

Your Ref:

*Quote in reply:* International Law / Relations Committee

23 February 2012

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

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Dear Chief Justice

## **REVOCAION OF LAWYERS' PRACTISING LICENSES**

We write on the advice of the Queensland Law Society's International Law and Relations Committee and to lend support to our LAWASIA colleagues in regard to the treatment of lawyers in Myanmar.

We write to express our concern about the press release issued by the Asian Legal Resource Centre indicating that a number of lawyers have had their practising licenses revoked. This press release alleges that the revocations were not done in accordance with the correct procedure, or as a consequence of any breach of professional conduct codes. We understand that the revocations occurred because of lawyers' participating in political activities and defending persons accused in political cases. It is our view that such conduct has implications for the independence of the legal profession and the rule of law in Myanmar.

We refer to the internationally agreed United Nations Basic Principles on the Role of Lawyers. This treaty was formulated to assist States in their task of promoting and preserving the proper role of lawyers. It holds that lawyers should be respected and taken into account by Governments within the framework of their national legislation and practice. Perhaps this document could be brought to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general, to assist them in understanding the role of lawyers. We note in particular several relevant sections which hold that:

- Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and 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;
- Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities;

- Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions; and
- Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of these rights.

We respectfully request that lawyers be protected from harassment or persecution for carrying out their legal duties and for exercising their right to freedom of expression.

Yours faithfully

Dr John de Groot  
**President**