



ALRC-CPL-001-2011

23 December 2011

UN Special Rapporteur on the Independence of Judges and Lawyers  
International Bar Association  
International Commission of Jurists  
& Bar Councils around the world

## **A SPECIAL APPEAL ON BEHALF OF LAWYERS IN MYANMAR (BURMA) WHOSE LICENCES HAVE BEEN REVOKED FOR DEFENDING PERSONS ACCUSED IN POLITICAL CASES OR FOR POLITICAL ACTIVITIES**

The Asian Legal Resource Centre is writing to request your support for lawyers in Myanmar (Burma) attempting to regain licences that they had lost previously for political reasons.

On 4 November 2011, 16 lawyers out of a total of 32 in Myanmar known to the ALRC to have lost their licences for political reasons submitted a petition to the president, former prime minister and army general Thein Sein, asking that the revocation of their licences be reviewed.

In the letter, the lawyers pointed out that their licences were unilaterally revoked not in accordance with the terms of the Bar Council Act, whereby they have a right to make a defence against revocation of the licence. Many of them also received harsh prison terms, some from military tribunals. They note that in the current period, the president has met with Daw Aung San Suu Kyi and both sides are concerned with dialogue for national reconciliation, a process that the lawyers also strongly support. They argue, therefore, that a review of the revocation of their licences is in the current period appropriate, in order to further the process of political reform and progress towards national reconciliation.

The lawyers have requested international support for their petition. Accordingly, on 22 December 2011 the ALRC submitted a letter in support of the lawyers' petition to the Chief Justice of the Supreme Court, which has final authority on the revocation or suspension of lawyers' licences. A copy of that letter is attached, as is a list of each of the 32 lawyers, with some details of their cases.

Now we are asking you to join with us in support of the petition. We are interested to obtain letters of support from as many professional bodies as possible, particularly those with international mandates, and those in the region. You may send your letter of support directly to the chief justice or president in Myanmar, in which case kindly send a copy to our office, at the address found above. Alternatively, you may send your letter to our office directly and we will send it on.

The letter need not be long, but should be explicit in its support for the rights of these lawyers in Myanmar whose licences were removed from them for their simple

expression of political views, or for no more than the defence of persons accused of political offences. We are particularly interested to get the support for these lawyers from their counterparts in professional groups around the world, because we are confident that these will have a strong effect both as a source of encouragement for the lawyers and also as an impetus for the professional bodies concerned in Myanmar to review their cases.

Please note that a number of the lawyers concerned are highly committed human rights defenders and social activists who have continued with their activities despite having been disbarred. Full details of a number of their cases can be found on the website of the Asian Human Rights Commission, via addresses given below. For this reason, that they regain their licences to practice at this time is important, since with the opportunity to work as lawyers again they could contribute in many more important ways towards the prospects of political and social change in Myanmar in the coming period.

Please do not hesitate to contact our office at [burma@humanrights.asia](mailto:burma@humanrights.asia) if you have any further questions concerning any one of the lawyers' cases described herein, or any other aspect of this special appeal.

We look forward to your interventions on behalf of these lawyers.

Yours sincerely

Wong Kai Shing  
Director  
Asian Legal Resource Centre, Hong Kong

#### **APPENDICES**

1. Open letter to the Chief Justice of the Supreme Court of Myanmar
2. List of 32 lawyers known to have been imprisoned and to have had licences revoked for political reasons

## **APPENDIX 1. OPEN LETTER TO THE CHIEF JUSTICE OF THE SUPREME COURT OF MYANMAR**

22 December 2011

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

Tel: + 95 67 404 080/ 071/ 078/ 067 or + 95 1 372 145  
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Dear Chief Justice

### **MYANMAR: Appeal to review cases of 32 lawyers disbarred for political reasons**

The Asian Legal Resource Centre is writing to you further to a letter submitted to the president dated 4 November 2011 by 16 lawyers who were disbarred because of alleged political crimes or politically related violations of their codes of practice.

According to the 16 lawyers, they had their licences revoked unfairly and unlawfully, inasmuch as the revocations were not done in accordance with correct procedure and were motivated not in response to breaches of professional codes of conduct but because of dissatisfaction of the authorities with their political activities, or efforts to defend the rights of persons accused in political cases.

These 16 lawyers constitute half of a total of 32 lawyers of which the ALRC is aware who have had their licences to practice revoked for political reasons. They include 25 advocates licenced to appear before the Supreme Court, including three women advocates; and, seven Higher Grade Pleaders, licenced to appear before lower courts, including one female pleader. A list of the 32 lawyers follows, and we will send separately for your attention a full list with details on each of the lawyers' cases and the reasons for which they were disbarred. We believe that there will be other lawyers aside from these 32 in the same situation of having had their licences revoked for political reasons, many having spent periods in jail.

