



The Law Society of Upper Canada | Barreau  
du Haut-Canada

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

Your Excellency:

**Re: Murder of lawyer U Ko Ni**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the murder of lawyer U Ko Ni. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

U Ko Ni was a prominent human rights lawyer and legal adviser to the National League for Democracy, the ruling party in Myanmar. One of the most prominent Muslims in Buddhist-majority Myanmar, he was known for promoting religious harmony and supporting constitutional reform. He authored six books on human rights issues and democratic elections, and was also a founding senior member of the Independent Lawyers' Association of Myanmar.

The Law Society recently learned that on January 29, 2017, U Ko Ni was shot at close range in the head by a gunman as he was preparing to leave Yangon International Airport. He had just returned from a government-organized visit to Indonesia where he and approximately 20 other Burmese government officials and civic leaders discussed democracy and conflict resolution. A taxi driver who tried to apprehend the gunman as he attempted to flee the scene was also shot and later died in hospital. A number of other taxi drivers were successful in stopping and detaining the gunman until the police arrived.

The shooter has been identified as 53-year-old Kyi Lin, a professional hitman. Another man, Myint Swe, has also been arrested. According to leaked police documents, Myint Swe allegedly hired Kyi Lin back in December 2016 to assassinate U Ko Ni. The two men had reportedly known each other since a September 2016 meeting in Mae Sot, Thailand.

It is our understanding that the motive behind the murder is currently unknown. That being said, according to his daughter, U Ko Ni was “often threatened” because he had spoken out against the continuing influence of the military on politics. In fact, according to one of U Ko Ni’s colleagues, U Ko Ni had been working on a new draft of Myanmar’s Constitution, one that would strip the military of its extraordinary political powers, and had hoped to promote it at a conference this month.

That the Burmese military may have had a hand in orchestrating the assassination is further supported by the fact that the murder weapon was a Myanmar Army-manufactured pistol that was somehow acquired by the gunman notwithstanding that civilian firearm sales have been prohibited for decades in Myanmar. Additionally, some have wondered as to how the attacker could have carried out the killing in a public place that is among the country’s most secure.

U Ko Ni’s daughter also stated that his religion may have been a contributing factor. Last year, U Ko Ni helped found the Myanmar Muslim Lawyers’ Association and spoke of the need to stand up for the rights of Muslim citizens. These actions may have made him some powerful enemies, especially in light of the fact that anti-Muslim sentiment is high in Myanmar and there is significant public support for a military operation in Rakhine State, which is home to thousands of Rohingya Muslims.

The Law Society is deeply troubled by U Ko Ni’s assassination. 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. ensure that a thorough, impartial, independent and fair investigation is conducted into the murder of U Ko Ni;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. 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:

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