



International Bridges to Justice (IBJ)

IBJ Myanmar Program Annual Report – 2021

Broadening Justice to Address Poverty and Conflict in Myanmar

Outcome 1: Stronger cost-effective Justice Centres provide no-cost legal advice and representation to indigent and vulnerable accused individuals achieving more individual justice and systemic change

Output 1.1: Sustain 5 fully staffed Justice Centres

Key Achievements

- IBJ's **response and readiness** for the operation of the justice centres and cooperating lawyers through **legal advocacy guidance, crisis response consultations, security assessments, protocols, and trainings**
 - IBJ Primer for lawyers representing political cases
 - IBJ Security and Risk Assessment Matrix, protocols, and trainings
 - One-on-one crisis-response consultations and guidance
- IBJ's **response to COVID-19 third outbreak**, which included supporting the justice centres with COVID-19 test kits, **the donor's vaccination process**, and financial support
- **IBJ's Legal helpline**, set up with **newly recruited lawyers** operating the helplines at each justice centre
- IBJ has demonstrated that it **values gender equality and social inclusion in the project**. IBJ has a strong, empowered, diverse staffing with 26 female, 14 male, lawyers, and 1 LGBT lawyer.
- IBJ's **financial operations timely and efficient response to multiple triggers** of banking and financial crisis **ensuring disbursement of funds** to the justice centres.

As IBJ was in the process of adjusting its programming to the COVID-19 epidemic, a military coup d'état occurred on 1 February. **IBJ's reprogramming was granted with a Change Request-3**. The Change Request was a result of a series of consultation with the donor's Senior Advisor, Legal Aid and Practice and the justice centres' managers. The justice centres were well-placed geographically and equipped to respond to the crisis, although they faced many challenges in doing so.

Immediately after a **troubling amendment of legal aid law in April**, IBJ convened a senior-level workshop, Communities of Practice (COP) meetings, and service provider coordination meetings to analyse and reflect on the amendment and possible implications for the legal aid sector. The Security, Strategy, and Training Consultant provided a memo that advised IBJ senior management regarding the law and the likelihood that it would adversely impact criminal defense. **The memo concluded that while the amendment appeared to be an attempt to adversely impact criminal defense, there were ways to blunt the impact of government interference that was planned.**

Challenges and lessons learned relating to Security

One of the immediate concerns of the program in early 2021 was providing the staff with much-needed mental health care and stress management techniques. IBJ identified and responded by initiating program-wide and individual staff member discussions on mental health and well-being. Safe space platforms were provided so that the justice centres' staff could openly discuss the fears, anxieties, risks, and insecurities they faced both personally and professionally.

The justice centres faced enhanced risks due to the coup. There was a risk that attorneys would be arrested for doing their jobs. Frequent bomb explosions created a risk of physical injury. There were frequent demonstrations against the government. There were armed conflicts between the government and its opposition in the countryside, particularly in the Kayin, Bago, Mandalay, and Shan regions. There was constant fear that this conflict would spill over into the urban areas. Lawyers faced the threat of harassment in their homes, and the possibility of arrest, search, and harassment on their way to work. The security threats were particularly serious in Mandalay and Hpa-An. IBJ provided travel arrangements and safety protocols for the justice centre staff.

The third wave of COVID-19 commenced in late June. The justice centres have instituted enhanced COVID19 preventive measures for personal safety at the justice centre offices since June. On July 16, IBJ organised the second COVID-19 awareness training workshop for all staff. The IBJ management team started **procuring COVID-19 test kits** and supplies of **oxygen to support the staff**. Since June 29, IBJ has revised the **COVID-19 Support Guidelines for IBJ staff** to consider the problems created by COVID-19, the coup's degradation of the public healthcare system, the unreliability of the facility quarantine centres, and the shortage of medical supplies on the market. The **justice centres reinstated the duty roster system**, and the justice centres **opened for limited daily hours**, suited to their local needs.

In the beginning of October, following information that the military would inspect the justice centres, measures were put in place in accordance with IBJ security protocols and guidance. The courts decided to speed up the trials and this caused the lawyers to juggle overlapping court hearings under a looming security threat. The Kayin State Government Office demanded IBJ justice centre provide the list of CSOs and legal aid groups. This created the fear that the justice centres would be tracked by the military.

IBJ national management team and the justice centres have been provided with tools and strategies to assess/respond to risks and security threats imposed by external factors since February 1. This included digital security trainings and reviewing social media policies. The international senior leadership has created a transparent communication channel to assess potential dangers and support the team with solid action plans. This process has made the justice centres ready to respond to security threats while maintaining operations.

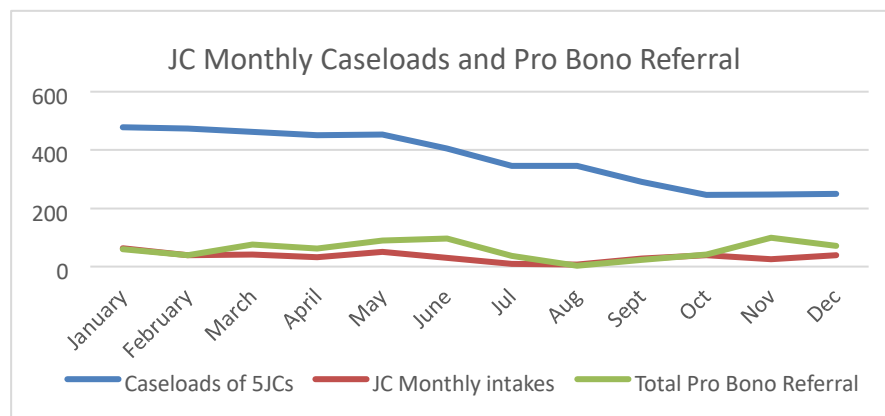
Output 1.2: Provide direct legal representation in 2,592 cases

Key Achievements

- The justice centres provided direct legal representation in **405** cases of which **319** were ordinary pre-verdict cases, and **94** cases were post-verdict cases.
- Of the JC clients in 2021, 17% were female clients, 9% were juveniles, 1% were LGBT, and 82% were male clients
- Out of the **405 justice centre intake cases**, the justice centre lawyers provided holistic legal representation in **119 political cases** of which **73** cases were charged under Section 505-A, and **46** cases were other political charges.
- The justice centres referred **207** political cases for pro bono representation.
- Cumulatively, over the period of 2 years, the justice centres have provided legal representation in **1189 cases** which is **82%** of the JC case targets for two years and referred **1089 cases to pro bono lawyers** which is **113%** of the 2-year targets.

Challenges, Lessons Learned and Success

As per the advice from the donor which was subsequently approved, IBJ Myanmar made adjustments to the distribution of cases between JC lawyers and pro bono network lawyers. In 2020, this distribution was impacted by movement restrictions and the spread of the COVID-19 virus. The strong participation of pro bono lawyers in the program in 2021 **increased the strength and solidarity of the pro bono network**. The increase in pro bono referrals has allowed the justice centres to rebalance their caseloads, to focus on holistic legal aid, community legal empowerment, and legal aid network expansion. The pro bono lawyers joined with the justice centre lawyers in representing the political defendants. The partnership between the JC lawyers and the pro bono network in facing the dual crises has increased the unity and cohesion of the legal aid community.



Lawyers faced and continue to face serious restrictions on access to clients in police stations and prisons.

This is particularly **true of clients charged in political cases**. The delays in court activities have resulted in excessive and unnecessary pretrial detention and have had a serious negative impact on the criminal defense process. It was difficult for lawyers to get access both old and new clients. Detainees facing politically motivated charges were often held in military camps in which maltreatment was a virtual certainty. Although, IBJ does not directly monitor or report, **it is widely known that torture is the most common investigative tactic in political cases in the military camps**. It is commonly inflicted on nonpolitical detainees in police stations as well. The families of defendants, especially those charged in

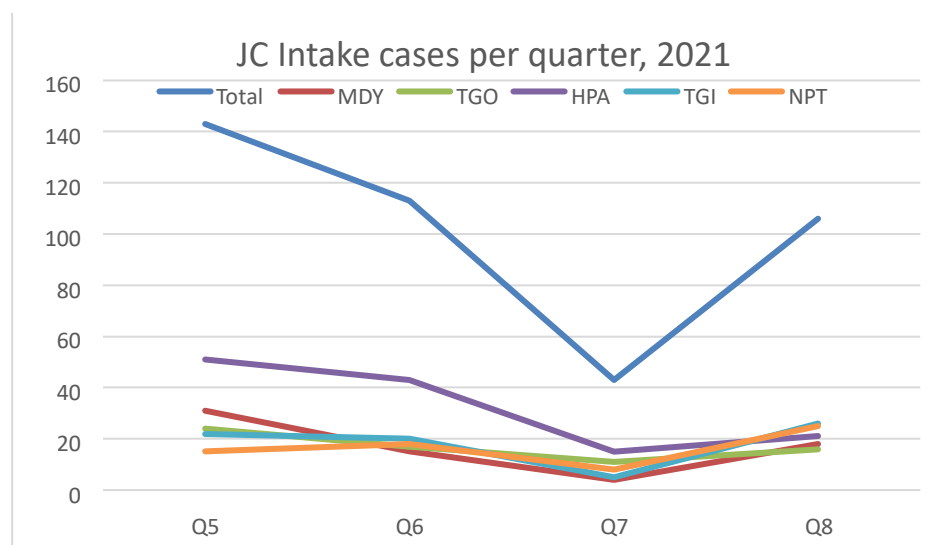
political cases, continued to struggle to get access. **The JC lawyers intervened on behalf of the families to deliver essentials, medicine, and food.** The lawyers often paid for client's transportation to the courts, Covid-tests, and other ad hoc expenses.

Bomb explosions, which are random but often occurred in public buildings, crowded areas, and military camps, were **a constant concern for lawyers** going about their business. The bomb explosions in Mandalay district court in October led to increased court security measures that further delayed court proceedings and access to clients.

The **Naypyitaw justice centre had an increase in demand for legal representation** and was struggling to manage its caseload with its small staff and low number of pro bono lawyers. **The justice centre was and still is the only legal aid service provider in the region.**

Representation by Justice Centre Lawyers

In 2021, the justice centres provided legal representation in **405 cases** of which **28 cases were appointed in the first 24-hours after the arrest and 94 cases were appointed at the remand stage.** **199 cases** were appointed to IBJ were **at the inquiry stage.** A total of **619 cases were closed**, of which 498 were ordinary cases and 120 were appellate cases. 17% of the clients in the ordinary cases that were closed were released from criminal penalties, 14% made a guilty plea, and 27% were convicted. **The percentage of convictions of the cases IBJ represented in 2021 decreased by 35% compared to 2020. However, the percentage of cases resulting in the admission of guilt increased by 6%.** This is likely because court activity was severely reduced during the period from June through August, resulting in a reduced number of trials. Under those circumstances, **clients entered guilty pleas to qualify for pardon or amnesty.** A guilty plea also sometimes increases the likelihood that the client will be released from pretrial detention.



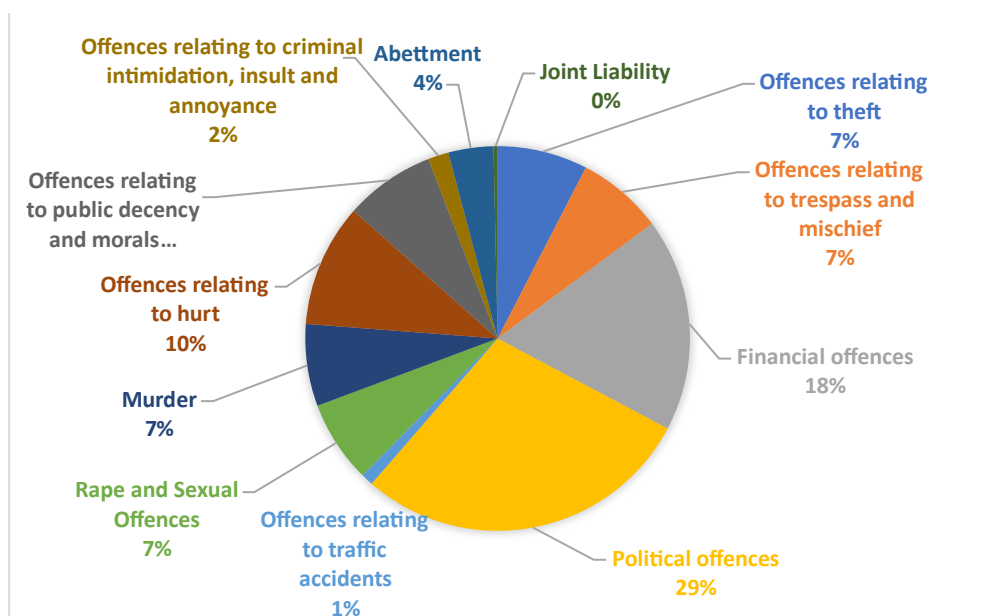
Case Study: IBJ Junior lawyer wades through bureaucratic hurdles to secure female detainee client's inalienable right to healthcare

A young woman charged under the counter-terrorism law was detained and not allowed visitation rights. As her case was politically sensitive, the case was heard in the special court. The IBJ junior lawyer became her lifeline. She provided the client with medicines, food, dignity kits, and other essentials during the

court hearings. While providing representation and support, the intake lawyer observed that her client had been suffering from persistent stomach pains due to a previous motorcycle accident injury. Her health concern was grave and warranted urgent medical intervention.