Each of these 32 did no more than freely represent their political opinions in accordance with the law. A number of them did no more than practice their profession in accordance with the relevant codes of conduct. Most of them did not get any opportunity to represent themselves prior to the removal of their licences, as required under the terms of the Bar Council Act, the Legal Practitioners Act and the Courts Manual, but were simply informed about the revocation of licence via letter.

In light of the unjust circumstances under which the licences of these lawyers were revoked, their shared concern for the upholding of the rule of law through professional practice, and given the changed political circumstances in Myanmar of the last year, we ask that the Supreme Court seek a review of the decisions to revoke the licences of each one of these 32 lawyers, and others in similar circumstances, with a view to restoring them their professional qualifications.

In this regard, we note in the state media of 3 October 2011 the Attorney General of Myanmar, Dr. Tun Shin, did inform the parliament that the Bar Council is authorized to review cases where licences have been revoked and make submissions to the Supreme Court on the same. We urge that in each of the cases of the lawyers listed below, that process now take place in order that they are again able to earn their livelihoods and also contribute towards the development of their country at this vitally important time.

Yours sincerely

Wong Kai Shing  
Director  
Asian Legal Resource Centre, Hong Kong

#### **SUPREME COURT ADVOCATES (licence numbers in brackets)**

1. U Aye Myint (4377)
2. U Myint Than (2639)
3. U Har Mar Nyunt (1756)
4. U Myint Htay (1827)
5. U Khin Maung Thein (2694)
6. U Thaung Myint
7. Daw Khin San Hlaing (4203)
8. U Kyi Win (1506)
9. U Htay (3860)
10. U Khin Maung Thant (1784)
11. U Thein Than Oo (3695)
12. U Sein Nyo Tun (3978)
13. U Aung Thein (2703)
14. U Khin Maung Shein (4660)
15. U Robert Sann Aung (2469)
16. U Saw Hlaing (4666)
17. Daw Tin Htwe Mu (1447)
18. U Saw Htun (2791)
19. U Htun Htun Han
20. Thura U Tin Oo
21. U San Ni Tin Pe
22. U Aye Myint (Guiding Star) (4821)
23. U Myat Hla (1154)
24. Daw Hla Myint
25. "BBC" U Ne Min (2090)

#### **HIGHER GRADE PLEADERS (licence numbers in brackets)**

1. Daw Ohn Kyi (6764)
2. U Aung Kyi Nyunt (3710)
3. U Htun Oo (11942)
4. U Nyi Nyi Htwe (24702)
5. Saw Kyaw Kyaw Min (28261)
6. Ko Phyo Phyu / Yan Naing Aung
7. U Tin Aung Tun (21483)

## **APPENDIX 2. LIST OF 32 LAWYERS KNOWN TO HAVE BEEN IMPRISONED AND TO HAVE HAD LICENCES REVOKED FOR POLITICAL REASONS**

<b>1. U Aye Myint</b>	<b>Supreme Court Advocate, license number 4377</b>
Town of residence	Kale
Court	Mandalay Division Military Tribunal Number 3
Sentence	Death penalty
Decision date	21 September 1989
Release date	December 1997
Revocation of licence	2 May 2000

### *Brief summary of the case*

Served as the chairperson of National League for Democracy (NLD) in Kale Township. In 1988, during the time of uprising, the whole general strike committee was given punishment over the death of U Thaug Aye, a Township People's Council member.

<b>2. U Myint Than</b>	<b>Supreme Court Advocate, License number 2639</b>
Town of residence	Shwebo
Court	Mandalay Division Military Tribunal Number 4
Sentence	Death penalty
Decision date	September 1989
Release date	December 1997
Revocation of licence	1989
Signatory of letter to president	

### *Brief summary of the case*

In 1988 he was running a strike committee in Shwebo. He was accused in a murder case arising out of events in 1988 and punished under the Emergency Provisions Act, 1950, section 5.

<b>3. U Har Mar Nyunt</b>	<b>Supreme Court Advocate, License number 1756</b>
Town of residence	Kyaukse
Court	Mandalay Division Military Tribunal Number 2
Sentence	13 years imprisonment
Decision date	22 December 1989
Release date	26 March 1995
Revocation of licence	23 January 1996 (Supreme Court Order No. 1/96)
Signatory of letter to president	

### *Brief summary of the case*

During the 1988 uprising, he was secretary of the strike committee in Kyaukse. Soon after he was punished under the Public Property Protection Act, 1947, section 3.

