

BY AIRMAIL

President U Htin Kyaw
President's Office
Office No.18
Nay Pyi Taw,
Republic of the Union of Myanmar

Amsterdam, 8 February 2017

Subject: Killing of lawyer U Ko Ni

Your Excellency,

Lawyers for Lawyers is an independent, non-profit and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

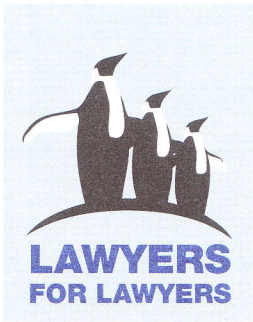
Lawyers for Lawyers was shocked to learn about the killing of lawyer U Ko Ni. According to our information, on 29 January 2017, U Ko Ni was shot at close range in the head by a gunman as he was preparing to leave Yangon International Airport, having just returned from a government-organised visit to Indonesia. A taxi driver who tried to apprehend the gunman as he attempted to flee the scene was also shot, and later died in hospital. A number of other taxi drivers were successful in stopping and detaining the gunman until the police arrived.

U Ko Ni was one of Myanmar's most prominent lawyers and a distinguished legal advocate for human rights. He was the legal advisor to Aung Sang Suu Kyi (leader of the National League for Democracy), and a central committee member of the constitutional reform committee. U Ko Ni was also a patron of the recently formed Myanmar Muslim Lawyers Association.

Lawyers for Lawyers would like to draw your attention to the UN Basic Principles on the Role of Lawyers¹, and more in particular Articles 16, 17 and 23, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) 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.

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

23. 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 their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Carry out a prompt, thorough, impartial and transparent investigation into the killing of U Ko Ni, so as to identify all those responsible and bring them to justice;
- Guarantee in all circumstances that all lawyers in Myanmar are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

Thank you for your attention to this very important matter. We are confident that the government of Myanmar will give this case the attention it deserves and we will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

LAWYERS FOR LAWYERS

Adrie van de Streek
Executive Director

A letter concerning the same topic was sent to:

- Minister of Home Affairs Republic of the Union of Myanmar, Lt. Gen. Kyaw Swe