The prison doctor prescribed an x-ray. When the client appeared in court, the intake lawyer advocated that the client be taken by the police lieutenant to the public hospital. However, the police required the necessary documentation, approvals, and attestations from the prison authorities. Hoping to take advantage of the client's physical presence in the court, the lawyer requested the judge delay the hearing until she could obtain the necessary documentation from the prison authorities to secure healthcare. However, the judge said it was not within his power to delay the proceedings. He said he would continue with the hearing when a witness appeared. The junior lawyer worked with her IBJ justice centre colleagues and managed to get the certificate issued in time for the hearing and submitted it to the district case registration police officer. The client was then driven to the hospital, escorted by five armed police guards. When the intake nurse at the public hospital refused the client's admission because the client lacked a transfer note from the prison doctor, the junior lawyer reminded the assistant medical officer of the ethical obligation of medical professionals not to refuse emergency health care. The medical staff backed down, and the client received an x-ray and an appropriate diagnosis and treatment. The client's health has improved greatly following this intervention. The junior lawyer's advocacy also resulted in the client's family receiving visitation rights.

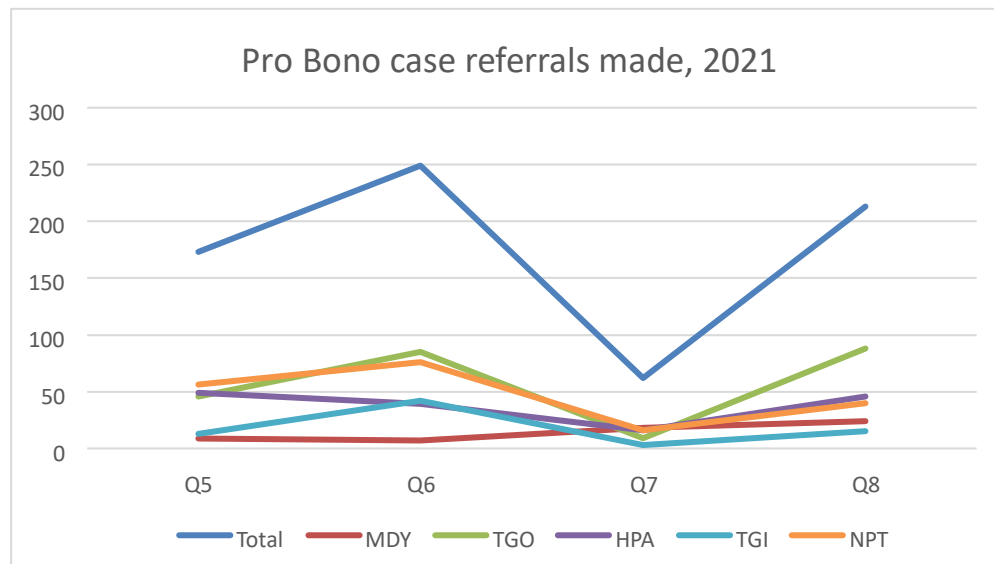
The following chart indicates a percentage of the types of criminal charges handled by the justice centres in 2021.



Pro Bono Representation

IBJ has been a pioneer in building robust COPs. It has supported **Myanmar lawyers** with **technical assistance, mentoring, peer-lead discussions, and systematic case referrals**. The Taungoo justice centre has been successful in expanding the technical legal assistance of the project to nearby townships such as Yedashe, Phyew and Oattwin through digital platforms since 2020. With the rise in the arrest of prodemocracy activists, most Section 505 cases from these townships are being heard in the special court

in the Taungoo prison. The Taungoo justice centre paved the way for lawyers from these townships to provide representation in Section 505 cases inside Taungoo prison.



The challenges imposed by the dual crises have not only impacted the justice centres, but also private lawyers and community of practice members. Private lawyers and the justice centres have provided strong mutual support in the struggle to promote the rule of law and provide access to justice.

Daw San San Hla, Chairwoman of Yedashe Township Bar Association expressed her thanks to Taungoo justice centre that, “it is a critical encouragement for lawyers from Yedashe township to cooperate with Taungoo justice centre in Section 505 cases and the financial support (i.e., pro bono case payment) for referral cases greatly support the lawyers as we have to travel from Yedashe township to Taungoo for these hearings.”

Monitoring in Pro Bono cases

IBJ also monitored pro bono legal representation through monthly COP meetings. IBJ lawyers provided mentoring and discussion of existing cases. **When a pro bono case is closed, the pro bono lawyer is required to submit a summary report, which includes information on the case activities.** From review of these reports, **IBJ can report successful bail motions in pro bono cases in Naypyitaw** (in cases charging violations of Penal Code S.326, Monogamy Law S.13). In a political case, an IBJ client, who was on the street driving home late at night, was charged with a violation of Section 188 of the Penal Code. The IBJ pro bono lawyer, defended the case by citing a lack of mens rea to commit the crime. The client was acquitted in accordance with Section 245 (1) of the Criminal Procedure Code. In October, **40 pro bono clients** (20 of which were female) of the Hpa-An justice centre that were charged under S.505-A of the Penal Code were released under SAC Amnesty Order 186/2021.

Representation in political cases

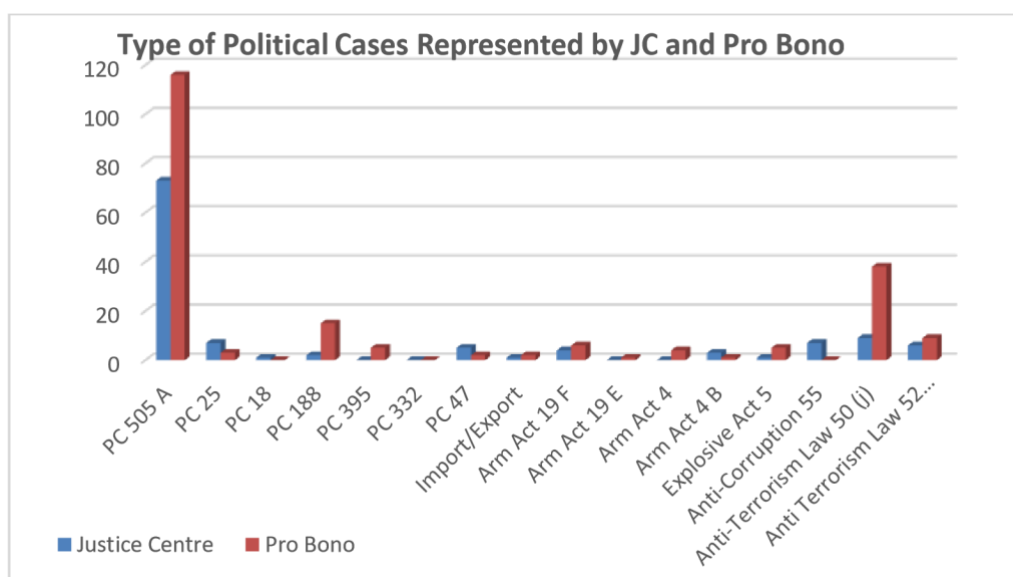
The IBJ justice centres continued to be leaders in providing legal aid to people arrested for exercising basic political and civil rights. **This required strong commitment and often considerable courage.** Throughout

the year, the project has defended **326** political cases through both justice centre direct representation and the work of the pro bono network attorneys. This representation was provided despite security threats against the lawyers.

For instance, in Taungoo, the first wave of dissent against the coup took place in the form of citizens hitting the pots and pans at 8 pm every evening and honking car horns. These demonstrations were suppressed by mass arrests. **IBJ has emphasized early access to counsel in its community legal awareness efforts.** In a particular instance illustrating the impact of early representation, family members of the Taungoo arrestees contacted the justice centres immediately after they were arrested. Justice centre lawyers and cooperating pro bono lawyers represented the protesters at their first appearances in court. All of them were charged with violating section 47 of the Police Act. Normally, defendants admit to the charge, and are sentenced to seven days of imprisonment, although the court has the power to sentence them to a fine. **The lawyers advised the clients not to admit to the crimes and to ask for bail in these cases. The court granted bail and the clients were released from custody.** Ultimately, all the protesters were only sentenced to a 50-Kyat fine. Thus, the Taungoo Justice Centre led a team of lawyers to demand a consistent and just application of a law that in the past has frequently resulted in excessive penalties.

An IBJ pro bono lawyer from Naypyitaw shared her experience working with the justice centre in political cases that, “as S.505-A cases are tried in the special court formed inside the Naypyitaw Jail, it is distant and not safe for lawyers to go by motorbike for political case hearings. The justice centre arranged car taxi share for the lawyers to go to the special court hearings. Besides, it makes us more comfortable, confident, and secured to represent political cases alongside the justice centre, rather than representing alone.”

To the best of its ability given the resources available, IBJ supported the justice centres and pro bono lawyers with arrangements for safe travel and provided protection for its lawyers. The following chart shows the type of political cases represented by justice centre lawyers and IBJ pro bono lawyers in 2021.



Early intervention, negotiation, advocacy, and coordination

- The Mandalay justice centre **represented the four students that were arrested for anti-coup** activities and protests in Myanmar. These four students were arrested and charged under Section 25 of the Natural Disaster Management Law, and Section 19 of the Peaceful Assembly Law for protesting in front of the medical university in Mandalay on 4 February). The lawyers provided early representation, within 24 hours of their arrest. The case is still ongoing at the defense hearing stage. *(With the desire of the family, the justice centre removed the POA and transferred to a private lawyer.)*
- The Mandalay Justice Centre conducted immediate early intervention for **83 civilians who were arrested in a political crackdown** on 84th Street in Mandalay on 16 February. Again, due to the team efforts of justice centre lawyers and pro bono lawyers, all 83 civilians were released one day after their arrest.
- Naypyitaw justice centre lawyers also intervened **in a mass arrest of protesters on 22 February 2021**. There were reportedly around 200 people arrested. The justice centre managed the work of informing the families of the detainees of the status of the detainees' cases, mindful of the security issues involved in doing so. Family members were encouraged to reach out to the justice centre for help. Backed up by the legal community, the lawyers convinced the military authorities to identify the people who were detained. The justice centre manager built a rapport with the authorities at the interrogation camp. As a result of IBJ's diplomatic approach to a delicate situation, **128 arrestees** (71 male, 41 female and five juveniles) **were released**, and the justice centre has continued to provide legal representation to six male detainees.
- Mandalay justice centre located **11 political detainees** who were arrested and held on February 28 in Mandalay and represented eight of them. The junior lawyer applied for bail in the special court in the prison. Bail was denied on the grounds that the charges were non-bailable. However, the charges against one of the detainees were dismissed at the charge hearing.

Protecting democracy, protecting journalists

- On March 12, a **Polish journalist from a prominent German news agency** was brought to court for a remand hearing. The Taunggyi centre manager was contacted by the **court clerk. The Judge** asked if the Centre Manager, could represent the defendant, and the lawyer agreed to do so. The lawyer studied the charges filed against him and prepared to defend him. She delivered some daily essentials to him through the police, and she was able to get access to the client and counsel him. She also gave regular updates to the German Embassy in Yangon. **The lawyer convinced the police that since there was no material evidence found on the defendant, he should not be charged under section 505 or any of the media laws, and that he should not be prosecuted merely because he was a journalist.** As a result, the **defendant was charged with the lesser charge of violating Sections 4 and 13 (1) of the Myanmar Immigration Emergency Provision Act.** On the advice of the lawyer, **he pled guilty to the charges and received** a 200,000-Kyats fine, about the equivalent of 120 Euros. The client was transferred to the immigration department and was improperly held in detention, which is not permitted for people who are only sentenced to a fine. **The lawyer challenged this procedure and secured his immediate release.** The German Embassy facilitated his return to Poland. The story of his arrest and release has received wide international media coverage. Subsequently, the German Ambassador to Myanmar wrote a letter of thanks for the service provided by IBJ lawyers in Myanmar¹.

