



STATEMENT CONCERNING MYANMAR LAWYERS

21 NOVEMBER 2008

LAWASIA CONCERNED ABOUT RECENT ARRESTS AND CONVICTION OF MYANMAR LAWYERS

LAWASIA expresses serious concern about the recent arrests and conviction of lawyers in Myanmar as they attempt to perform their professional duties as lawyers. It understands that U Nyi Nyi Htwe and Saw Kyaw Kyaw Min, lawyers for 11 NLD youth members charged with instigating public unrest, were recently charged under Section 228 of the Penal Code and subsequently convicted each receiving sentences of six months in prison. LAWASIA understands that the arrests followed the submission of a complaint to the courts, by the lawyers and defendants, noting concern that the lawyers had been unable to meet with their clients in private as they prepared for trial, not been allowed sufficient time by the trial judge to cross-examine prosecution witnesses and that the defendants' family members had been prevented from attending their trials. LAWASIA is further advised that two lawyers, U Aung Thein and U Khin Maung Shein, were recently charged and convicted under the Contempt of Courts Act and sentenced to four months in prison. It is understood that this followed the action of U Aung Thein and U Khin Maung Shein in informing the court of the decision of their clients, several student leaders and activists, to revoke power of attorney to the lawyers in protest of what they felt was an unsatisfactory action from the courts.

LAWASIA notes the Basic Principles on the Role of Lawyers as agreed by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990 state that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

LAWASIA considers that the treatment handed out to U Nyi Nyi Htwe and Saw Kyaw Kyaw Min as described above may be in breach of these universally-accepted principles. Reported circumstances also suggest that lawyers U Aung Thein and U Khin Maung Shein may have been unfairly prevented from carrying out their professional duties as lawyers. Furthermore LAWASIA is concerned that such convictions may lead to fear among lawyers in Myanmar and deter them from acting in high stake cases defending political activists.

LAWASIA calls on Myanmar authorities to quash immediately the sentences imposed on all lawyers and to release them without delay. It also urges Myanmar authorities to take immediate steps to ensure that lawyers are allowed to represent their clients and carry out their work without let, hindrance or intimidation.

Glenn Ferguson
PRESIDENT