



ORDRE DES  
AVOCATS  
DE PARIS

*Le Bâtonnier*

Adresse postale :  
11 place Dauphine  
75053 Paris cedex 01  
Tél. : 01 44 32 48 10  
Fax : 01 44 07 26 74  
e-mail : lebatonnier@avocatparis.org

Mister Aye Maung  
Attorney General  
Office of the Attorney General  
101 Pansodan Street,  
Kyauktada Township  
Yangon  
Myanmar  
Fax : + 95 1 371 028  
Fax : + 95 1 282 449  
Fax: + 95 1 282 990

Paris, 31st October 2008,

CCB/MG/ET

Dear Attorney General,

I am writing on behalf of the Paris Bar which represents more than 21 000 lawyers. The Paris Bar is deeply concerned about the situation and security of Mr Nyi Nyi Htwe, human right lawyer.

We have been informed by The Observatory for the protection of Human Rights Defenders that Mr Nyi Nyi Htwe was sentenced by the Rangoon Northern District Court six months in prison for “interruption and insulting the judiciary proceeding”, under the Section 228 of the Penal Code. Mr Nyi Nyi Htwe was sentenced along with three defendants whom he represents on trial. They were not allowed to have legal representatives.

According to the Observatory, when Mr. Nyi Nyi Htwe asked the judge to allow him to make his own defence, the judge scolded him and threatened him with another lawsuit.

Mr. Nyi Nyi Htwe, along with Mr. Saw Kyaw Kyaw Min, were the defence lawyers of the 11 National League for Democracy (NLD) young protesters who

were arrested in September 2008 for having peacefully marched towards the Shwe Dagon Pagoda on June 19, 2007, on Daw Aung San Suu Kyi's birthday.

The 11 were arrested during their march and released on the next day. One year later, they were arrested again, charged with an offence for instigation to public unrest, and brought to trial before the Hlaing Thar Yar Township Court.

According to the Observatory, since the beginning of the trial, the lawyers have not been allowed to meet with their clients in private, the judge have not allowed them sufficient time to make counter questions against the prosecution witnesses, and members of the family have not been allowed to attend the court hearings.

As a consequence, the Paris Bar would like to express its deepest concern regarding Mr Nyi Nyi Htwe's detention, which underlines the repressive environment for human rights defenders in Myanmar.

On behalf of the Paris Bar, I ask you to guarantee in all circumstances the physical and psychological integrity of Mr Nyi Nyi Htwe and Mr Saw Kyaw Kyaw Min.

My approach is inspired from the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states:

*"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels".*

Article 12.2, provides:

*"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";*

I also ask you to release immediately Mr Nyi Nyi Htwe.

The Paris Bar hope that you will take all necessary measures to ensure that such acts of intimidation against lawyers and human rights defenders do not happen again.

I seek your reassurance that you will also provide adequate protection to these human rights defenders.

We thank you in advance for providing attention to our request.

Sincerely yours,

A handwritten signature in black ink, consisting of several fluid, connected strokes that form a cursive name.

Christian Charrière-Bournazel  
Bâtonnier de l'Ordre des avocats de Paris