaigned for the current Officer Bearers.
- (ii) That non-qualified persons voted during the elections.
- (iii) Notice of Annual Review and Elections was not given to many volunteer lawyers.

2. The KLLAC denied the allegations of the Petitioners.



3. Mr. Edmund Bon who conducted the Elections gave a Statement to the Panel and also kindly attended the Inquiry and gave evidence.

The Written Statement of Mr. Edmund Bon is enclosed hereto marked as **Appendix E.**

4. A transcript of the tape pertaining to the Election was furnished to the Panel. A copy of the transcript of the tape is annexed hereto and marked as **Appendix F.**
5. The tape furnished to the Committee was incomplete and we are unable to ascertain on the election process for the position of Assistant Secretary. The candidate who is alleged to have contested for the position of Assistant Secretary denies that she stood for the said position.

- B.1. We are of the view that the Election was validly carried out.
 2. We are of the view that no ineligible or unqualified person participated in the electoral process.
 3. We therefore hold that the elections have been properly carried out and the Office Bearers for the year 2008/2009 have been validly elected.

4.8. Unassigned files

1. The Petitioners allege that approximately 100 files (mostly criminal cases) have not been assigned by the KLLAC.
2. The KLLAC informed the Inquiry that as at 18/1/2008 there were 99 unassigned files as it was a running list and as at 8/7/2008 this number was reduced to 21 files.



3. We hold that this issue has been resolved and further commend the KLLAC for taking proactive steps to resolve this issue.

4.9. Training of Attachment Students

1. The Petitioners allege that Attachment Students from local universities have been trained by the KLLAC Clinic Committee and this training has been taken over by the Secretariat.
2. The KLLAC states that training of attachment students is conducted by the Secretariat to give the students a broader exposure.
3. We find that this matter is a non-issue and are of the opinion that the Secretariat would be best placed to train attachment students from the local universities.

4.10. Evaluation of staff for Promotion, Increment and Bonus

1. The Petitioners allege that the Project Heads and Management Panel were not requested to give their evaluation of the staff and the Administrator for promotion, increment and bonus.
2. The Petitioners also allege that the salary of the staff and Administrator was increased unilaterally by the Chair without consultation with Project Heads and the Management Panel.
3. The KLLAC in their reply state that staff evaluation for the year 2008 has not been done. The last evaluation was in January 2007.



4. We have noted that the staff evaluation could not be done at the relevant time of the Petition due to the busy schedule which involved the Bersih and Hindraf arrests in late 2007.
5. We further note that the staff evaluation was done on the 14/3/2008 and some of the Petitioners were invited to give their evaluation.
6. There was a further issue raised regarding the increment in salary being given to the Administrator.
7. The increment given to the Administrator has been properly regularised by the NLAC and the Finance Committee.
8. In view of the foregoing we are of the view that the aforesaid complaint is without basis and is a non-issue.

4.11. Volunteer lawyers refusing to accept files

1. The Petitioners allege that many lawyers have refused to accept files or assist the KLLAC as they are unhappy with the manner in which KLLAC is being run.
2. The KLLAC denies this allegation.
3. We are of the opinion that it is a perennial problem faced by the various Legal Aid Centres (LACs) to obtain volunteer lawyers to take on files or to assist the LACs.
4. We take note that the KLLAC has done a commendable job of reducing the unassigned files and has a large pool of volunteer lawyers prepared to assist the centre.



Therefore this allegation is without merit.

OTHER ISSUES

4.12. LAC should only take on cases of impecunious persons and not public interest cases

From the evidence presented to us especially the evidence of the Chairman of NLAC we opine that LACs scope of activity is not confined to handling cases of impecunious persons and that LACs are fully authorised to pursue public interest cases.

4.13. Refusal of KLLAC to accept some of the Petitioners to become Management Panel Members

1. Two of the Petitioners have written to the KLLAC to serve on the Management Panel of the KLLAC after the Annual Review.
2. The KLLAC had declined to accept their offer to serve based on the premise that no individual application to be a member of the Management Panel will be accepted and that only the Project Heads of the existing LAC Clinic/Programme will be members of the Management Panel.
3. We are of the opinion that the decision of the KLLAC is acceptable.

4.14. Preliminary Memorandum on KLLAC Issues dated 10 April 2008.

The Inquiry is also furnished with the above-said memorandum dated 10 April 2008 prepared by Ms Chew Swee Yoke, Mr Stanley Sinnappen and Mr Edmund



Bon. The Inquiry is in agreement with the recommendations made therein. A copy of the aforesaid memorandum is annexed hereto as **Appendix G**.

CONCLUSION

We hope that the Petitioners and the present office bearers will be able to resolve their differences and work together for the betterment of the KLLAC NLAC and the Malaysian Bar.

Dated: 31 December 2008

Dato' M Ramachelvam

Encik Zainudin Ismail

Encik Loh Wann Yuan





Jawatankuasa Peguam Kuala Lumpur
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