



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 19, 2017

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

H.E. Htin Kyaw
President of the Republic of the Union of Myanmar
President's Office
Nay Pyi Taw
Myanmar

Your Excellency:

Re: Harassment of lawyer Robert Sann Aung

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of lawyer Robert Sann Aung. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Robert Sann Aung is a well-known human rights lawyer and activist in Myanmar. He is a former prisoner of conscience who has been imprisoned six times for his peaceful political and human rights activities. His defence of peaceful political activists, who were charged by the former military government, led the authorities to revoke his law licence in 1993. Since it was reinstated in 2012, Robert Sann Aung has continued to represent human rights defenders and activists charged in politically motivated cases, as well as victims of human rights violations and their family members. His clients have included human rights defenders, student activists, protestors of a contested copper mine and people whose lands have been confiscated by the military. He was a 2015 finalist for the prestigious Martin Ennals Award for Human Rights Defenders.

It has come to the Law Society's attention that Robert Sann Aung has been receiving regular death threats, insulting messages and disturbing phone calls since the assassination of lawyer U Ko Ni on January 29, 2017. In one such phone call, he was threatened with: "Aren't you afraid to die? You will be the next person who will be killed." These messages and phone calls (some of which are from international numbers) mostly occur between the hours of 10 pm and 12 am, and frequently warn him not to reform Myanmar's military-drafted 2008 Constitution. Robert Sann Aung is an advocate of constitutional reform and has

previously made social media posts and given a media interview in which he discussed the issue.

The Law Society's information states that, in addition to receiving threatening phone calls and messages, Robert Sann Aung is being monitored by Myanmar's security forces. According to him, as he was traveling back to Mandalay on December 19, 2016, he was approached by a man wearing civilian clothes in the airport in Bhamo Township, Kachin State. The man claimed to be from Military Intelligence, but gave no evidence to substantiate the claim. Since then, the man has waited for Robert Sann Aung at the airport and followed him until he boarded his connecting flight on four separate occasions. Robert Sann Aung further reports that people surveil his home and the local teashop he frequents at least twice a week.

As a former prisoner of conscience, Robert Sann Aung is hesitant to report the death threats and intimidation to the authorities. In addition to believing that they will not listen to him, he fears that the authorities may in fact be responsible for (or otherwise connected to) the intimidation and increased surveillance he has experienced in the past few months.

The Law Society is deeply troubled by Robert Sann Aung's situation. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with Myanmar's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on 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, economics 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.

The Law Society urges the Government of Myanmar to:

- a. immediately conduct a fair, impartial and independent investigation into the harassment against Robert Sann Aung in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment against Robert Sann Aung and all other human rights lawyers in Myanmar;
- c. guarantee in all circumstances the physical and psychological integrity of Robert Sann Aung and all other human rights lawyers in Myanmar;
- d. ensure that all lawyers 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,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 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 by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. U Kyaw Myo Htut
Ambassador
Embassy of the Republic of the Union of Myanmar
336 Island Park Drive
Ottawa, Ontario
K1Y 0A7
Email: meottawa@rogers.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, 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

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

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

Mónica Pinto, 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