- U Kyaw Myint, a journalist from **Ami Myay News agency** from Kyauk Kyi Township was arrested while he was live-streaming a protest. The Taungoo justice centre represented him. On 30 June 2021, the government dismissed the charges, and he was discharged. After his release, he was informed of the danger of his being rearrested, and he had to flee to the jungle for his own safety.

Protecting children's demand for democracy

Myanmar's children have been extraordinarily active in the effort to promote democracy. In recent years, they have participated in strikes protesting climate change and pro-democracy protest marches. Similarly, soon after the coup d'état, children took to the streets to protest. Images of children banging pots and pans, honking on motorcycles, or simply marching with adults have received worldwide media attention.

Improving juvenile justice is a paramount concern of IBJ. Many of the Myanmar laws and practices simply do not conform to international standards for juvenile justice. Children are subject to unnecessary secure detention under cruel conditions. Juvenile offenders are often treated by the criminal justice system in a manner virtually indistinguishable from the manner in which adults are treated. There are woefully inadequate resources for the rehabilitation of children, and the due process accorded to children is inadequate. IBJ has been and will continue to be very active in advocating for change in Myanmar's law and practices related to children. **In 2021, many children were arrested and charged with political offenses. IBJ provided critical legal aid and assistance when juveniles were arrested for political activity in Hpa-An and Naypyitaw.** IBJ lawyers worked as a team with pro bono lawyers to secure the release of the children in accordance with Myanmar's Child Rights Law.

The cases discussed below demonstrate the **strategies applied by IBJ lawyers to secure juvenile justice.**

- **The Naypyitaw Justice Centre** coordinated the legal aid provided to juvenile protesters who were arrested on 15 February. Twenty-nine people were arrested during a peaceful protest. Among those arrested were 19 high school students whose ages ranged between 14 to 17. They were directly sent, improperly, to Naypyitaw jail in Pyinmana township. The **lawyers advocated** with the prison departments and the police on behalf of all of those arrested. The lawyers **provided proof of age and other documentation, including using provision of law based on the Child Rights Law.** On 17th February, **the jail officials released all 19 juveniles.** The rest were released after a week of detention.
- **Hpa-An justice centre advocated for the children arrested in the mass protest arrest** that happened on 28 February. **15 of the 82 people arrested were juveniles.** Once again, the justice centre coordinated the legal community's efforts to prepare bail motions for the detainees in cooperation with the ward administrators and the detainees' families. **The strategy was to apply for bail for every person who would fall under the exception for bail in non-bailable cases as listed under Section 497 (1) of the Criminal Procedure Code.** The detainees were brought to the Hpa-An Township Court for the remand hearing. The lawyers represented the juveniles at the hearing and based their arguments on the Child Rights Law. **Although the charge was Section 505-A, the judge applied the principle of "best interest of the child" and ordered the release of the children on a one-year bond.** The children were then entrusted to the custody of parents.

¹ <https://www.dw.com/en/myanmar-journalist-working-for-german-press-agency-arrested/a-56854352>
<https://www.theguardian.com/world/2021/mar/31/myanmar-freed-protester-recount-military-cruelty-beatings-squalid-conditions>

Right to legal representation and fair trial

- U Win Thein, the former Prime Minister of Bago Region, was charged under Section 55 of the Anticorruption law with seven separate charges. **This was a case with clear political motivation.** Initially, he was tried in Bago Regional High Court. **He was transferred to Taungoo prison in August and the high court Judge from Bago was scheduled to try his case in Taungoo Prison.** The chairwoman of Yedashe Bar Association, the lawyer who formerly represented the ex-PM, requested that the justice centre represent him **because lawyers in Taungoo were afraid to take the case because of its political sensitivity.** The Taungoo Justice Centre Manager, Daw Kyu Kyu Lwin, consulted with the IBJ management team about taking the case despite its controversial nature. After a discussion and with the concurrence of the senior management team, she accepted the case referral on September 16. In December, the case was posted for defense witness hearing. There is a **problem with getting defense witnesses** (members of the NLD party to which U Win Thein belonged and former government officials) to appear because many have warrants issued for their arrest and are on the run. **Daw Kyu Kyu Lwin has faced harassment.** She has been watched by the military special investigation units during the hearings. **The de facto authorities have demanded the lawyer license numbers of the justice centre lawyers, raising concern that they may be under government scrutiny.** There is also an immense pressure to close the case. The case demonstrates the risks of involvement in political cases, and the courage and commitment IBJ lawyers are showing in facing these risks.
- Ne Ye Kyaw, son of U Kyaw Aye Win (a former parliament member of Phyu Township, and member of CRPH) was arrested and charged under Section 505-A. **He was arrested for expressing his views against the military coup.** His parents had to run and hide for security purposes. **The Taungoo justice centre represented him.** On 30 June 2021, the government dismissed the charges, and the client **was discharged.** However, **he and his family continue to be under surveillance.**

Output 1.3: Pursue 200 appellate and strategic litigation matters

Key Achievements

- The justice centres filed 94 appeals and revisions in 2021 of which three were filed to the Union Supreme Court, 41 were filed to the high court.
- The justice centres filed 41 interlocutory motions, and 187 legal arguments
- Cumulatively, in 2020 and 2021, IBJ Myanmar has filed 205 appellate cases, and 102 interlocutory revision motions.

Due to the coup d'état, access to justice is increasingly problematic in Myanmar. IBJ lawyers are leading the struggle to provide **crucial legal aid to people arrested for exercising basic political rights.** **Strategic litigation is a tool for creating legal reform through judicial action.** Below are a few examples of cases where IBJ lawyers, through early legal intervention and strategic litigation, **have obtained just results for their clients that have served the interests of justice nationwide.**

IBJ has not allowed the coup d'état to hamper its strategic litigation efforts. Justice centres filed **94 appeals and revisions** in 2021 focusing mainly on **drug cases, murders, rapes, and financial crimes.** Below are some of the highlights among all the appeals and revisions:

Continued Effort in Challenging Legal Errors in Drug Cases

Drug cases continue to constitute the largest segment of the justice centres' cases. Lawyers have been fighting the many abuses by the police and the errors made by the courts in drug cases. IBJ lawyers have

challenged the disproportionate and unduly harsh charges and sentences that are typical in drug cases. Fair trial standards are not observed. Judges often misinterpret laws in a manner unfavourable to criminal defendants. **Judicial action fails to focus on rehabilitation of defendants, a failure that increases recidivism.** Based on the statistics and the experience of the lawyers, IBJ in an innovative program that commenced in 2021, produced training open to all Myanmar lawyers that encouraged them to advocate the **diversion of drug cases from the criminal justice system into rehabilitative programs** and the **application of the less punitive sentencing that is currently permitted by Myanmar law.**

A client of Nay Pyi Taw Justice Centre was charged with section 16(c)/23 of the Narcotic Drugs and Psychotropic Substances Law. He was arrested with a co-defendant who was in possession of drugs that were seized by the police. The client asserted that he was in the company of the co-defendant because he was purchasing a motorbike from the co-defendant. **His assertion was supported by documentary evidence. He was convicted, not under the abatement provisions of the law, but as the *principal*, the party possessing the drug. The court based its decision solely on the fact that the client had a past drug conviction for possession of drugs.** The court ignored the fact that the client had been given amnesty for the prior conviction. The court sentenced the client to the maximum term of 10 years imprisonment. The justice centre lawyer **filed an appeal to the High Court**, arguing that the client had clearly been charged **under the wrong section of the law and should not have been given the maximum term.** The lawyer based the argument on Sec. 57(c) of the Narcotic Drugs and Psychotropic Substances Act. **The appeal was successful as the High Court held a favourable order to release the client.**

Protecting a Client from Double Jeopardy

In Myanmar, **the poor are overwhelmingly the victims of the judiciary's poor interpretation of the law and the lack of effective coordination among justice stakeholders.** Sometimes prior government actions, such as grants of amnesty, are not accepted by the judiciary, especially when defendants are without means or influence. **As a result, clients can sometimes receive unlawful punishment.** It has often been left to lawyers to fight obvious miscarriages of justice committed by the prosecution and judiciary.

U Khin Win (pseudonym) was convicted of grievous hurt and sentenced to 6-month imprisonment. The relatively light sentence was due to his old age and good reputation. While serving his imprisonment term, the prosecution filed a revision in the district court seeking to increase the term of imprisonment. Before the district court heard the case, he was released because an amnesty applying to him had been issued by the Union Government. **Although the IBJ lawyer advised the court about the amnesty, the district court refused to respect it and increased the sentence from 6 months to 1 year and 6 months.** Justice centre lawyers **filed an appeal to the High Court** based on precedent holding that the amnesty compelled the release of the client. **The High Court accepted the submission of the lawyer and released U Khin Win.**

Defending Death Row Defendant

IBJ Myanmar has been honouring its mandate of providing free legal aid to poor people regardless of race, colour, religion, and status. **We believe in the right to counsel, even for clients who have committed horrendous crimes.** Accordingly, the Taungoo Justice Centre **defended a death row defendant who had killed 2 people in a case that shocked the entire nation.** The government had **double-charged** the defendant, and **this provided grounds to challenge the death sentence.** The high court affirmed the conviction. However, **the justice centre lawyer filed a revision to the Supreme Court**, arguing that since the defendant had been double charged, there was no precedent for the imposition of the death sentence. **We are awaiting a decision on this case.**

Pursuing fair trial for clients with mental health issues

In 2019, Ms. Jenny Semmel, an international mental health legal expert from the US, conducted a series of workshops for IBJ lawyers and pro bono lawyers on defendants with mental health issues. In 2020, IBJ further developed this subject by conducting a training workshop which examined the legal issues impacting defendants with mental health issues. The discussion emphasised the importance of considering mental health issues throughout the course of the proceeding, from the first contact with police through sentencing. **From the beginning of 2021, IBJ lawyers have put into practice what was learned in these training sessions.**

In a hearing, a Mandalay justice centre lawyer presented the **medical records of a client that documented treatment for mental illness**. The client was charged under the Natural Disaster Management Law for violating COVID-19 restrictions. The government objected to the medical record evidence. The IBJ lawyer argued against the objection, **arguing that the client's poor judgment was due to mental illness**. **The lawyer asserted that the client** should not be held criminally responsible due to her mental condition. The court accepted the evidence. In presenting evidence and arguments at courts, **IBJ lawyers are contributing to a sensitization of the courts to mental health issues and setting precedents for a more humane approach to mental health in the criminal justice system**. Given the **comorbidity of mental health issues and drug addiction**, IBJ believes that this sensitization will help us **advocate for a more public health-based approach to drug cases**.

Many mentally ill pretrial detainees are held for long periods of time in prison settings. Prisons in Myanmar provide no help for their illnesses and will frequently exacerbate their condition. **IBJ believes that Myanmar must increase the use of healthcare-based alternatives for pretrial detention** of the mentally ill. In the Naypyitaw justice centre, a client with mental health issues was charged under Section 302 of the Criminal Code (murder). The senior lawyer **applied for bail** and asked the court to refer the client to a **hospital for mental health treatment**. The lawyer included in her application and arguments key educational materials from the IBJ training. This resulted in a **favourable court order** for the client to be treated in the Yangon Mental Hospital under Criminal Procedure Code Section 464.

Seeking justice in drug cases

Myanmar drug law prohibits personal use of drugs. Low-level drug users are often targeted to deflect attention from the better-connected large drug traffickers and drug producers. The low-level drugs offenders **are normally the poorest of the poor** and are particularly vulnerable to the draconian enforcement policies of the government. **Minor drug offenders**, even those with little or no criminal background and family obligations **frequently draw long prison terms**. Myanmar law permits, and international human rights standards require the development of alternatives to incarceration for drug offenders. **One of IBJ Myanmar's priorities is moving Myanmar away from its knee-jerk reliance on incarceration in drug case sentencing**. With drug cases constituting a plurality of cases handled by the justice centres and pro bono networks, this is of necessity a focus of our program. Mindful of the socioeconomic dynamic of the drug use issue, IBJ lawyers have represented **12** strategic litigation cases involving drug cases charges.

As noted, **IBJ has also embarked upon a training program that will train lawyers in innovative defence strategies for representing defendants in drug cases**. This training has featured presentations from IBJ's Myanmar-based and international staff and international and Myanmar-based experts. The trainings have involved discussions of the international trends (with emphasis on Southeast Asia) in drug law enforcement and defense strategies. It has trained the attendees in strategies used in other countries to

encourage diversion of low-level drug offenders into treatment-based dispositional alternatives. The training program has recruited **as an expert, Sayar Kyaw Sein, who has drafted Myanmar laws as a trainer.** Sayar Kyaw Sein has in the past drafted some of Myanmar's laws related to drugs. He has become **an ally in advocating for a new, more humane approach to drug enforcement.** Four sessions of the training were presented in 2021, and the series will continue into 2022.

