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Statement on the Declaration of the Burma Lawyers' Council as an Unlawful Association

The following statement is in reference to SPDC Order Number 1/2009, on April 30, 2009, which declares the Burma Lawyers' Council (BLC) to be an Unlawful Association.

1.) The law which is being utilized by the SPDC to declare associations as “unlawful” is the Unlawful Associations Act which was ratified on December 11, 1908. According to this law, the president of the legitimate government is given the power to declare an association as an Unlawful Association. However, the SPDC is not the legitimate government and Sen. Gen. Than Shwe is not the President of the Union. He is, however, the chairman of the SPDC military government which came to power in an illegal coup to establish an illegal government. Therefore neither he, nor any leader of the SPDC, has the power to declare an association as an Unlawful Association.

2.) The Burma Lawyers' Council, its member lawyers and staff are not those who habitually commit violence or intimidation to be constituted as crimes in accordance with Article 15 Paragraph (b). Rather, we, the BLC, are using peaceful methods to effect change in society through legal activism in line with international law, the international human rights laws and the international humanitarian laws. The reality is that the SPDC, which fabricates the criminalization of the Burma Lawyers' Council, as an unlawful association, is the regime which abuses this law for its own benefit, in violation of the rule of law.

3.) Should the Unlawful Associations Act of 1908 be used correctly, Senior General Than Shwe, the leader of the de facto military government and its members should be declared an Unlawful Association. In addition, the SPDC has misused the law to include anyone in communication with the BLC as a member of an Unlawful Association. This is, clearly, an illegal declaration.

4.) This means that groups such as the international human rights groups, international legal organizations and the leaders of the democratic governments which support peace, freedom and justice are Unlawful Associations. The BLC and any organization in communication with the BLC are part of an Unlawful Association. In the eyes of the SPDC, we are all criminals.

5.) We, the BLC, its members, our friendship associations and the larger international community with which we maintain contact, are not Unlawful Associations according to international law and domestic Burmese law. In reference to the Unlawful Associations

Act of 1908 and international law, this declaration by the SPDC military government of Burma is unjustified and blatantly illegal.

Burma Lawyers' Council
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