

**STATEMENT OF SUPPORT FROM AMERICAN LEGAL  
EDUCATORS AND LAWYERS IN OPPOSITION TO  
MILITARY COUP D'ÉTAT IN MYANMAR**

We wish to express our solidarity with members of the legal profession in Myanmar/Burma who are working to uphold the rule of law at this difficult time. Myanmar lawyers (and many other medical and government workers and others) are protesting peacefully against the February 1, 2021 military coup d'état. Many lawyers are offering support to other protestors, knowing that this may put their careers at risk.

We note with concern that new amendments to the Penal Code 1860 (sec. 124A) criminalize any anti-government protest with a possible sanction of imprisonment of 20 years and reports of the arrest of Myanmar lawyers and the fact that basic rights have been removed.

We note too the almost universal condemnation of the coup by the international community and/or the alterations to criminal law and practice. The UN Security Council has expressed deep concern at the declaration of the state of emergency and arbitrary detention of members of the Government, including *de facto* leader and State Counsellor Aung San Suu Kyi, President Win Myint and others. The Security Council called for the immediate release of all those detained. (<https://www.un.org/press/en/2021/sc14430.doc.htm>) The UN Secretary General has urged the international community to “send a clear signal to the military that it must respect the will of the people of Myanmar as expressed through the election and stop the repression.”

While the Myanmar military (*Tatmadaw*) has presented its actions as a declaration of a state of emergency under sec. 417 of the 2008 Constitution, neither the facts nor the law support this interpretation. The allegations of voter fraud in the November 2020 elections, on which the *Tatmadaw* relied, were dismissed by the Union Election Commission. The factual precondition for the exercise of sec. 417 power was thus not satisfied. Even if this were not so, the state of emergency should have been declared by Myanmar's duly appointed President. Instead, it was declared by the *Tatmadaw*-appointed Vice-President, after President Win Myint was unlawfully arrested and deposed. The military's actions have no constitutional, and even less democratic, justification. In the words of one expert on the Myanmar Constitution what occurred “was a show of force and power grab by the military, a coup, not a constitutional emergency.”

The brief and “disciplined” development of Myanmar toward some form of open and democratic society has already been a complex mixture of hope, achievement and disappointment. Re-imposition of military rule can only promise more of the latter and none of the former. For the sake of Myanmar’s 54,000,000 people, we are united with them in their fervent wish that this initiative will fail.

Our friends and colleagues in Myanmar are struggling at great personal risk and cost to make it a free and democratic society. We exhort supporters throughout the world not to forget them and to stand with them.

**We urge the military and government offices of Myanmar to ensure that members of the legal profession are not unfairly detained or otherwise targeted, that vital access to justice is not curtailed, and public confidence in the justice system is not undermined.**

**In particular, we urge Gen. Min Aung Hlaing to release all detained defense lawyers, release those civil authorities who have been detained, and restore them to power—including President U Win Myint, State Counsellor Daw Aung San Suu Kyi, Union Attorney General U Tun Tun Oo, and state and regional advocates general—and to ensure that the basic rights of Myanmar citizens are protected.**

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Bureau of Democracy, Human Rights & Labor

American Bar Association – International Law Section

*The American Lawyer / National Law Journal*

*The Daily Journal*

*Academe* Blog (American Association of University Professors)

American Association of Law Schools – Section on International Human Rights