

**ECBA HUMAN RIGHTS COMMITTEE STATEMENT IN SUPPORT OF THE LAWYERS
AND LEGAL SYSTEM IN MYANMAR AND IN OPPOSITION TO THE MILITARY COUP D'ÉTAT**

We wish to express our solidarity with members of the legal profession in Myanmar (Burma) who are working to uphold the rule of law at this difficult time. Myanmar lawyers (and many other medical and government workers and others) are protesting peacefully against the military coup d'état that took place on 1 February 2021. Many lawyers are offering support to other protestors, despite knowing that this may put their careers at risk.

We note with concern that, according to reports, new amendments to the Penal Code 1860 (sec. 124A) criminalize any anti-government protest with a possible sanction of imprisonment of 20 years. There are also reports of the arrest of Myanmar lawyers and the fact that basic rights have been removed.

We note too the almost universal condemnation of the coup and/or the alterations to criminal law and practice by the international community. The UN Security Council has expressed deep concern at the declaration of the state of emergency and arbitrary detention of members of the Government, including de facto leader and State Counsellor Aung San Suu Kyi, President Win Myint and others. The Security Council called for the immediate release of all those detained (<https://www.un.org/press/en/2021/sc14430.doc.htm>). The UN Secretary General has urged the international community to "send a clear signal to the military that it must respect the will of the people of Myanmar as expressed through the election and stop the repression."

Our friends and colleagues in the legal profession in Myanmar are struggling at great personal risk and cost to make the country a free and democratic society. We exhort supporters throughout the world not to forget them and to stand with them.

The ECBA asks that all necessary measures are undertaken to guarantee that all lawyers in Myanmar are able to carry out their professional duties without fear of reprisal, intimidation or harassment, in order to preserve the independence and integrity of the administration of justice and the rule of law.

In this context, the ECBA wishes to draw attention to the United Nations Basic Principles on the Role of Lawyers, in particular Principle 16 that stipulates that 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

We urge the military and government offices of Myanmar to ensure that members of the legal profession are not unfairly detained or otherwise targeted, that vital access to justice is not curtailed, and public confidence in the justice system is not undermined.

In particular, we urge General Min Aung Hlaing to release all detained defence lawyers, release those civil authority figures who have been detained, restore the rule of law and democracy, and ensure that the basic rights of Myanmar citizens are protected.