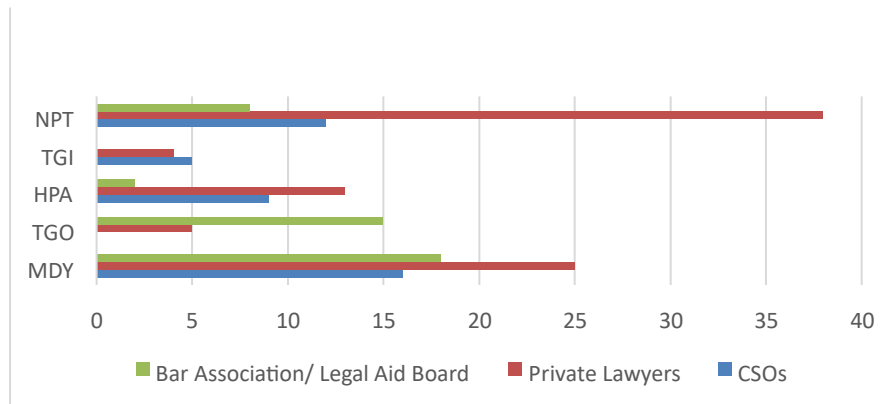
Prosecutors and courts in Myanmar continue to wildly **misinterpret and overuse the concept of "abatement" in drug cases.** The Hpa-An justice centre represented a defendant at the first instance court who was charged with aiding and abetting the possession of 11 stimulant tablets found in the underwear of his friend. The defendant was found not guilty and acquitted. However, the court ordered the confiscation of the motorbike that he rode on the day of the incident. Although the motorbike was not of great value, it was the only means of transportation for the client and his father. The IBJ lawyer filed a revision to the district court, requesting the return of the motorbike, since it was not related to the stimulants found in the possession of the co-defendant. Both the district court and the high court dismissed the request, ignoring well-established precedent. The lawyer filed an appeal with the Supreme Court.

After a delay of 10 months, the Supreme Court of the Union held that the confiscation of property in drug cases by the lower courts should be limited to cases in which the object subject to confiscation was involved in the commission of the offenses charged. **It decided that the motorbike was not related to the offense charged, and should not have been confiscated,** and ordered the return of the motorbike to the owner. **This holding is a very favourable precedent that will limit abuse of government power.**

Output 1.4: Provide non-criminal justice related advice to 1,800 individuals and 500 external referrals

Key Achievements

- IBJ expanded its access to legal advice and its legal referral service through a **remote legal helpline**, in addition to its standard in-person legal advice and holistic referral service.
- In 2021 IBJ staff **provided advice to 715 individuals**, which was around **40% of the overall project goal of 1800 individuals**, and **80% of the yearly goal of 900 individuals.**
- There was a total of **567 instances of legal advice and 170 referrals**, of which **182 legal advice and 35 referrals** were made **via the legal helpline.**
- Overall, the justice centres referred **56 cases to CSOs, 67 cases to private lawyers** and **25 cases to local bar associations.**
- Cumulatively, in 2020 and 2021, IBJ Myanmar has provided **1324 legal advice incidents** and **268 holistic referrals.**
- **A consolidated service provider mapping directory** was developed by the helpline lawyers. In 2021, IBJ reports **737** instances of legal advice and referral service were delivered by the justice centres, including via legal helplines, which is 82% of the yearly target of 900. In 2020, it was 97% of the yearly target. Legal coordination and referral have been critical in the recent politico-legal context of Myanmar. The **justice centres have made 170 referrals to bar associations, private lawyers and CSOs** in their locations. The graph below shows the instances of legal advice and holistic referrals made to private lawyers and legal aid service providers other than through the pro bono referral system.

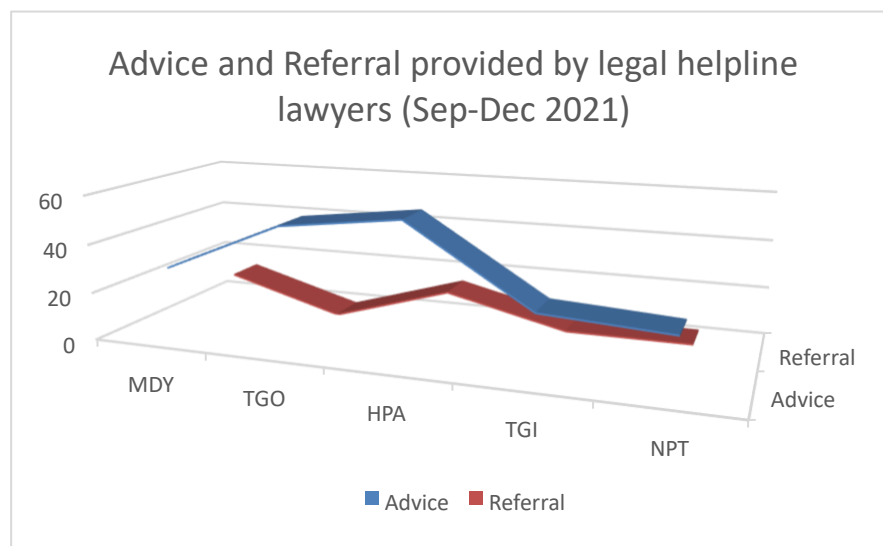


Holistic Referrals made by JCs in 2021

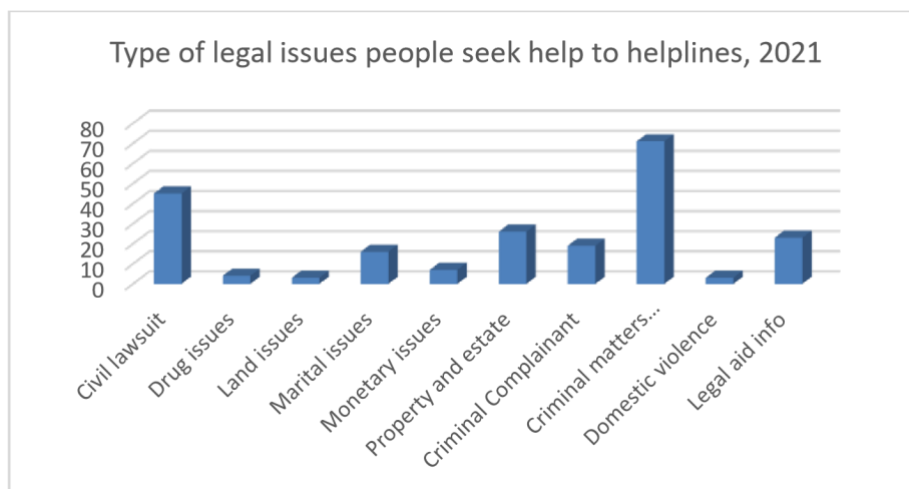
Challenges and lessons learned

Due to COVID-19, since 2020 there have been restrictions on movement that have created difficulties for providing in-person legal advice and referral services. IBJ established a Facebook platform for people to access to legal information. **In 2021, IBJ's establishment of legal aid helplines to expand this service has strengthened the delivery of legal advice, counselling, and referral mapping. It has increased entry points for legal aid.** In 2021, the number of people receiving services from the justice centres **increased by 56%** over 2020. Because of the excessive number of holidays declared by the SAC, the justice centres opened sporadically. The newly appointed legal helpline lawyers took more responsibility for legal advice and referral services, lessening the workload of the litigation lawyers. The helpline lawyers are the first entry point for those seeking assistance. They work closely with the intake lawyers to coordinate provision of legal services and facilitate early legal representation.

Under the **conditions existing in 2021 it was difficult to get user feedback for legal helplines** because it was difficult to circulate client surveys about the quality of their representation. IBJ tried to use an SMS survey system for feedback. However, it was difficult to ensure that respondents would complete the survey. To solve this problem, the helpline lawyers, on a weekly basis, **collects data through purposeful sampling by identifying and selecting callers** they have served to solicit feedback. For 2022, **the IBJ M&E team is developing a phone call user feedback system implemented by interns.** The following chart shows the instances of advice and referral conducted through the helpline.



Although the legal helpline system is only four months old, considerable data has been collected through the system. From **September to December 2021, there were 217 total phone calls** made to the helpline seeking legal assistance. 55% of the calls were made by the people facing legal issues, 33% were made by family and close kin of people requiring assistance, and 12% were made by friends of people facing legal issues. The following chart shows the type of legal issues for which people were seeking assistance from the helpline:



Due to COVID-19 and the coup, there has been a drastic decline in Myanmar's economy. People are facing economic difficulties and the vast majority cannot afford legal services. This cost-free legal service is an invaluable asset to Myanmar. Moreover, the efforts of legal helpline lawyers have freed up time for the justice centre lawyers to focus on strategic litigation and holistic representation. **The helpline lawyers coordinate with the intake lawyers to identify potential clients. The program officers and helpline lawyers assist with data collection, analysis, and reporting.**

Daw Ei Thandar Htet, Taungoo helpline lawyer stated that, "I am empowered and supported by the team to take responsibilities of legal advice service not only through the helpline, but also in-person at the justice centre. There was one legal advice I have given about inheritance issue among siblings. After 18 days when I followed up, I found out that the issue was resolved as they followed

my advice. They had an open discussion and an inheritance agreement among the parties and no civil lawsuit was needed to resolve the issue.”



Taungoo Justice Centre Legal Helpline Lawyer providing legal counselling

Output 1.5: Conduct 100 Know Your Rights (“KYR”) events reaching 5,000 individuals

Key Achievements

Refer to the 2022 proposal for Focused Group Discussion (“FGD”)

- **3811** individuals were reached with **64 IBJ KYR events**; **2445 of those reached were female**.
- IBJ established **FGD** events, which were piloted in 2020. **27 FGD events** were conducted, reaching **283 clients and close families** of whom **151 were female**.
- IBJ promoted the **LannPya application to local community** and lawyers reaching **500** individuals.
- Cumulatively, in 2020 and 2021, IBJ have overachieved by performing **114 KYR events** reaching **6139 individuals**. *(This does not include FGD)*

Challenges/setbacks and lessons learned

Security concerns have necessitated **scaling back on public events**. However, IBJ has become quite adept at producing even relatively large-scale events on digital platforms. The security situation was complicated by the coup, however, and for the first three months after the events of 1 February, IBJ refrained from conducting public events due to uncertainty about how the coup might limit even digitally produced events. In the meantime, **IBJ established FGD as a complementary mechanism for KYR education**. FGD events have greatly enhanced the impact of our legal empowerment activities.

Highlights

- Although IBJ was unable to conduct any public in-person events, Daw Win Nandar conducted a **series of rights awareness discussions in Madayar Township**, where she was in hiding due to being at risk of arrest. There were 12 participants in the event from the local community and the participants included teachers. From Madayar, Daw Win Nandar continued to provide legal services to clients.
- KYR events were **strategically combined** with case defense investigations in locations that were far from the justice centres. **While heeding the security risks**, IBJ lawyers have continued to

provide **one-to-one or small group legal awareness and empowerment** to individuals from the community.

- The Naypyitaw justice centre initiated **legal and rights awareness radio talk shows** for the community in collaboration with local public relations and information departments and CSOs.
- The Mandalay justice centre team organised in-person KYR events with focus groups discussing the local needs with regard to monetary issues.
- The **justice centres promoted the LannPya app**, integrating an information-sharing session with the KYR, FGD and COP events. In these sessions, the contents of the app were introduced, and the users were shown how to use the app. The justice centres staff assisted the participants in installing the app.



Taunggyi justice centre Know Your Rights

Importance of KYR public awareness events in political upheavals

Demanding legal rights can be dangerous during a time of military dictatorship. Empowering others to demand their legal rights can also be risky. Community legal empowerment plays a vital role in the preservation of access to justice and rule of law, and it is a vital part of the provision of quality legal representation. In September, the Taunggyi justice centre found that many people were being arrested and prosecuted under the Counter-Terrorism Law for such seemingly innocuous things as transferring money via mobile payments, taking a photo in the phone library (gallery), delivering a parcel box, and or other actions that the coup regime suspected to be linked with anti-coup activities. Therefore, after conducting a risk assessment, the justice centre organised a KYR event to educate the public about the Counter-Terrorism Law. **The purpose of the event was to raise awareness among the general population about the law. Another purpose was to advise younger people about the law and the way it was being enforced and to warn them to avoid circumstances that can lead them to prosecution under this law.**

Educating the public with legal rights and responsibilities relating to monetary issues

The community legal awareness programs have been specially designed to fulfil the needs of each community. In Mandalay, the justice centre identified the need for legal knowledge and awareness relating to monetary issues. This **criminalization of debt is a problem in Myanmar** and will be discussed further in this report.

