

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Wednesday, August 19, 2015

Disciplinary Tribunal
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To: the Disciplinary Tribunal of the Law Society of Singapore
Re: In the matter of M. Ravi s/o Madasamy (NRIC No. S6913333I)

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally through advocacy on behalf of lawyers and other human rights defenders whose rights, safety or independence are threatened as a result of their human rights work. LRWC also engages in education and research about international human rights and rule of law issues. LRWC is an NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN).

LRWC urges the Disciplinary Tribunal of the Law Society of Singapore to dismiss the complaints currently alleged against human rights lawyer Mr. M. Ravi by the Law Society of Singapore.

Mr. Ravi is respected internationally as a prominent member of the Singapore legal community specializing in cases involving human rights. Due to a relapse in Mr. Ravi's bipolar condition, Mr. Ravi has attracted complaints from the Law Society of Singapore. These complaints are currently before the Disciplinary Tribunal. LRWC urges the Disciplinary Tribunal to honour Singapore's international law obligations when reviewing the complaints against Mr. Ravi, and to conclude that the complaints are not sufficiently grave to warrant further disciplinary action.

Background

Mr. Ravi was admitted to the Singapore Bar in 1997. Since that time, Mr. Ravi has garnered an international reputation as a top-notch human rights lawyer, taking cases protecting freedom of religion and civil and political rights, and advocating against the death penalty in Singapore. Mr. Ravi is recognized internationally as providing a unique and necessary legal service to the people of Singapore and as a credit to the Singapore legal profession. He represents the very best of the legal profession in his readiness to provide excellent legal representation in difficult cases and to indigent clients, often in cases that required him to stand between the state and his client and to call into question the actions of the state. He fulfills the role of lawyers identified

by the *Latimer House Guidelines for the Commonwealth*, (Part VIII Article 3)¹ which provides that, “[a]n independent legal profession is an essential component in the protection of the rule of law.” Mr. Ravi has been a speaker at international human rights forums around the world and addressed the European Sub-Committee on Human Rights in 2007. Mr. Ravi also participates at the ASEAN Human Rights Mechanism and is engaged in clinical legal education across Southeast Asia.

In February 2015, Mr. Ravi was engaged in a freedom of religion case involving the Hindu festival of Thaipusam, and filed an application on behalf of his client on 5 February 2015. On 10 February 2015, the Law Society of Singapore served Mr. Ravi with a letter stating that it had received information that Mr. Ravi’s fitness to practise law was impaired by reason of his mental condition. Mr. Ravi was directed to stop practising law until he had completed a medical examination by Dr. Munidasa Winslow.

Mr. Ravi complied with the Law Society’s direction to suspend his legal practise and seek medical attention. Notwithstanding his compliance, in the subsequent two weeks the Law Society charged Mr. Ravi with four separate allegations of misconduct occurring on 10, 11, 19 and 26 February 2015. All of these incidents involved Mr. Ravi’s response to his suspension. These are the allegations that are now before the Disciplinary Tribunal.

Mr. Ravi has completed the requested medical examination with Dr. Winslow, who indicated in a report dated 22 July 2015, that during the material times when the impugned behaviour was alleged to have taken place, Mr. Ravi was suffering from Bipolar I Disorder, and experiencing a hypo manic episode. Dr. Winslow concluded that this was a “substantial cause” of Mr. Ravi’s offending conduct.² An additional letter by Dr. Winslow, dated 11 April 2015, indicated that Mr. Ravi’s condition had stabilized by April 2015 and that there was no further evidence of his bipolar order being in relapse. Dr. Winslow indicated that together he and Mr. Ravi were developing a strategy to avoid any episodes in the future. Dr. Winslow concluded that Mr. Ravi “would not be likely to act or behave in ways detrimental to himself or the profession” and proposed a meeting with the Law Society of Singapore to work out a framework to address the Law Society’s concerns.³

LRWC is concerned that, although Mr. Ravi was directed by the Law Society to meet specifically with Dr. Winslow, and although Mr. Ravi complied with this direction and Dr. Winslow has, in fact, examined Mr. Ravi and provided written evidence, it recently came to our attention that at the Disciplinary Hearing the Law Society of Singapore intends to call additional psychiatric evidence from one or more individuals who have no relationship with Mr. Ravi and have never interviewed him. Of further concern, Mr. Ravi has not been notified as to the type or nature that these new witnesses will give, fundamentally affecting the fairness of the hearing.

LRWC submits that the expert evidence of Dr. Winslow, which is grounded in Dr. Winslow’s assessment of Mr. Ravi’s individual condition, should be given greater weight than to any evidence based on statistical or hypothetical premises. Although statistical information can

¹ The Guidelines are an Annex to the Latimer House Principles. The Latimer House Principles are available at: <http://thecommonwealth.org/sites/default/files/history-items/documents/LatimerHousePrinciples.pdf>.

² Dr. Munidasa Winslow, Medical Assessment, 22 July 2015.

³ Dr. Munidasa Winslow, Letter to Mr. Eugene Thuraisingam, 11 April 2015.

predict a general pattern of performance by a large population, it cannot predict individual performance. Even as a predictor of trends, any statistical information will depend upon prescribed set of circumstances and should not carry any weight in a particular individual's situation unless the prescribed circumstances are proven in the individual case.

