

Actions of Malaysian Anti-Corruption Commission raise concerns over attempted breach of lawyer Mahajoth Singh’ professional legal privilege

Lawyers for Lawyers expresses its concern over the actions reportedly taken by the Malaysian Anti-Corruption Commission (MACC) against Malaysian lawyer Mahajoth Singh, which appear to constitute an infringement of lawyer-client privilege and a threat to the independence of the legal profession.

According to the information received, the MACC has issued statutory notices under the MACC Act 2009 compelling Mr. Singh to produce documents and provide testimony in connection with an ongoing investigation involving one of his clients. Mr. Singh maintains that compliance with these notices would require him to disclose information protected by lawyer–client privilege. On this basis, Mr. Singh has filed an application for judicial review seeking to quash the MACC’s orders. The hearing for leave to commence Judicial Review was held on 6 January 2026 and the Court’s decision, expected to be delivered on 30 January 2026, will prove pivotal in determining whether leave to commence Judicial Review against the MACC’s statutory notices is allowed.

Lawyers for Lawyers is further alarmed by [reports](#) that the MACC has publicly accused Mr. Singh of obstructing justice and indicated that he is being investigated on that basis. On the night of the 29th of November, the MACC [reportedly](#) served Mr. Singh a notice ordering him to appear for questioning at the MACC headquarters the following morning, in connection with an investigation involving his client. The summons, which was issued shortly after Mr. Singh had been denied access to his client in detention, has been [described](#) by local rights groups as “unlawful and as a blatant act of intimidation against a lawyer acting in the course of his work”. In addition, it was reported that Mr. Singh received threatening phone calls and MACC officers attempting to detain him for questioning. Furthermore, Mr. Singh [reported](#) that five officers were sent to his office on a Sunday, a visit he described as “unnecessary and amounted to harassment”. If confirmed, such actions would raise serious concerns of intimidation and harassment of a lawyer in connection with the legitimate exercise of his professional duties.

The principles of legal professional privilege and lawyer–client confidentiality are fundamental to the right to a fair trial and the proper administration of justice.¹ These principles are firmly established in international standards, including the United Nations Basic Principles on the Role of Lawyers. Principle 22 provides that “*Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.*” Principle 8 further

¹ Lawyers for Lawyers, ‘Lawyer-Client Confidentiality in a Digitalized Society’ (2023) 10-12 <<https://lawyersforlawyers.org/wp-content/uploads/2023/05/Lawyers-for-Lawyers-Digital-Lawyer-Client-Confidentiality.pdf>>.

affirms that “All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality [...]”

While the principle of lawyer–client confidentiality is not absolute, any limitations on this principle must be clearly provided for by law and/or applicable rules of professional conduct. Under Malaysian law, lawyer-client confidentiality is afforded protection under Section 126 of the Evidence Act 1950, which provides that *“No advocate shall at any time be permitted, unless with his client’s express consent, to disclose any communication made to him in the course and for the purpose of his employment as such advocate”* subject only to limited and exceptional circumstances.

Moreover, Section 46(2) of the MACC Act 2009 expressly recognizes that the MACC’s investigative powers do not override privileged communications, and that any order for disclosure may only be made by a High Court judge, subject to the continued protection of privileged information. The Malaysian Bar Association has publicly reaffirmed the centrality of this principle, referring to Section 46 as a “statutory firewall” and underscoring that “privilege cannot be treated as overridden merely because an investigation is underway”. In the same [statement](#) dated 1 December 2025, the Bar further expressed grave concern over the MACC’s actions, emphasising such concerns “are not new” and reiterating its longstanding position that professional legal privilege must be strictly safeguarded.

Lawyers for Lawyers is concerned that the actions reportedly taken against Mr. Singh may amount to undue interference with the independence of the legal profession, particularly given that the legal procedures and safeguards expressly provided for under Malaysian law do not appear to have been respected. Attempts to compel disclosure of privileged information without due process undermine the rule of law and risk creating a chilling effect on lawyers and their clients.² The erosion of legal professional privilege may also jeopardize other fundamental rights, including equality of arms and the right to an effective legal defence.

We urge the Malaysian authorities to fully respect domestic and international legal standards protecting lawyer-client confidentiality, due process, and the independence of lawyers. Furthermore, , we call on the authorities to ensure that no retaliatory measures are taken against Mr. Singh for the legitimate exercise of his professional responsibilities.

² Lawyers for Lawyers, ‘Lawyer-Client Confidentiality in a Digitalized Society’ (2023) 17 <<https://lawyersforlawyers.org/wp-content/uploads/2023/05/Lawyers-for-Lawyers-Digital-Lawyer-Client-Confidentiality.pdf>>.