**4. U Myint Htay** **Supreme Court Advocate, License number 1827**  
 Town of residence Thazi  
 Court Meiktila Military Tribunal Number 10  
 Sentence 5 years imprisonment  
 Decision date 23 December 1989  
 Revocation of licence 23 April 2003 (Supreme Court Order No.63/ 2003)  
 Signatory of letter to president

*Brief summary of the case*

Working as the secretary in a strike committee at the time of the 1988 uprising, he was accused in connection with the takeover of the ruling Burma Socialist Programme Party office in Thazi Township, and the office of the Lanzin Youth (party youth wing). He was sentenced under the Penal Code, sections 452/447/427.

**5. U Khin Maung Thein** **Supreme Court Advocate, License Number 2694**  
**6. U Thaung Myint** **Supreme Court Advocate**  
 Town of residence Thazi  
 Court Yangon Division Military Tribunal Number 1  
 Sentence 25 years imprisonment  
 Decision date 30 April 1991  
 Release date 4 May 1992  
 Revocation of licence 1993

*Brief summary of the case*

In 1990, these two lawyers were elected to the parliament as representatives of the NLD (NLD) in Khin Oo constituency. Both were given life imprisonment under the Penal Code, section 122, for treason, but in 1991 were released.

**7. Daw Khin San Hlaing** **Supreme Court Advocate, License number 4203**  
 Town of residence Wetlet  
 Court Yangon Division Military Tribunal Number 1  
 Sentence 25 years imprisonment  
 Decision date 30 April 1991  
 Release date 4 May 1992  
 Revocation of licence 1999

*Brief summary of the case*

She was elected to parliament as the NLD representative in Wetlet Township constituency during the 1990 election, convicted of treason but subsequently released. She lost her licence for organizing NLD members.

**8. U Kyi Win** **Supreme Court Advocate, License number 1506**  
 Town of residence Labutta  
 Court Myaung Mya District Court  
 Sentence 2 years imprisonment  
 Decision date August 1999  
 Release date July, 2011  
 Revocation of licence August 1990  
 Signatory of letter to president

*Brief summary of the case*

From the central committee of the NLD, he was elected as parliamentary representative for Labutta constituency 1 and convicted of upsetting public tranquility under the Penal Code, section 505(b).

<b>9. U Htay</b>	<b>Supreme Court Advocate, License number 3860</b>
Town of residence	Pyapon
Court	Pyapon Township Court
Sentence	7 years imprisonment
Decision date	March 1993
Release date	1998
Revocation of licence	2000

*Brief summary of the case*

Advocating for farmers whose lands were forcibly seized by the state in Pyapon, he was given 7 years in prison under the 1950 Emergency Provisions Act, section 5.

<b>10. U Khin Maung Thant</b>	<b>Supreme Court Advocate, License number 1784</b>
Town of residence	Mandalay
Court	Mandalay Division Military Tribunal Number 4
Sentence	10 years imprisonment
Decision date	5 February 1990
Release date	2 February 2001
Revocation of licence	26 September 2001 (Supreme Court Order No. 97/2001)
Signatory of letter to president	

*Brief summary of the case*

Serving as the vice-chairperson of the National Political Front (NPF), being involved in the National Industrial Safety Committee (NISC) and he was given a penalty under the 1950 Emergency Provisions Act, section 5J.

<b>11. U Thein Than Oo</b>	<b>Supreme Court Advocate, License number 3695</b>
Town of residence	Mandalay
Court	Mandalay Division Military Tribunal Number 4
Sentence	14 years imprisonment
Decision date	5 February 1991
Release date	2 February 2001
Revocation of licence	26 September 2001 (Supreme Court Order No. 97/2001)
Signatory of letter to president	

*Brief summary of the case*

He was given punishment for serving as the second secretary of the NPF and secretary of the NISC, for unlawful publication of printed materials and for distribution of cassettes threatening the integrity of the armed forces for which he was convicted under the Emergency Provisions Act, section 5 (J).

