

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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07 September 2012

U Thein Sein
President of the Republic of the Union of Myanmar
Nay Pyi Taw
Myanmar

Dear Mr President,

Re: Lawyer Saw Kyaw Kyaw Min

In October 28, 2008, lawyer Saw Kyaw Kyaw Min was accused of engaging in an offence described as contempt of court / disrupting judicial servants while defending clients in a criminal proceeding. The alleged criminal act involved Saw Kyaw Kyaw Min's refusal to make his clients face the court after his clients had turned their backs in protest against the proceedings against them. Radio Free Asia and others reported that Saw Kyaw Kyaw Min was sentenced to 6 months imprisonment for this act. Fearing arrest, Saw Kyaw Kyaw Min fled to Thailand.

In May, 2012, Saw Kyaw Kyaw Min reportedly returned to Burma. It has been reported that he was arrested and imprisoned in late August in relation to the 2008 contempt conviction, and that he was arrested on the same day that his name was removed from the country's blacklist.

It is reported he is now serving a six month sentence.

In the last several months at least 11 lawyers in Burma have been re-admitted to the Bar. Those lawyers had been disbarred for what we regard as proper and appropriate activities in their role as lawyers. We were very pleased to see that they were allowed to return to the legal profession. We regard their re-admission as a sign of the continuing progress on the road to democracy for your country and we congratulate you on the changes that have come about since you were chosen as President of Myanmar.

In our view Saw Kyaw Kyaw Min's actions in court, the actions that led to the contempt finding, were the proper actions of a lawyer in representing his client(s).

We urge you to immediately commute the six month sentence that Saw Kyaw Kyaw Min is serving. Such an action by you will re-enforce the view that things are changing for the better in Myanmar. And will re-enforce the perception that lawyers in Burma will be free to carry on their activities as lawyers, without the fear of disbarment and imprisonment.

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

Sincerely,

A handwritten signature in black ink that reads "Paul D. Copeland". The signature is written in a cursive, flowing style.

Paul Copeland, B.Sc., LL.B., C.M.
Chair, Board of Directors
Lawyers Rights Watch Canada

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