

27 January 2012

U Tun Tun Oo  
Chief Justice  
Office of the Supreme Court  
Office No. 24  
Naypyitaw  
MYANMAR

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Dear Chief Justice

I write to you on behalf of LAWASIA, the Law Association for Asia and the Pacific. LAWASIA is, at peak level, a regional body comprised of the nationally-representative bar associations and law societies of 29 countries throughout the Asia Pacific region.

It has been brought to our notice that a number of lawyers in Myanmar have had their practising licences revoked, and it is claimed that this was not in accordance with correct procedure, nor based on any breach of professional codes of conduct. It is claimed that the revocations arose because the authorities took objection to their political activities or their defence of persons accused in political cases. It is understood that many of these lawyers were not given opportunity to represent themselves prior to the revocation of their licences, as is required by the relevant legislation in Myanmar.

Such claims are always of concern to the professional bodies that represent lawyers, in that they indicate an interference with the rights of lawyers not to be identified with the clients they represent and may compromise the universal right of all persons to a fair trial. Further, lawyers have a right to earn their living by practising the profession in which they were trained and licensed, provided they do so in accordance with the law and professional conduct rules. The removal of their ability to do so because the political beliefs they hold do not correspond with those held by the authorities, is of equal concern to the legal and wider community universally.

The United Nation's *Basic Principles on the Role of Lawyers*, as adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 state at Article 18 that:

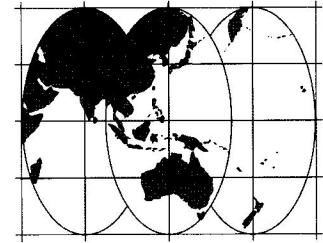
- *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

Equally, the *Universal Declaration of Human Rights* enshrines at Article 19:

- *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.*

These and similar statements found in other international instruments are held as fundamental tenets, pivotal to the conditions that establish an equitable justice system and a society that respects the rule of law and the rights of its citizens.

It is understood that the Bar Council in Myanmar is able to review cases where licences have been revoked and make representation to the Supreme Court accordingly.



**LAWASIA**  
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LAWASIA respectfully encourages your Court to undertake these processes to ensure that these lawyers have not been disadvantaged and discriminated against for politically-motivated reasons, to ensure the independence and impartiality of the judiciary and to guarantee due process of law as urged by the United Nations General Assembly's resolution on the situation of human rights in Myanmar (A/RES/64/238).

Yours sincerely

A handwritten signature in cursive script, appearing to read "Malathi Das". The signature is written in dark ink and is positioned above the typed name.

Malathi Das (Ms)  
**PRESIDENT**