



Law Society
of Ontario

Barreau
de l'Ontario

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6
<https://www.lso.ca>

Treasurer's Office
416-947-3300
1-800-668-7380
treasurer@lso.ca

March 18, 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 and law students in Myanmar

I write on behalf of the Law Society of Ontario to voice our grave concern over 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. When reports of serious issues of injustice to legal professionals and the judiciary come to our attention, we speak out.

Ever since the Myanmar military illegally seized power from all three branches of government, there have been protests and unrest throughout the country. The arrests of the legitimately elected civilian leaders of the national and state governments, including National League for Democracy leader Aung San Suu Kyi and President Win Myint, have sparked the outrage of Myanmar's citizens and the international community. Myanmar's citizens took to the streets and began peacefully protesting the military's actions and demanded the restoration of their democracy. In response to those peaceful protests, the military junta have arrested and detained citizens who participated in these protests or spoke out against military actions. In addition, there are reported amendments to several pieces of legislation contrary to the United Nations' *Universal Declaration of Human Rights*. For example, amendments to the Penal Code 1860 (s124A) criminalize anti-government protests with a maximum penalty of 20 years in jail. Additionally, the suspension of certain sections of the Law Protecting the Privacy and Security of Citizens (2017) has eliminated the obligation for state authorities to bring detainees before a court within 24 hours. The junta have also used live ammunition on its own citizens, killing at least 149 to date according to the UN High Commissioner for Human Rights.

At least 45 lawyers and 15 law students are among those who have been arrested and detained without charges. These are only a few of the many examples of the human rights violations currently being undertaken by the military against its own citizens including lawyers and law students:

- Lawyer Khin Maung Zaw was threatened for defending Aung San Suu Kyi. His family has also been threatened.
- U Nyan Win, another lawyer for Aung San Suu Kyi, was detained, and his whereabouts remain unknown.
- Over 40 lawyers were arrested for peacefully protesting the military coup, and remain in custody without charges.
- 15 law students were arrested and continue to be detained without charges, also for protesting peacefully.

Considering 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 5 of *The Universal Declaration of Human Rights* states:

No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Article 9 states:

No one shall be subjected to arbitrary arrest, detention, or exile.

Article 19 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.

Article 20 states:

Everyone has the right to freedom of peaceful assembly and association.

Article 8 of the *Basic Principles on the Role of Lawyers* states:

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. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

Article 16 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 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

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

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.

The Law Society urges Myanmar's military junta to:

- a. immediately and unconditionally release 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 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 Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales