



JAWATANKUASA PEGUAM PULAU PINANG (PENANG BAR COMMITTEE)

Your ref :

Our ref :

Date :

Crim Law 5/10

27-07-2010

To all Members of the Penang Bar,

Issues From Meeting With Penang Prison Authorities

Members of the Penang Bar Committee recently attended a meeting with the Penang Prison Authorities to discuss the following issues:

1. **Visiting Hours for lawyers and other Rules**
 - 1.1 Members are requested to avoid visiting their clients during the following times when the Prison Authorities carry out counting and recording of prisoners as well as change of shift for personnel:
 - 11.00am to 11.30am
 - 2.00 pm to 2.30pm
 - 1.2 Due to security and safety reasons, lawyers are only allowed to meet with one (1) client at any time. The maximum number of clients a lawyer may see in a day is 5.
 - 1.3 We were also informed that there are instances where lawyers who ask to see their clients do not show up on the said date or at the designated time. The Prison Authorities have urged lawyers to stick to the appointment times otherwise the prisoners are made to wait in the lock-up for a lengthy period.
2. **Giving at least 3 days notice to visit clients**
 - 2.1 Members are referred to a letter dated 11th May 2006 from the Director of the Penang Prison to members of the Bar which stipulates the various Rules and Regulations for Lawyers to meet with their clients (a copy of the said letter is annexed hereto).

- 2.2 Members are reminded to write in at least three (3) days in advance to the Pengarah or Penguasa Penjara for permission to meet with their client with relevant details.
 - 2.3 However the Prison Authorities have assured us that in urgent circumstances, they will consider requests which are made less than 3 days provided the lawyers state these special circumstances or reasons in their letter to the Pengarah.
3. Foreign prisoners who require interpreters
 - 3.1 Lawyers who wish to visit their clients with an interpreter are requested to inform the prison authorities in writing beforehand.
 - 3.2 If the interpreter is a family member of the prisoner, this must be stated in the letter to the Pengarah.
4. Unauthorised persons
 - 4.1 The Committee was informed that some lawyers who visit their clients are accompanied by the prisoners' family members who masquerade as the lawyers' staff or clerks.
 - 4.2 There are also instances where lawyers send their clerks or staff to the Prison to meet with the prisoners to get their instructions or signatures for documents, etc.
 - 4.3 Members are requested to refrain from such practices and to cooperate with the Prison Authorities.
5. Request for Extended Visiting Hours
 - 5.1 We appealed to the Prison Authorities to extend the visiting hours for lawyers to 6.00pm from Mondays to Fridays and to allow visits on Saturdays till 1.00pm.
 - 5.2 We made this request because Courts are now fixing short dates for Defence and it is sometimes not possible to get instructions from clients in these circumstances.
 - 5.3 The Prison Authorities agreed to look into our request and notify us accordingly.

6. Legal Aid

- 6.1 The Committee requested for representatives from the Penang Legal Aid Centre to be allowed to meet with the prisoners to inform of their legal rights and avenues which are available to them.
- 6.2 We will be writing to the Prison Authorities regarding this and further information will be made available in due course.

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V. PARTHIPAN
CHAIRMAN
CRIMINAL LAW SUB-COMMITTEE