- The team organised a small group event in a garage in Chanmyathazi Township in September. 17 participants, who were formerly staff members of SKY NET television channel, attended the KYR. They were quite interested in hearing about monetary issues commonly found in the community and criminal litigation against people with unpaid loans.

- In October, the justice centre conducted a KYR event for individuals who are working in the **microfinance sector** to educate them about crimes related to financial issues, fraud, mischief, or breach of trust of money. In the Q&A session, several general questions were answered about criminal law and civil lawsuits for monetary disputes.

Empowering the clients and their families through FGD events

In Q8, all the justice centres implemented FGD events. Delays in criminal proceedings occurred due to the COVID-19 and the coup, and the courts were not fully functioning. Police witnesses could not appear for hearings, and pre-trial detainees suffered prolonged detention without being brought before the court. Remand orders were given through video conferencing. Therefore, **clients' families were deprived of access to the detainees, and access to court information. To fill this gap, the justice centres held 27 FGD events reaching 283 clients and their families. 151 of the participants were female.**



Hpa-An justice centre focused group discussion in a village

Promoting legal rights knowledge: Lann Pya Application

The coup has seriously damaged both the rule of law and access to justice. In order to provide the general public with the essential legal knowledge needed to navigate the circumstances created by the coup and to benefit the lawyers with easily accessible, foundational skills and legal knowledge, **the justice centres introduced the Lann Pya Application developed by the donor to the general public and the legal community in Q8**, reaching nearly **500 individuals**. Generally, the users commented that the application was useful. Users stated that they would share the application with their family members, friends, and relatives. **74% of the users who attended the event identified themselves as “general public,” while 26% identified as “lawyer”**. Some of the users also **pointed out some problems with using the application –**

- For grassroots citizens, since most of their mobile phones do not have updated android versions, the version of the application is not compatible and cannot be downloaded from Playstore.
- For more widespread use of the application by the lawyers, it is suggested that the IOS version of the application be launched as soon as possible.

Outcome 2: More lawyers have the commitment and skills to provide legal representation to indigent and vulnerable accused individuals and to improve Myanmar's criminal justice system

Output 2.1: Build staff legal skills, knowledge, and values:

1.1.1 Revise the internal training curriculum Key Achievements

- In February, **IBJ produced a legal primer** that provided easy-reference guides and practice strategies to help Myanmar lawyers provide legal representation to people arrested during political protests and demonstrations.
- The legal primer **was widely disseminated among lawyer groups** and legal aid providers in Myanmar along with IBJ's **Criminal Defence Practice Manual (CDPM)**. The primer and the CDPM can be downloaded with a **QR code**.
- IBJ compiled and catalogued all the materials of the previous capacity building trainings
- IBJ produced a curriculum and resource package for criminal justice paralegal training
- IBJ produced a resource package on foundational skills and a primer on bail
- IBJ continued its E-library and website development

1.1.2 Provide Staff training workshop - conduct three three-day national legal advocacy skills training workshops for up to 35 participants, including staff and cooperating lawyers

Key Achievements

- In mid-February, IBJ organised an **intensive training workshop** for staff lawyers **to cultivate legal advocacy skills for use during the state of emergency**.
- IBJ produced a **workshop to discuss the legal aid law amendment**, followed up by an analysis document, and local COP meetings at each justice centre
- IBJ produced a five-day (100 Hours) of **security training workshops**
- IBJ produced two COVID-19 awareness training workshops discussing preventive measures and vaccination
- In July, IBJ organised a workshop on SAC Order No. 147/2021 and Supreme Court Directive 1/2021; this was followed up by an analysis document, the drafting of motion templates, and local COP meetings at each justice centre
- In August, IBJ convened a program titled "Ethical Client Counselling Workshop"

Challenges, lessons learned and highlights

The in-person all-staff workshops could not be convened during 2020 due to COVID-19 and they were also prevented by the coup in 2021. However, IBJ continued these workshops through digital platforms. According to the project plan, IBJ was required to conduct three staff training workshops by the end of the project. IBJ overachieved, conducting **four** workshops in 2020 through virtual platforms discussing the following subjects: '**Section 114: Misuse of Abetment in Criminal Procedure**', '**Use of Medical Evidence**', '**Defense of Unsoundness of Mind**' and '**Covid-19 Health Safety Staff Awareness Workshop**'. In year 2, the focus of staff training workshops was on legal representation in a state of emergency, geared to the politico-legal context of Myanmar.

2.1.3 Provide 160 days of on-site staff mentoring: providing ongoing coaching by national and international experts.

Key Achievements

- IBJ delivered ten security mentoring sessions with the justice centres
- IBJ delivered five individual mentoring sessions on political cases
- National staff was empowered to cascade mentoring for pro bono and junior lawyers
- Cumulatively, IBJ Myanmar has provided **181 days** of staff mentoring sessions in 2020 and 2021.

Challenges, lessons learned, and highlights

IBJ planned to implement 160 days of on-site staff mentoring for the project. However, it was very difficult to conduct in-person on-site staff mentoring due to COVID-19 in 2020. In year 1, IBJ (former Director of Strategy and Advocacy) conducted **39** effective on-site coaching days with 36 group and individual sessions, as well as online sessions providing coaching and mentoring. Mentors spent a total of over **130 working days with individual lawyers** and conducted facilitation group discussion. Working **remotely provided mentors with the flexibility** to conduct the same session with different justice centres on a given day and the ability to switch between justice centres.

In 2021, IBJ continued virtual mentoring and focused on **general security and advocacy for political cases**. At the beginning of the coup in February, Director of Security and Advocacy Martin Witteveen supported the lawyers in evaluating the risks to the clients and in presenting defense strategies in cases with political sensitivity, such as the Mandalay students' protest case (S.19 of the Peaceful Assembly Law), and the monk's case (S.505-A). This helped the lawyers to have a heightened awareness of the risks associated with pursuing cross-examination that would aggravate the military and police.

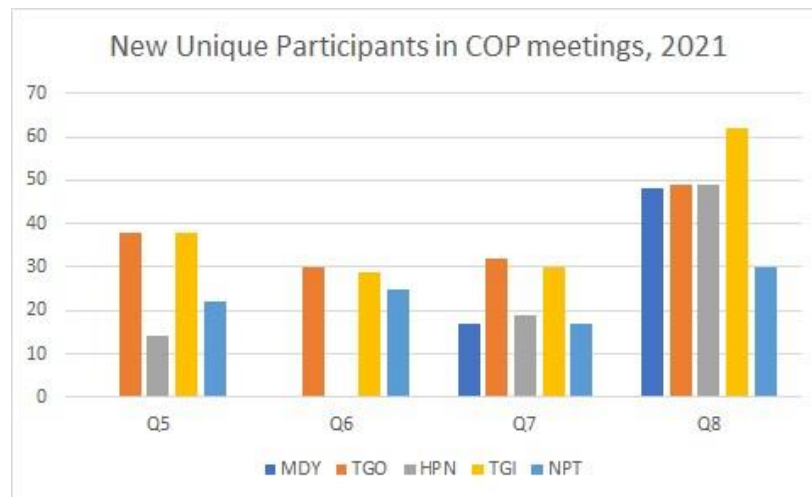
As the situation worsened, IBJ recognized the need to focus on security during the state of emergency. Keith Peterson, the Chief of Security, Strategy and Training provided 10 security mentoring sessions with the justice centres, two individual case mentoring sessions focusing on the case of former Prime Minister of Bago, and weekly security update calls with the Myanmar HQ team and the justice centres' leadership. In December, he also conducted sessions with each justice centre updating the security situation. In Q8, the justice centres delivered case mentoring to pro bono lawyers. For instance, the Taungoo Justice Centre conducted seven mentoring sessions with justice centre and pro bono lawyers regarding protection and introduction of evidence, estoppel, burden of proof, examination of witnesses, improper admission of evidence, and rejection of evidence.

Output 2.2: Engage a dedicated group of at least 50 cooperating lawyers through the convening of 100 monthly meetings and the formation of COPs

Key Achievements

- In 2021, the justice centres conducted 52 COP events reaching a total of 1145 participants [909 female, 236 males].
- There were 549 newly joined participants of whom 433 were female lawyers.
- In addition to legal advocacy skills and the COP meetings provide security risk assessment tools associated with litigating political cases.
- Cumulatively, in 2020 and 2021, IBJ Myanmar has engaged **1963** cooperating lawyers and convened **103** monthly meetings.

The COPs, which are peer-led, are extremely critical during the current political crisis. They provide opportunities for learning and build solidarity at a time when lawyers may feel isolated and legal practice may seem to be facing insurmountable obstacles. During this period, the justice centre managers as leaders of the justice centres have encouraged junior and intake lawyers to take the lead in organizing COP meetings. This is a very positive development that will aid the transition when leadership and initiative devolve from the justice centre managers to others in the team.



With the **gradual erosion of rule of law and justice** in Myanmar, **IBJ has conducted regular analysis** of amendments and orders, initiated internal discussions, and produced briefing documents discussing the actions of the coup regime. The justice centres convened **open, peer-led opportunities** to analyse the amendments to the Legal Aid Law and the ramifications of these amendments for legal aid service providers. In addition to these technical legal discussions, lawyers also discussed the **risks to their own safety that arose when lawyers were representing political cases**. The justice centres helped prepare pro bono lawyers to securely provide representation in Section 505 cases.



Taunggyi justice centre COP on Penal Code S.505-A: A female lawyer sharing her experience

IBJ **conducted an open-ended survey to the staff and cooperating lawyers** to assess their collective strength/success and to seek opportunities to further develop their capacity. IBJ always encourages pro bono lawyers to embrace pro bono service and provide quality legal aid for marginalised people. The following are some of the testimonies from the pro bono lawyers.

- U Khin Mg Ngway shared his thoughts on representing pro bono cases in the justice centre. He stated that: “Because we are not taking any money or gifts from the client, it gives us more professional esteem in guiding the clients to make good decisions.”
- Daw Theingi Aung shared her opinion that the COP discussions have been useful: “By participating in the COP meetings, the lawyer’s debate, explore innovative to new strategies, get stronger in examinations and find new defence strategies. The pro bono lawyers are more confident in guiding the clients and families. However, the challenge was an increase in mobile data bills, IBJ should consider increasing mobile data reimbursement for these events.”

Output 2.3: Deliver a revised, client-centered, defender training curriculum to external lawyers

2.3.1 Revise training curriculum

Key Achievements

- IBJ developed a legal primer for defence lawyers representing clients in the state of emergency and delivered trainings on the legal primer to legal aid organizations such as Joint Peace Fund (JPF) and USAID’s Promoting the Rule of Law in Myanmar (PRLM) grantees
- IBJ developed a risk assessment matrix and provided training to legal aid organisations

2.3.2 Revise Criminal Defense Practice Manual

The Defence Manual is being used in case mentoring and training lawyers and interns. The justice centre lawyers have reviewed the Manual and have suggested the content of some parts needs to be updated. **During the dual crises, IBJ lawyers expressed the opinion that the Manual should not be revised at this time.** They believe that the second edition should be delayed, because the legal frameworks are currently unstable, and the laws are being corrupted by the military regime to suppress political and civil rights in Myanmar. **The Defense Manual will be made available on the E-library/ knowledge hub in 2022.**

2.3.3 Deliver a 3-day Training of Trainers (“TOT”) for 20 participants

IBJ presented a four-day TOT for all the staff in 2020. IBJ used a hybrid model that focused on the **skills and techniques** staff would need **to build capacity** in an inclusive and empowering way. The four-day workshop was conducted by an **external facilitator, Daw Toe Toe Myint** who is a lawyer and trainer from Equality Myanmar. The IBJ team in Myanmar fashioned the TOT to alternate between online sessions and in-person group work in the Justice Centres.



2020 TOT: Taungoo Justice Centre role playing a lawyer training

Challenges/setbacks

Although IBJ planned to deliver a second TOT, the political upheavals and security challenges prevented this. Facilitation skill trainers were not active and available to deliver trainings. Therefore, IBJ has shifted the plans for additional TOTs to year three of the project.

