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Appeal to Lawyers inside Burma for Reactivation of the Burma Bar Council and Bar Associations and Reformation of the Burma Judiciary

1. In February 2007, a BLC representative attended a seminar on “The Role of Lawyers, the Bar and the Bench in Preventing and Combating Corruption within the Justice System” held in Bangkok, Thailand. The leading lawyers of 35 bar associations from around the world, including the International Bar Association, Law Asia, the Lawyers Council of Thailand, the American Bar Association, the Integrated Bar of the Philippines, and others participated in the seminar. The seminar made clear that lawyers and bar associations have a duty to combat corruption.

2. Corruption is rampant in the administrative mechanism of Burma. For instance, on October 19, 2004, the military junta charged its prime minister, General Khin Nyunt, of corruption. In May 2005, approximately 250 customs officials were arrested for corruption.¹ In May 2006, eight customs officers as well as 10 from Merchant Associations were arrested in Mu-se near the China-Burma border for corruption.² The same happened to Brigadier Aung Kyi, Deputy Minister in the Ministry of Social Welfare, and Brigadier Win Sein, Deputy Minister in the Ministry of Labor, against whom action was taken in November 2006.³ These are just examples of a system rife with corruption at all levels. As a result of the corruption, government authorities retain the wealth of the country while the vast majority of the citizenry lives in poverty.

3. In most countries, the judiciary plays a critical role in promoting a clean government and facilitating good governance. But in Burma, the judiciary is just as corrupt as the administration. A number of judges as well as court officials regularly take bribes and rule in favor of those who can bribe them. When the judiciary itself is corrupt, taking legal action against public officials on charges of corruption is pointless. There is no better time than now for the lawyers to participate in the reformation of the judiciary and revitalize the role of the Bar Council and Bar Associations. Specifically, the BLC respectfully makes the following recommendations:

- The Bar Council and Associations should actively support lawyers who fight for justice. When appropriate, the Council and Associations should speak out publicly in defense of lawyers who protect the rights of people legally.

¹ Source: Democratic Voice of Burma (DVB), Oct. 31, 2006

² Source: Democratic Voice of Burma (DVB), May 7, 2006

³ Source: Irrawaddy News, November 11, 2006

- The Bar Council and Bar Associations should insist on proactive participation by their members in bringing about reform of the judiciary and reduction of corruption. The Bar must initiate and facilitate changes on the Bench.
- To maintain its independence from the ruling military regime, the chair of the Bar Council must not be the Attorney General. In most countries, unlike in Burma, the chair of the Bar is elected by its members.
- The attorneys of Burma should revitalize the spirit of the Bar Council and Bar Associations that existed prior to 1988. At that time, elected bar leaders ran the Bar Council. While the Attorney General was the head of the Council, the position was merely a ceremonial one. The bar played a crucial role in initiating the 1988 Uprising and everyone respected the bar. Now, unfortunately, it is silent and has lost much of its strength and credibility. The BLC requests the leading lawyers in Burma to once again stimulate the Bar Council and motivate younger lawyers to defend justice.

Now, more than ever, the country of Burma needs to hear the voices of lawyers crying out against injustice and corruption. It is also the responsibility of lawyers to reinvigorate society from the legal point of view, reactivate the Bar Council and Bar Associations, and fight for the rule of law.

Burma Lawyers' Council

March 1, 2007