International Human Rights Law

LRWC also calls on the Disciplinary Tribunal of the Law Society of Singapore to consider Singapore's international law obligations and commitments to honour rule of law principles which entail, *inter alia*, a duty to ensure that citizens have access to the legal representation needed to prevent, punish or remedy violations of internationally recognized rights. Singapore's international law obligations to protect rights and provide access to remedies arise from membership in the United Nations (UN), the Commonwealth of Nations and ASEAN as well as from customary international law. Singapore has additional obligation under the UN *Convention on the Rights of Persons with Disabilities*.⁴

As a member of the UN, Singapore has the twin duties to ensure that all citizens are accorded the rights recognized by the *Universal Declaration of Human Rights* (UDHR) and have access to "an effective remedy" in the event of violations." It is universally accepted that legal representation is often necessary in order for a citizen to meaningfully seek to prevent and/or remedy violations of rights and without access to effective legal representation, rights recognized by the UDHR and other instruments are illusory.

As a member of the Commonwealth of Nations, Singapore must "comply with Commonwealth values, principles and priorities as set out in the *Harare Commonwealth Declaration* of 1991; and that it should accept Commonwealth norms and conventions."⁵ The *Commonwealth Charter* affirms that member states, "are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments."⁶ The *Latimer House Guidelines for the Commonwealth*, developed to renew and enlarge on the commitments set out in the Harare Declaration⁷ to the rule of law and the attendant safeguards and restrictions, requires Singapore and other member states to ensure that national laws and practice reflect the above noted core principle, that "[a]n independent, organised legal profession is an essential component in the protection of the rule of law."

As a founding member of ASEAN, Singapore affirmed its "commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties."⁸ This provision, adopted in 2012 expanded on the 2007 ASEAN

⁴ UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, available at:

<http://www.refworld.org/docid/45f973632.html> [accessed 12 August 2015]

⁵The Commonwealth Network, Membership Criteria, accessed 12 August, 2015 at

<http://www.commonwealthofnations.org/commonwealth/commonwealth-membership/membership-criteria/>

⁶ The Commonwealth Charter, Article II.

⁷ The Harare Declaration is the Commonwealth's second general statement of beliefs and was issued by Commonwealth Heads of Government at their meeting in Zimbabwe in 1991.

⁸ Preamble to the *ASEAN Human Rights Declaration*, Adopted by the Heads of State/Government of ASEAN Member States at Phnom Penh, Cambodia, 18 November 2012.

Charter,⁹ Article 2.2(j) by which member states committed to “uphold the United Nations Charter and international law...”

In 2013, Singapore ratified the UN *Convention on the Rights of Persons with Disabilities*.¹⁰ The purpose of this Convention is to ensure the full enjoyment of rights and freedoms by persons with disabilities. The *Convention on the Rights of Persons with Disabilities* term “persons with disabilities” includes people with mental impairments (Article 1). Article 5, requires States Parties to take all appropriate steps to ensure that reasonable accommodation is provided to persons with disabilities in order to ensure their equality and freedom from discrimination. Article 27 requires States Parties to ensure that persons with disabilities have the right to work (in their chosen profession) equal to those without disabilities and prohibits discrimination based on disabilities.

Conclusions

The Disciplinary Tribunal must take extra care when dealing with the complaints against M. Ravi given his impressive record of providing effective and necessary legal representation for clients and causes unpopular with the Government of Singapore. The Disciplinary Tribunal of the Law Society of Singapore must take particular care to avoid the appearance of being subjected to and influenced by, pressure from government officials seeking to prevent M. Ravi from returning to the practice of law. The Disciplinary Tribunal must carefully consider the duty of the Law Society of Singapore “to protect and assist the public in Singapore” as that duty relates to protecting the public’s right of access to competent legal representation in civil and criminal cases involving issues unpopular with the Government of Singapore.

Similarly, the Disciplinary Tribunal must take care that its review and decision does not demonstrate or suggest discrimination against Mr. Ravi on the basis of his disability, which is a protected ground under UDHR and the *Convention on the Rights of Persons with Disabilities*. Mr. Ravi's 18-year record as a lawyer acting in extremely demanding cases is the predictor that the Disciplinary Tribunal must consider when determining his future performance. Certain key factors lead inexorably to the conclusion that the only just result is for M. Ravi to be allowed to continue to practice law in Singapore and that any other decision would be contrary to fairness for M. Ravi and the public interest. These factors include:

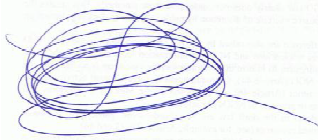
- a. The medical evidence of Dr. Winslow and the expert opinion of Dr. Winslow that the behaviour complained of is unlikely to reoccur;
- b. M. Ravi’s willingness to work cooperatively with the Law Society to address any further medical concerns; and,
- c. M. Ravi’s long history of providing necessary and proficient legal services to the people of Singapore.

⁹ Association of Southeast Asian Nations (ASEAN), *Charter of the Association of Southeast Asian Nations*, 20 November 2007, available at: <http://www.refworld.org/docid/4948c4842.html> [accessed 12 August 2015]

¹⁰ UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, available at: <http://www.refworld.org/docid/45f973632.html> [accessed 12 August 2015]

LRWC calls up on the Disciplinary Tribunal to rule that Mr. Ravi's actions in February 2015 were not sufficiently grave to warrant further disciplinary action and that the direction to suspend his law practice be rescinded immediately and his practice certificate renewed.

All of which is respectfully submitted,



Gail Davidson, Executive Director, LRWC



Kimberley Hawkins, Barrister & Solicitor

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