2.3.4 Conduct 25 1-day legal advocacy skills training workshops for at least 125 unique cooperating lawyers

Key Achievements

- In 2021, IBJ conducted **18** legal training workshops/events educating a total of **695** lawyers. Cumulatively, in 2020 and 2021, IBJ conducted **31** legal training workshops be educating **1237** participants including **249 law students**. **58%** of all the participants in 2 years were **female**.
- In January, **two technical legal training sessions** were organised with **82 lawyers participating**. **80%** of the participants were women.
- In April and June, IBJ organised an **IBJ Primer and Best Practice Sharing**, an external training workshop for PRLM Legal aid grantees and staff of JPF.
- In September, IBJ organised the **drug training series No. 1**, titled '**Finding Root Drug Issues and Alternative Treatment**' with a total of **129 participants**, of whom **101 were female lawyers**.
- The Hpa-An Justice Centre's lawyer training was held, with **25 participants**. **The training focused on representing cases during the state of emergency (IBJ Primer)**
- IBJ Myanmar HQ led a legal skills training on diversion and litigation strategies in minor drug offences reaching over 100 lawyers across Myanmar.
- The **justice centres organised 10 technical legal advocacy skills trainings**, covering the following topics:
 - Mandalay Justice Centre - Public health approach drug diversion strategies, and drafting strong arguments
 - Taungoo Justice Centre - Documentary evidence, and strategies to object in producing inadmissible evidence.
 - Hpa-An Justice Centre – Public health approach to drug diversion strategies, and criminal procedures and defense strategies in defending murder cases
 - Taunggyi justice Centre - Evidence law, and challenges and strategies for access to justice
 - Naypyidaw Justice Centre - Analysis on criminal breach of trust, and right of private defence
- **IBJ implemented third batch of internship programming with 20 law students** from law schools of Mandalay, Yadanabon, Mawlamyein, Taungoo, Taunggyi and Yangon. Cumulatively, in 2020 and 2021, IBJ has trained **50** law students.

Challenges, lessons learned and highlights

Due to COVID-19, it was not possible for the justice centres to organise external lawyer training for large groups at hotel venues. With the onset of the political crisis in 2021, a new challenge presented itself-- digital security of group discussions and control of discussion contents. In 2020, IBJ initiated a digital transformation for the justice centres and virtual facilitation techniques. The justice centres applied these techniques to facilitating the lawyer training with virtual tools and session plans. Lawyer training was customised to meet the needs of the legal aid community, regionally and nationally. According to statistics and M&E data, IBJ determined that **a large component of the cases handled by the justice centres and**

network lawyers were drug related. Recognizing the need to organise training for younger lawyers to encourage them to advocate for a **harm reduction approach to drug cases**, IBJ initiated the **drug training series discussed in more detail above**. IBJ also provided security training, along with training on foundational legal advocacy skills.

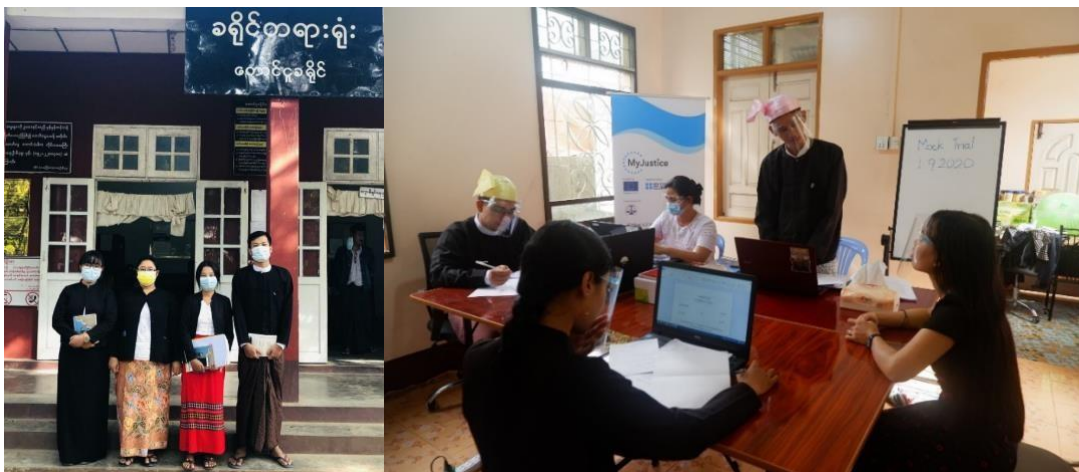
Despite the challenges, IBJ has overachieved the initial program target for legal advocacy skill trainings by organizing 31 trainings for lawyers and law students.



Mandalay justice centre lawyer training on CrPC 162

Internship program

Hindered by the pandemic and the coup, law students' access to good quality legal education was damaged in the period 2020-21. **Seven months into the coup, the future of legal education Myanmar was bleak.** IBJ responded by initiating an internship program which helped 20 law students receive quality clinical legal education. The major challenge for the 2021 internship program was security. Due to bomb explosions in the courts in Mandalay, it was difficult for interns to observe court hearings. In an improvement over the 2019 and 2020 programs, **IBJ was able to organise an internship program providing a stipend to the interns** at the end of the program. The internship program continues in 2022 with improved terms of reference, evaluation of their contribution to the project and will receive a stipend.



Court observation (Taungoo, 2021) and Mock-trial (Hpa-an, 2020)

Myat Thinzar Lwin (Nay Pyi Taw Justice Centre) – Yadanabon University – 4th Year

“Since 1st February, I came back to my hometown and did not know what to do. While I was at my wit’s end, a friend who was a former intern of the justice centre showed the internship recruitment announcement and I applied for it. Before I joined the program, although I had been learning law for nearly 4 years, I was not that interested in it and did not have any specific plan to pursue a legal profession. Since I joined the program, I visited courts together with lawyers and learnt about law in action in detail. As I also had the personal experience of facing trial, I came to know the value of the justice centre in the community as it provides free legal aid service to the poor. Even though the internship program has ended, I requested the lawyers to continue my learning experience and have been helping out at the justice centre since then.”

Output 2.4: Support Legal Aid Board development through network strengthening and attendance at quarterly implementing partners coordinating committee meetings

In the first week of February after the coup d’état, IBJ senior leadership met with U Khin Zaw, former Secretary of the Union Legal Aid Board, to discuss legal aid in the new political context. IBJ also discussed how to support the role of the legal aid boards. As various legal aid boards were instructed to not take on political cases, IBJ stepped forward to fill the gap, ensuring access to legal aid for pro-democracy activists who were being prosecuted for criminal offences because of acts supporting the democracy and civil rights. In doing so, the justice centres were supported by its cadre of COP members and its pro bono network.

IBJ took the lead role in monitoring legal aid providers in Myanmar after the military coup. The Legal Aid Law was amended, altering the formation and mandate of the legal aid boards. The military regime terminated all the members of legal aid boards at various levels and appointed new board members. The justice centres took the initiative in engaging with the local township and district legal boards and legal aid providers. IBJ also continued legal aid service providers coordination meetings at each justice centre.

Output 3: Increased communication and collaboration between rights-bearing communities, criminal defenders, and justice stakeholders to ensure the justice system is better equipped to provide fair and effective remedies in response to community needs

Output 3.1: Conduct 20 local roundtables with up to 25 justice sector stakeholders per meeting

Key Achievements

- Despite the dual crises, IBJ convened **two panel discussions, and two roundtables** in 2021
 - Recognition of International Narcotics Awareness Day, the panel discussion headlining with **‘Towards A Public Health Based Approach in Drug Law Enforcement in Myanmar’** was convened and it was successful with **60 participants** from various drug related sector.
 - A **kick-off panel discussion of its drug training series** with a total of **168 participants**, of whom **120 were female lawyers**.
 - A **Senior legal aid lawyers’ roundtable** on advocacy for alternative treatment and diversion under the Myanmar drug laws
 - A classified roundtable discussion on representing politically motivated cases reaching around **30 lawyers** from various legal aid groups and pro bono networks in different locations

- o Cumulatively, IBJ was able to organise **5** local roundtable events in 2020 and 2021 reaching **417 participants**.

Challenges, lessons learned and highlights

Justice sector stakeholders were unable to participate in in-person events in 2020 and into 2021 and were limited to virtual events. IBJ convened a virtual national roundtable on **“Overcoming Challenges in Juvenile Justice”** in December 2020, reaching **100 participants**. The event was attended by staff of the social welfare department, staff of the union and regional level attorney general offices, members of the Union Legal Aid Board, representatives of UNICEF, and representatives of INGOs and civil society groups who focused on child rights. Taking into consideration the political crisis and the security issues that could potentially put both IBJ lawyers and other participants at risk, roundtables with many justice sector stakeholders were scaled back in 2021.

However, IBJ customised the format of ordinary roundtable discussion into a panel discussion that considered important and relevant topics. On 26 June, in recognition of International Narcotics Awareness Day, IBJ held a panel discussion titled **“Towards A Public Health Based Approach in Drug Law Enforcement in Myanmar.”** It was successful event with **60 participants**. The participants included important stakeholders such as representatives of the Myanmar Anti-Narcotic Association (“MANA”). The discussion focused on detoxification, medication, and other healthcare support measures for drug users, the role of local CSOs focusing on drug-related issues in changing Myanmar’s approach to drug law enforcement, and the role of defense lawyers representing clients in drug-related offences.

In September, IBJ organised a roundtable on **“Application of alternative treatment under Myanmar drug law”** with **44 senior lawyers** from Yangon, Mandalay, Taungoo, Hpa-An, Taunggyi, Lashio, Myitkyina, and Ayeyarwady, of **whom 30 were female**. This roundtable was a follow-up session to the first session of the drug training series. Along with lawyers, service providers from the public health sector attended.

In December, **IBJ Myanmar HQ led a classified political roundtable with lawyers across Myanmar** to share challenges, security concerns of defense lawyers, and strategies in political cases. **45 participants** attended the roundtable of which **26 were female** lawyers. The purposes of the roundtable were to find strategies to overcome the challenges faced by lawyers representing political cases in the current politicolegal context and coordinate the work done by defense lawyers in representing political clients.

The objectives of the event were: 1) to ensure that lawyers who are involved in political cases know how to represent their clients safely while protecting their rights 2) to be aware of problems that have been identified in representing political defendants so that lawyers can make use of this prior experience in their current practice.

During the current political crisis, legislative and judiciary pillars have dramatically changed. Most significantly, even though most political activists were convicted with section 505(a) of the Penal Code, they were later accused of other offences with heavier sentences. Therefore, IBJ Myanmar lawyers should come up with defense strategies to effectively assist the accused persons given the challenges of a constantly changing legal landscape.

Miriam Chinnappa, Country Director of IBJ

Myanmar

Output 3.2: Pursue One-on-one advocacy with local, regional, and Union level government justice actors

IBJ values the importance of one-on-one advocacy at the grassroots level, which is vital in shaping the criminal justice system. Therefore, even in the difficult current politico-legal context, IBJ lawyers continue to advocate at each stage of the proceeding for the legal rights of their clients. They point out flaws in the criminal justice system to police and law officers as well as magistrates and judges and attempt to reach cooperative solutions to systemic problems. Key areas of advocacy are:

- Juvenile justice: implementing of the Child Rights Law 2019
- Speedy trials in ordinary and political cases, including Section 505 cases
- Unnecessary and overlong pretrial detention
- Prison overcrowding, particularly at a time of COVID-19
- Visitation rights of families of pretrial detainees and prisoners
- Right of detainees and prisoners to proper healthcare
- Alternative treatment and a public health approach in minor drug offences

Outcome 4: Local Myanmar leadership able to assume management and ownership of Justice Centres

Output 4.1: 20 multi-day on-site coaching sessions by IBJ head office staff

Key Achievements

- In 2021 IBJ conducted **65** coaching sessions by IBJ head office staff. Cumulatively, in 2020 and 2021, IBJ conducted **140** coaching sessions including **5 on-site coaching sessions**.
- IBJ senior leadership conducted five Justice centre contingency plan consultations
- IBJ conducted an internal staff workshop on event planning, monitoring, and reporting
- The IBJ Myanmar senior management team arranged a hybrid (virtual combined with in-person) all staff annual retreat to reflect on the work done in 2021 and to plan for the next project period.
- IBJ conducted a project orientation and helpline management training workshops for legal helpline lawyers
- IBJ conducted a program development consultation with each justice centre to prepare for the extension proposal
- IBJ conducted a quarterly program implementation review
- IBJ conducted **2** COVID-19 Preventative and Vaccination Awareness sessions

Highlights

On-site coaching sessions were implemented remotely due to COVID-19 commencing in 2020 because of travel barriers. In 2021, after the military takeover, IBJ established effective, secure communication and reporting between the justice centres and a management team to support the operation of the justice centres. IBJ also supported the mental health and wellbeing of the team by providing techniques for selfcare and the promotion of collective care in the justice centres' work environment. IBJ organised a 45minute training on yoga breathing patterns and stretches with the help of **Paris-based yoga instructors from Surya World Paris**.