**12. U Sein Nyo Tun**                      **Supreme Court Advocate, License number 3978**  
Town of residence                      Mandalay  
Court    Mandalay Division Military Tribunal Number 4  
Sentence                                        7 years imprisonment  
Decision date                                5 February 1991  
Release date                                    1995  
Revocation of licence                      26 September 2001 (Supreme Court Order No. 97/2001)  
Signatory of letter to president

**13. U Aung Thein**                      **Supreme Court Advocate, License number 2703**  
**14. U Khin Maung Shein**              **Supreme Court Advocate, License number 4660**  
Town of residence                      Yangon  
Court    Supreme Court  
Sentence                                        4 months imprisonment  
Decision date                                7 November 2008  
Release date                                    7 March 2009  
Revocation of licence                      15 May 2009 (Supreme Court Order No. 46/2009)  
Signatories of letter to president

*Brief summary of the case*

U Aung Thein was working and serving in the NLD main office as deputy chairman of the Central Legal Committee, which was giving legal assistance and advocating in political cases; U Khin Maung Shein was volunteering with the committee part time. In 2008, they were representing clients in political cases heard in the special courts inside Insein Central Prison They were given prison terms for contempt of court. Two months after release from prison both had licences revoked by the Supreme Court under the Bar Council Act, section 10(1).

*Full details of case:* <http://campaigns.ahrchk.net/burma-lawyers/>

**15. U Robert Sann Aung**              **Supreme Court Advocate, License number 2469**  
Town of residence                      Yangon  
Court    Insein Prison Special Court  
Sentences                                        7 years imprisonment; 2 years and 6 months  
Decision dates                                11 April 1997; 20 November 2008  
Release date                                    17 December 2010  
Revocation of licence                      1 January 1993  
Signatory of letter to president

*Brief summary of the case*

He has been imprisoned approximately six times in total.

**16. U Saw Hlaing**                      **Supreme Court Advocate, License number 4666**  
Town of residence                      Indaw  
Court    Military Tribunal  
Sentence                                        25 years imprisonment  
Decision date                                1991  
Release dates                                27 May 1992; 12 November 2001  
Revocation of licence                      1991



Signatory of letter to president

*Brief summary of the case*

He was elected to parliament as a representative for NLD in the 1990 election. Afterwards, he was sentenced under the Emergency Provisions Act, section 5(j); and the Printers and Publishers Registration Law, section 16/20. He has been imprisoned four times in total.

<b>17. Daw Ohn Kyi</b>	<b>Higher Grade Pleader, License number 6764</b>
Town of residence	Meiktila
Court	Yangon Division Military Tribunal Number 1
Sentence	25 years imprisonment
Decision date	30 April 1991
Release date	4 May 1992
Revocation of licence	1993

*Brief summary of the case*

She was elected to parliament for the seat of Meiktila in the 1990 election, and subsequently charged with treason under the Penal Code, section 122.

<b>18. U Aung Kyi Nyunt</b>	<b>Higher Grade Pleader, License number 3710</b>
Town of residence	Chaungzon
Court	Chaungzon Township Court
Sentence	2 years imprisonment
Decision date	December 1990
Release date	10 April 1992
Revocation of licence	September 1992

*Brief summary of the case*

Elected to parliament in 1990 for the NLD, in Chaungzon constituency, Mon State.

<b>19. U Htun Oo</b>	<b>Higher Grade Pleader, License number 11942</b>
Town of residence	Yangon
Court	Yangon Division Military Tribunal Number 1
Sentence	Life imprisonment
Decision date	1 November 1989
Release date	2 November 1999
Revocation of licence	1989
Signatory of letter to president	

*Brief summary of the case*

Penalized for attempting to bring down the state over his part in the 1988 protests.

<b>20. U Nyi Nyi Htwe</b>	<b>Higher Grade Pleader, License number 24702</b>
<b>21. Saw Kyaw Kyaw Min</b>	<b>Higher Grade Pleader, License number 28261</b>
Town of residence	Yangon
Court	Yangon Western District Court
Sentence	6 months imprisonment
Decision date	30 November 2008
Release date	2009; absconded
Revocation of licence	mid 2010

Ny Nyi Htwe signatory of letter to president

*Brief summary of case*

Convicted under the Penal Code, section 228, for allegedly failing to comply with a judge's instructions over a protest action by clients in a political case arising out of the 2007 demonstrations; Saw Kyaw Kyaw Min absconded and fled to Thailand before the sentence was passed.

*Further information:*

<http://www.humanrights.asia/news/forwarded-news/AHRC-FPR-032-2008/>

**22. U Tin Aung Tun**                      **Higher Grade Pleader, License number 21483**  
Town of residence                      Minbu  
Revocation of licence                2011  
Signatory of letter to president

*Brief summary of the case*

He was assisting farmers in their legal claims against land grabbers in Kanma Township when his licence was revoked without reason. Not imprisoned.

