

June 23, 2021

General Min Aung Hlaing
Chairman, State Administrative Council
Naypyiddaw
Myanmar

c/o Ambassador U Kyaw Myo Htut
Embassy of the Republic of the Union of Myanmar
336 Island Park Dr.
Ottawa, ON
Canada, K1Y 0A7

General Min Aung Hlaing:

Re: Arrest and detention of lawyers Thein Hlaing Tun and Ayeyar Lin Htut in Myanmar

I write on behalf of the Law Society of Ontario to voice our grave concern over the recent reports regarding the arrest and detention of lawyers Thein Hlaing Tun and Ayeyar Lin Htut. When reports of serious issues of injustice to legal professionals and the judiciary come to our attention, we speak out.

The Law Society of Ontario continues to be deeply troubled by the numerous reports regarding the arrest and detention of lawyers and law students that have taken place since the military junta overrode the November 2020 election results and assumed power following a widely reported coup on February 1, 2021. Ever since the Myanmar military illegally seized power from all three branches of government, there have been protests and unrest throughout the country. In response, the military junta has reacted with violence against Myanmar citizens, resulting in the deaths of 845 people. Over 4500 people continue to be detained.

In our previous letter, dated March 18, 2021, we referenced several troubling legislative changes made by the junta that violate the United Nations' *Universal Declaration of Human Rights*. It now appears those amendments are being used to target lawyers and prevent them from defending their clients. On May 24, lawyer Thein Hlaing Tun was arrested while exiting the courthouse after representing his client Dr. Myo Aung, the chairman of the Nay Pyi Taw council, in a proceeding. On May 27, lawyer Ayeyar Lin Htut was arrested at the Hinthada District Court. In both cases the lawyers were charged under section 505 of the penal code, one of the new sections added by the junta. This section of the code makes it an offense to speak out against the junta, or call the coup that led to the junta seizing power illegitimate. By directly targeting lawyers, and arresting them immediately after representing their clients in court, the junta is making a direct attack on rule of law and violating several United Nations articles on the role of lawyers.

In light of these circumstances, the Law Society urges you to demand that the military junta comply with Myanmar's obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights* and *The Basic Principles on the Role of Lawyers*.

Article 16 of *The Basic Principles of the Role of Lawyers* states:

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.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 20 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Furthermore, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association, and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

The Law Society urges Myanmar's military junta to:

- a. immediately and unconditionally release Thein Hlaing Tun and Ayeyar Lin Htut, as well as all lawyers, paralegals, judges, law students and human rights defenders who have been detained for peacefully protesting and exercising their professional duties since the coup on February 1, 2021;
- b. immediately and unconditionally withdraw all charges against Thein Hlaing Tun and Ayeyar Lin Htut, as well as all lawyers, paralegals, judges, law students and

human rights defenders who have been detained for peacefully protesting and exercising their professional duties since the coup on February 1, 2021;

- c. put an end to all acts of harassment against all lawyers, paralegals, judges, law students and human rights defenders in Myanmar;
- d. ensure that all lawyers, paralegals, judges, law students and human rights defenders in Myanmar can carry out their professional duties and activities without fear of reprisals, physical violence, or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,



Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest, and the Law Society has a duty to advance the cause of justice and the rule of law.

copies: The Honourable Marc Garneau, Minister of Foreign Affairs

 The Honourable Bob Rae, Canadian Ambassador to the United Nations

 Ketty Nivyabandi, Secretary General, Amnesty International Canada

 Andrew Anderson, Executive Director, Front Line Defenders

 Emma Achili, Head of European Union Office, Front Line Defenders
 Kenneth Roth, Executive Director, Human Rights Watch

 Sophie de Graaf, Executive Director, Lawyers for Lawyers
 David F. Sutherland, Chair, Lawyers' Rights Watch Canada

 Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of
 the United Nations High Commissioner for Human Rights

 Diego García-Sayán, Special Rapporteur of the Human Council on the independence of
 judges and lawyers, Office of the United Nations High Commissioner for Human Rights

 Marina Brilman, International Human Rights Policy Adviser, The Law Society of England
 and Wales