Output 4.2: Peer support and development through monthly group chats

Key Achievements

- Monthly M&E team coaching
- Weekly finance team meetings
- A legal helpline technical team chat group
- A justice centre managers and HQ management team Signal chat group
- IBJ all lawyer Signal chat group
- Daily security updates google sheet

IBJ created safe space platforms in which the justice centres' staff **openly discuss the fears, anxieties, risks, and insecurities** they are experiencing, both personally and professionally. On 2 February, when IBJ lawyers were shocked, saddened, fearful, and confused by the coup, IBJ's CEO and senior members of IBJ management called for an all staff meeting to show solidarity and assess the needs of IBJ staff members required to continue their work.

Since the military takeover, IBJ shifted to a more secure digital communication platform, 'Signal'. The Signal chats are grouped with specific focus, ranging from all staff groups, justice centre groups, and groups composed of teams working on specific projects. IBJ global senior staff was also involved in a national management team that reports on and discusses important subjects, such as general security, the safety of staff, and financial issues created by the external factors. In addition to Signal groups, IBJ has also established a platform in which the justice centres are required to fill out daily updates on general security and centre operations, using a google sheet.

Output 4.3: Identifying pathway to functional and legal independence

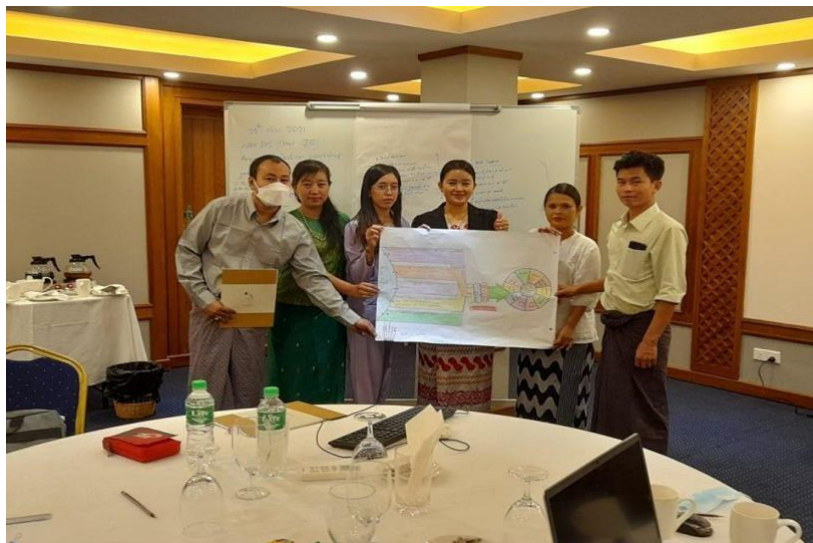
Key Achievements

- The country director delivered **2** project cycle management training sessions and one **leadership skill trainings** for the justice centre manager and national management team.
- The IBJ finance and administrative director delivered **2 training workshops** and **1 feedback sessions** for finance and administrative officers
- The IBJ Myanmar arranged **a 28-hour managerial finance training** for the five justice centre managers and Myanmar headquarter staff
- The IBJ Myanmar arranged **a 32-hour advanced excel training** for all program and finance staff
- The country director conducted a performance assessment of the justice centre managers, and the process is ongoing for other staff

As part of the pathway to local autonomy and effective local leadership, the IBJ senior management has set goals for achieving the structure of nationalization. The **senior lawyers have assumed their role as justice centre managers** and are increasingly taking the initiative and leadership in their justice centres, under the guidance and support of IBJ's country manager. The **admin-finance officers have also identified topics** for training that would help them support the justice centres' financial operations and budget oversight. The country director undertook **extensive participatory consultations with each justice centre team**. The purpose was to identify capacity-building needs and to foster independence and to facilitate the eventual nationalization of the justice centres. The consultations are an ongoing process.

The country director delivered project cycle management and leadership trainings for the justice centre managers and national management team. Similarly, the IBJ finance director initiated a consultation with the Myanmar-based admin finance persons to identify their training needs. In December, the country director undertook a **professional assessment** of the justice centre managers. The process was well structured, with initial narrative questions developed from the knowledge acquired from the project cycle management and leadership trainings. The country director reviewed the narrative responses and met with individual centre managers to reflect on the work performed in 2021 and the path forward.

Despite the travel barriers, the justice centres went on **staff retreats for individual teams**. During the trip, they reflected on the project implementation and envisioned the path forward for 2022-23. As a followup, the country program manager continued with the program development consultations which will lead to the development of the extension proposal.



Naypyitaw justice centre team retreat trip, annual reflection and moving forward

Recognizing the role of justice centre managers and the need to provide financial oversight in the future, IBJ organised a managerial finance training. The centre managers and national management staff with no finance background were trained in the fundamental concepts of financial management and were given tools and strategies for developing budget forecasts, reporting, and conducting oversight of the financial operations of the justice centres.

Monitoring and Evaluation system

IBJ Myanmar **has implemented a multi-layered reporting and feedback system** as outlined below:

- Justice centre management, supervision, and data collection
- International and national legal experts coach legal staff and observe court proceedings
- Case management forms are prepared
- KYR and FDG evaluations are prepared
- Client satisfaction forms and filled out by the attendees of events
- Daily and weekly security updates are prepared
- Monthly M&E data report and centre manager narrative reports are prepared

Financial oversight and management process

IBJ Myanmar recognises that financial management is crucial for the success of the program and to address the numerous banking and financial crisis that is triggered by the political landscape in Myanmar. Under the supervision of the country director and the direct involvement of the IBJ global financial director, the practice and processes are continuous assessed and improved with feedback loop introduced for controlling financial activities such as cash flow forecast, utilisation of funds, fund request, accounting, risk assessment and every other matter related to finances and operations.

3. Impact Analysis

The Justice Centre grants aim to achieve change in Myanmar's justice system at multiple levels: improving the quality of services provided, improving access and inclusion for people in need of justice services, and creating systemic change.

3.1 Impact on service providers quality of justice service delivery

The justice centres have **established organisational standards, which have included service delivery, ethics, and compliance standards**. The staff members have been trained to implement these standards through criminal defence checklists and case management forms used in the day-to-day work of the justice centres. In 2021, IBJ extended its orientation towards **client-centred, holistic legal care** by appointing new legal helpline lawyers who were made available to provide legal advice, counselling, and referral, both online and in-person. The hotline lawyers were provided with training, guidelines, and tools that have helped them **redefine the traditional client-lawyer relationship in Myanmar by** giving primacy to understanding the client's perspectives, needs, and values.



Taunggyi JC legal helpline lawyer providing client centred counselling

Negotiating release in the interest of security and justice

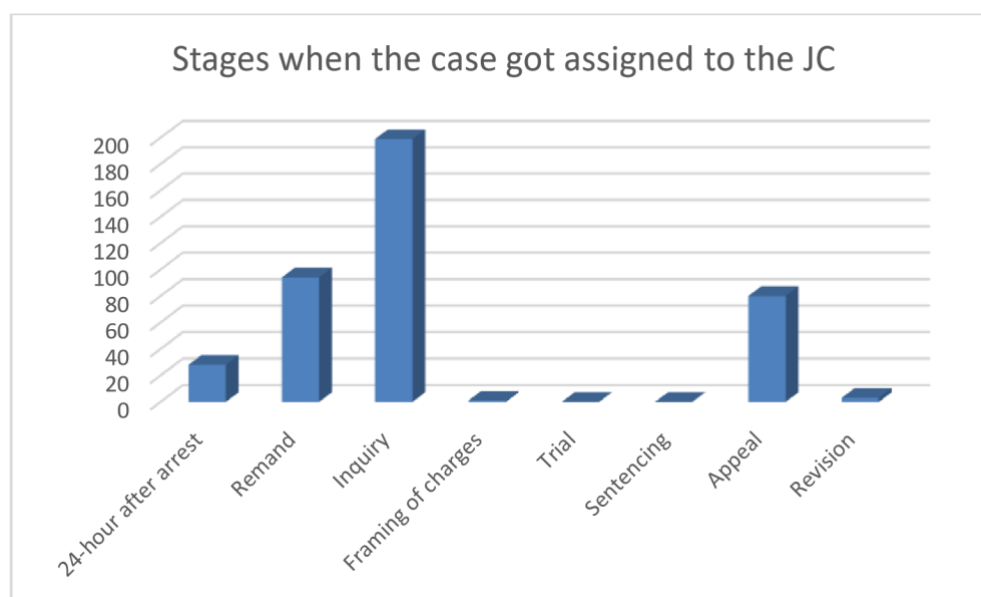
A strategy of intervention that has been successful during the political crisis has been IBJ's practice of negotiating with police, law officers, the military, and the judiciary to obtain the release of their clients from custody. **This "one case at a time" approach to legal reform is particularly suited to Myanmar, since formal paths to law and policy reform are often blocked.** It has been an approach encouraged during IBJ's drug training programming. That training has encouraged lawyers to advocate for a more rehabilitative approach to drug cases, emphasizing drug treatment when appropriate. The advocacy encouraged seeks less punitive and more proportional dispositions of drug cases and an approach more **consistent with promotion of public health.** IBJ lawyers have been coached to use all their skills in negotiation, mediation, and **advocacy to seek just results for their clients.**

For instance, in Naypyitaw, the news of the arrests of 19 high school students on 15 February shocked Myanmar. The students were between 14 and 17 years of age and residents of Naypyitaw. They were arrested by the military and taken in military trucks to an unknown location. The justice centre lawyers

located the place of their detention, which was a Naypyitaw jail, a highly unsuitable and unlawful detention facility for children. The justice centre lawyers **mobilised local lawyers to provide legal representation**. The lawyers informed the jail authorities about the rights of the children under the Myanmar Child Rights law. They **provided information and advocacy based on the “best interests of the child” principle that is basic to juvenile justice**. They advised the authorities that detaining children in jail with adults was unlawful under Myanmar law. **As a result of this persistent advocacy, the children were released on 17 February along with adult detainees.**

Holistic legal aid, including delivery of food and basic needs to detainees

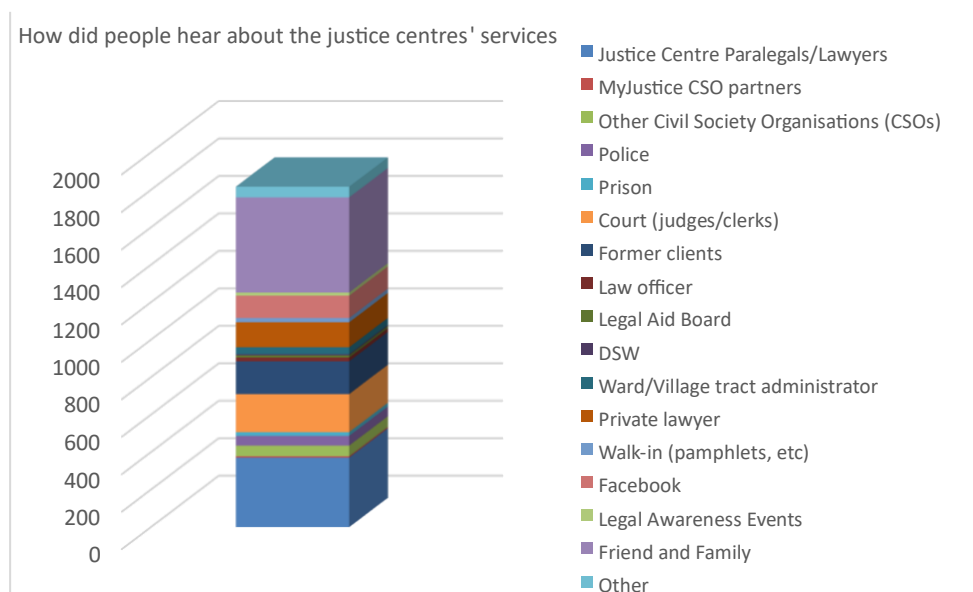
IBJ lawyers’ efforts to identify and gather information about and monitor the treatment of detainees and contact their families has been an invaluable public service. The justice centre lawyers have also gone out of their way to provide food and necessary items to detainees. The justice centres have provided these services for detainees and their families after several mass arrests since the coup. They have also advocated for and **gained the release of many detainees**. The Mandalay justice centre provided **holistic legal aid for 21 pro-democracy activists**. On February 28, there was a crackdown and arrest of protestors in front of the Shan National Building. The Mandalay Justice Centre was quick to gather personal information about 11 arrestees and communicated the information obtained to their families. A justice centre attorney got a power of attorney for clients in the prison and **delivered food and basic needs to these detainees from their families**. On the same day, there was a crackdown on the University Protest Group. An IBJ lawyer **investigated** at the university to gather information about ten of these detainees. The justice centre represented six of the detainees, while four detainees were referred to other legal aid providers.