**23. Daw Tin Htwe Mu**                **Supreme Court Advocate, License number 1447**  
Town of residence                      Yangon  
Court                                        Mawlamyinegyun Military Tribunal  
Sentence                                 5 years imprisonment  
Decision date                          1990  
Release date                            1995  
Revocation of licence                1995  
Signatory of letter to president

*Brief summary of the case*

The daughter of Thakin Ba Thein Tin, a leader of the Burma Communist Party, she was put behind bars under the 1950 Emergency Provisions Act.

**24. U Saw Htun**                        **Supreme Court Advocate, License number 2791**  
Town of residence                      Monywa  
Court                                        Monywa Township Court  
Sentence                                 2 years imprisonment  
Decision date                          2 June 2003  
Release date                            29 May 2004  
Revocation of licence                10 December 2003

*Brief summary of the case*

While he was volunteering as a member of the NLD legal aid support group in his township, he put up an NLD signboard, whereupon he was detained and charged under the Penal Code, section 505(b) with upsetting public tranquility.

<b>25. U Htun Htun Hein</b>	<b>Supreme Court Advocate</b>
Town of residence	Naungcho
Court	Naungcho Township Court
Sentence	21 days
Decision date	March 1989
Release date	June 1989
Revocation of licence	December 1992

*Brief summary of the case*

He was elected as parliamentary representative for the NLD in Naungcho Township. In 1992, he participated in the National Convention to prepare drafting of a new constitution. Also he has been part of the NLD legal aid central committee.

<b>26. Thura U Tin Oo</b>	<b>Supreme Court Advocate</b>
Town of residence	Yangon
Court	Military tribunal
Sentence	7 years imprisonment

*Brief summary of the case*

NLD deputy chairperson, tried for treason; imprisoned and licence revoked.

<b>27. U San Ni Tin Pe</b>	<b>Supreme Court Advocate</b>
Town of residence	Yangon
Court	Military tribunal
Sentence	Life imprisonment
Decision date	1988

*Brief summary of the case*

Imprisoned for his involvement in a strike committee during 1988.

**28. Ko Phoe Phyu (a.k.a.) Yan Naing Aung  
Higher Grade Pleader, License number 23815**

Town of residence	Yangon
Court	Aunglan Township Court
Sentence	4 years imprisonment
Decision date	17 March 2009
Release date	March 2010
Revocation of licence	11 March 2010

*Brief summary of the case*

Around May 2008 he worked through a young lawyers group to give legal aid to clients being tried in the Insein Central Prison. He was accused of forming an illegal organization under the Organisation Law 1988 while working through his Youth Lawyers Group to represent farmers whose lands had been seized from them.

*Further information:*

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-032-2010>

<b>29. U Aye Myint</b>	<b>Supreme Court Advocate, License number 4821</b>
Town of residence	Bago
Court	Daik-U Township Court
Sentence	7 years imprisonment
Decision date	31 October 2005
Release date	2006
Revocation of licence	12 May 2006 (Supreme Court Order No. 40/2006)
Signatory of letter to president	

*Brief summary of the case*

Imprisoned under the 1950 Emergency Provisions Act, section 5(e), over cases of forced labour in which he was assisting farmers through his Guiding Star group. Released due to pressure from the International Labour Organisation.

*Further information:*

<http://www.humanrights.asia/news/urgent-appeals/UA-119-2006/>  
[http://www.humanrights.asia/news/urgent-appeals/UP-125-2006](http://www.humanrights.asia/news/urgent-appeals/UP-125-2006/)

<b>30. U Myat Hla</b>	<b>Supreme Court Advocate, License number 1154</b>
<b>31. Daw Hla Myint</b>	<b>Supreme Court Advocate</b>
Town of residence	Bago
Court	Bago Township Court
Sentence	Acquitted
Decision date	1994
Revocation of licence	1992

*Brief summary of the case*

In the 1990 election U Myat Hla was chosen as parliamentary representative from Bago constituency 2. He was the chairman of the Bago NLD also, and president of the Bar Association in Bago. A client brought a politically motivated complaint against him and Daw Hla Myint for alleged malpractice. Although the case was dismissed, their licences have remained revoked.

<b>32. “BBC” U Ne Min</b>	<b>Supreme Court Advocate, Licence number 2090</b>
Town of residence	Yangon
Court	Insein Prison Special Court
Sentence	35 years imprisonment
Decision date	21 October 1988; 2003
Release date	1996; 2011
Revocation of licence	1989

*Brief summary of case*

Charged under the Unlawful Associations Act, section 17(1)(2), the Emergency Provisions Act, section 5(j) and the Official Secrets Act, section 10 for having unauthorized possession of a telephone and for involvement in the protests in 1988, including contact with a BBC reporter, and subsequent political activities. Imprisoned twice for eight years. Licence revoked before first conviction.