

Burma Lawyers' Council

The following letters were received from the Burma Lawyers' Council and their Australian Section with the request that these be printed in Balance with a view to informing the legal community of the NT and seeking its support. These have been printed in an abridged form. The full text is available from the Law Society. Ms Saffin may be contacted at the Legislative Council, Parliament House, Macquarie St, Sydney NSW; tel: 02 9230 2111 fax: 02 9233 3661; e-mail CSAFFIN@PARLIAMENT.NSW.GOV.AU

Lawyer Friends in Australia

We are both lawyers from Burma, which is under the rule of a military dictatorship called the State Peace and Development Council (SPDC) (until recently the State Law and Order Restoration Council (SLORC)). Public support for and efforts to maintain the rule of law in Burma led us to form the BLC. We were forced to flee our country. We live in exile without residency status and are stateless. The military caused us to be disbarred from legal practice in Burma.

We formed the lawyers' organisation and continue our struggle focusing on restoration of rule of law, protection of human rights and emergence of a new democratic constitution, which will guarantee equal rights among ethnic nationalities in Burma.

We are confident that lawyers can play a significant role in seeking justice, protecting the rights of people, and establishing a peaceful human society. To this end, we realise that in any country, the fundamental rights of the people must be guaranteed; an independent judiciary and legal system must be established in accordance with the constitution; and all the people without exception must observe the principles of rule of law.

In Burma, the ruling generals have put themselves above the law. They make laws at whim, generally called orders; they observe the laws when they want to manipulate them for their own benefit, they violate and neglect them when these laws are against their own benefits. There is no independent judiciary. All the judges are under the control of the generals.

Activists who publicly seek democracy and human rights frequently find themselves in court (generally a military one). They are denied legal representation and are given predetermined sentences. Seven years is the norm. Such trials are daily occurrences for the average people in Burma.

There is no independent bar associa-

tion. The military elite has systematically destroyed the legal profession. The dignity of lawyers in Burma is profoundly diminished. Under such oppression from the military regime, many lawyers have died in prison. Many lawyers gave up their profession, and many are in exile.

You and we are in the same profession. While you are enjoying your life with freedom as dignified lawyers, we as exiled lawyers are in hot water. Nevertheless, we have unyieldingly continued to achieve our objectives since 1988. We request your encouragement, cooperation and support for peace, justice and rule of law in Burma.

To work collegiately with us, we request your active support. In Australia, Mr Philip Smyth is President of the Burma Lawyers' Council (Australian Section) and Ms Janelle Saffin is our Honorary Secretary.

We respectfully and urgently request that you respond to them with your pledge of support.

U Thein Oo **U Aung Htoo**
Chairman **Secretary**

Dear Colleagues

I am seeking your support to join a network of Australian lawyers who will actively work with the Burma Lawyers' Council. In Australia, Mr Phillip Smyth and myself are the BLC (Australian Section) representatives.

In 1990 general elections were held in Burma and the National League for Democracy (NLD), whose General Secretary is Daw Aung San Suu Kyi, despite many obstacles, won 392 of the 485 seats. The people made it clear who they wanted to lead their country, but the military (SPDC) ignored the election results, refusing to transfer power and have continued their military dictatorship to this day.

Many of those who were elected were subsequently incarcerated in Rangoon's infamous Insein Prison. Many are still languishing there and some sadly

have died.

There is no rule of law in Burma, and the system is rife with fear and corruption. The BLC researches and exposes the lack or absence of the rule of law in all its manifestations.

The BLC also writes articles, papers etc and response to individual matters brought to its attention, assists both refugees and internally displaced persons and works closely with the ethnic peoples of Burma, who suffer appalling discrimination. The Council participates in fora in ASEAN and other countries and provides human rights and legal training sessions to those people living in the Thai-Burma and India-Burma border area.

BLC lawyers are also actively involved in the negotiation and drafting of a democratic constitution for a future Federal Union of Burma. This is done under the auspice of the National Council of the Union of Burma (NCGUB), the parliament in exile.

What we are asking for is for you to become a supporter of the BLC and thereby a supporter of the restoration of the rule of law in Burma, and agree to be part of the network.

From time to time we'll ask for specific assistance, particularly in research area, materials, texts and occasionally financial, but because of the many financial demands on the legal profession this would be done sparingly. Importantly we'll ask you to add your voice to those already speaking out to uphold the rule of law.

If you would like to discuss this further with us, please do not hesitate to contact us.

The Hon Janelle Saffin, MLC
Honorary Secretary
Burma Lawyers' Council
Australian Section

Philip Smyth
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