Modelling assignment of intake lawyers for early access

IBJ’s model of **assigning intake lawyers to remand courts and police lockups** has provided increased opportunity to provide early representation. Early representation is necessary **to achieve the related goals of** (a) getting the accused out of detention (b) discouraging police torture and mistreatment of the client and police malfeasance (c) demanding judges and law officers take more responsibility for ensuring the

integrity of the criminal justice system and (d) reducing prison overcrowding. Early access increases the chances that the detainee will be released from custody. Lawyers have been able to report instances of torture committed by the police. Release of the client from police custody immensely increases the ability of a defense lawyer to prepare an effective defense for the client. The column below shows how did people hear about the justice centres' services which then indicates the importance of regular and proactive visits by Justice Centre lawyers to police lock-up increases early access.

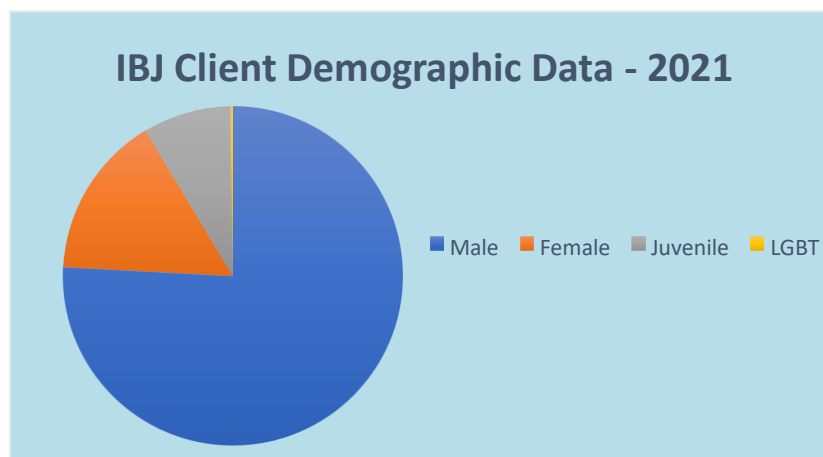


Burden of proof

In Taungoo, the justice centre lawyer was successful in a drug case in which a Pa-oh ethnic client, Khun Aung San, was charged under Section 19(a)/21 abetment in a drug possession case. The prosecutor failed to produce corroborative evidence against the defendant. The lawyer presented an effective defense, totally denying the client's involvement in the offense and emphasizing the prosecutions obligation to meet its burden of proof, citing the case of Mg Gyi Mg and 2 others vs. the State. **This case acknowledges the obligation of the prosecutor to meet its burden of proof under Section 101 of the Evidence Act.** The prosecution failed to do so even at the framing of the charge stage, and the client was discharged.

3.2 Impact on access, inclusion, and empowerment

In 2021, IBJ ably demonstrated its skill in providing holistic legal aid service in the face of the degradation of the rule of law and access to justice. The justice centres provided legal aid services to the most vulnerable people impacted by the political and health crises. Of the justice centres lients, **16% were female, 8% were juveniles, 1% identified as LGBT and 75% were male clients.** As in most countries, men are the most likely victims of arbitrary arrest and torture. However, because of the political circumstances created by the coup, women and children also became unusually vulnerable to arbitrary arrest and mistreatment at the hands of the police. In 2021, reacting to the circumstances created by the coup, IBJ established stronger coordination with other legal aid service providers focusing on women and children, such as ILF, LCM, Wonder Women, and WON. Alongside these service providers, IBJ provided representation to the minority population. It also filled the gap for unrepresented male defendants. *The following pie chart shows the stats of clients represented by the justice centres.*



To generate impact analysis and to collect honest feedback from the clients, IBJ Myanmar HQ staff conducted key informant interview (KII) with clients and families to complement the data from regular client surveys. The wife of the former Bago Prime Minister has described below her experience during the coup.

“I was also in house arrest for 3 months when my husband was taken by the military. Then, I was allowed to go back to Yedashe on 28th April 2021. Every night, I was haunted by the thought of if (and when) I would be arrested again. The coup was like a test to all of us. People who used to be our colleagues have changed. No one was helping us because they were afraid of the military. I have never had experience with the court procedures in my life and our family was helpless to get legal aid assistance for my husband (ex-PM). The support of the justice centre is a lifeline for our family.”

There were **151 clients** [of whom 14 were juveniles] in prolonged pretrial detention that were released as of October 15, 2021. The cases being closed according to orders issued by the government included: **30 cases** charged under Section 19A, 19A/21, 16C, 16C/21 of the Anti-Narcotic and Psychotropic Substances Law, **five cases** charged under Sections 18 (a)/19(a), 16A/17A, 13A/14A of Gambling Law, **seven cases** charged under Section 19 (e) of Arms Act, **four cases** charged under Section 8 of Import and Export Law, **one case** charged under Section 26 of Overseas Employment Law, **one case** charged under Section 30A of Excise Act, and **60 cases** charged under sections of Penal Code. The M&E team is still tracking all these cases that are likely to be released in the future under the SAC’s orders.

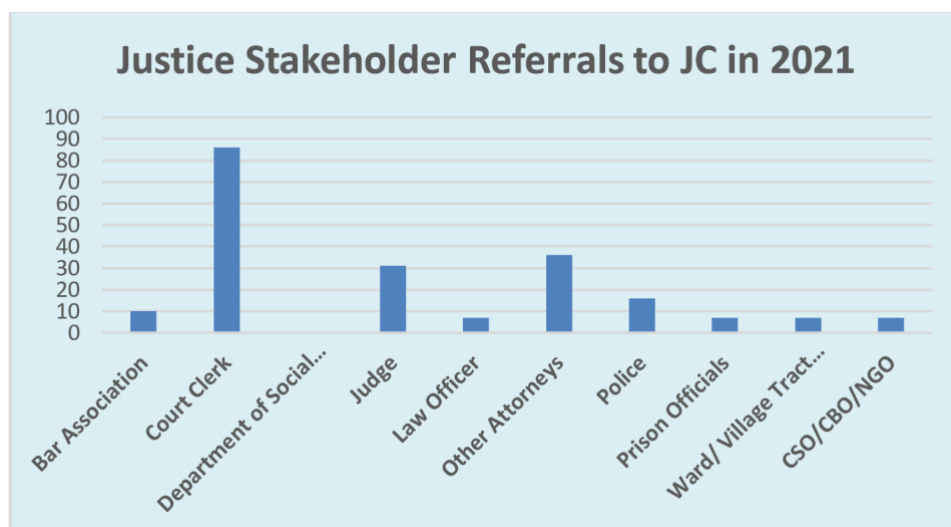
The justice centres are committed to ameliorating Myanmar’s pretrial detention problem. As noted, they have been providing holistic aid to pretrial detainees and their families. Justice centre lawyers have arranged for alternative housing for clients to help gain their release and have often provided money for detained clients and their families out of their own pockets.



Photo taken by TGO JC lawyers: family of clients waiting the release under Order 187/2021

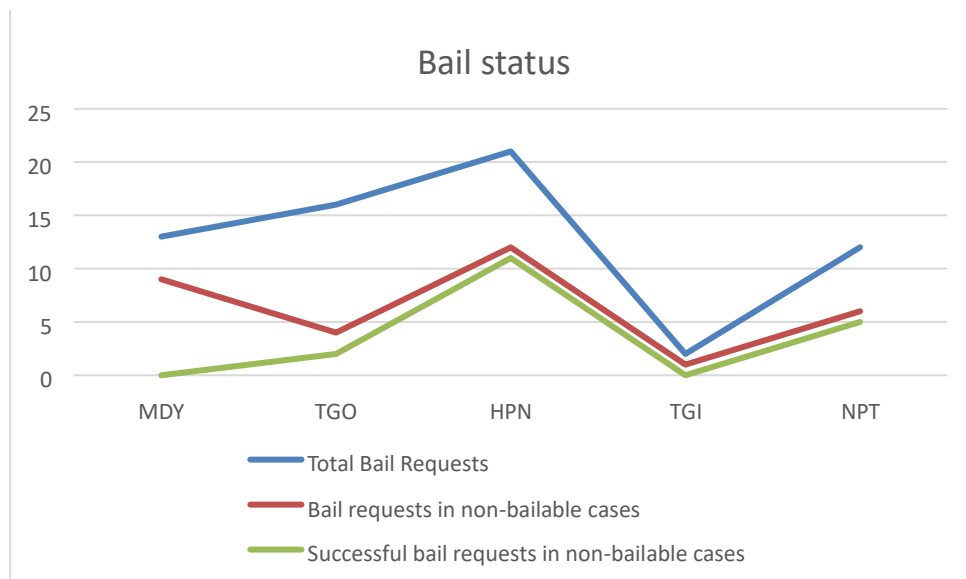
3.3 Impact on the justice system

The justice centres are committed to developing empathetic and effective relationships with their clients and zealously pursuing their clients' best interests. **IBJ lawyers routinely engage with criminal justice sector stakeholders at every stage of the proceeding to educate them** about the background of their clients' cases, and to advocate for the most favourable results for their clients that are obtainable. In so doing, **they also educate the police and court** about the importance of legal representation for criminal defendants. This is demonstrated by the table below, which shows that **86 referrals were made to justice centres by court clerks, 16 by police, seven by prison officials, seven by law officers, and 31 referrals were made by the police.**



Challenges in securing bail

Since the coup, **bail applications have been indiscriminately rejected** by the courts. The **judges apply improper standards for bail, which is, in the main, intended to assure the appearance of the client at further proceedings**. Courts often reject bail motions that clearly have merit. Even before the coup, judges frequently made poor decisions on bail. However, since the coup, **a new problem has arisen**. **Challenging bail rejections can pose a direct threat to the lawyer as well as the client**. Despite this danger, IBJ has had **relative success in securing bail for women, children and vulnerable people who are less threatening to the regime**. It is common knowledge that judges are under pressure to reject bail applications in political cases.



The Mandalay justice centre also represented six political defendants from Mandalay University. The Intake Lawyer conducted a field investigation and provided information to the clients' families. She applied for bail for the clients. Every application for bail was denied, and the intake lawyer reported to the families that the reason for the denial of bail for political defendants was that the judges were being pressured by the military and authorities.

Combating corruption through IBJ professional ethics policies

Corruption in the criminal justice system is rampant in Myanmar and has increased since the coup. **IBJ has strict anti-corruption policies in place**. Lawyers, including pro bono lawyers, **are trained to comply** with these standards when representing clients. Court clerks and law officers have demanded money from the clients' families in cases that were ordered closed under the amnesty. Justice centre lawyers have intervened in instances where court officials have demanded bribes. They have educated the clients' families that the cases were closed by law under the amnesty order and there was no reason for them to have to pay a bribe to anyone to secure the release of the client. They have also reported these corrupt offices to their superiors.

The Mandalay justice centre spotted corruption issues in juvenile cases. Despite COVID-19 restrictions, the special court resumed hearings in all the juvenile cases and improperly summoned witnesses to testify in court without the presence of the juveniles, who were detained in the training school. However, at the trial phase, it became necessary for the juveniles to be brought to the court in order to be examined as a witness or a defendant. For that purpose, the police bear the legal obligation to bring the juvenile defendants to court. There have been some disturbing examples of the regime's corruption in its handling of juvenile matters. Claiming that the juveniles were required to be tested for COVID-19 after their appearances in court, the police arbitrarily charged the family members of the juveniles, or the lawyers COVID-19 test fees and transportation fees.

Analysis on criminal justice system impacted by the coup

The justice centres have established and maintained good relationships with local justice sector stakeholders. IBJ's efforts to educate justice sector stakeholders about the right to counsel have borne fruit, even during the darkest days since the coup. In Mandalay, law officers immediately referred the unrepresented students in the first protest that occurred there to the justice centre. The chief of the Taungoo prison wrote a formal letter and issued a prison referral form requesting that the Taungoo justice centre provide legal representation for two detainees (charged under Section 505-A) who did not have the money to retain a lawyer.

Despite these successes, serious challenges remain. Daw Khin Moe Moe, national legal advisor of IBJ, remarked that *"It is not safe for lawyers to represent Section 505 and other political related cases these days. Lawyers are walking a tightrope. While waiting for the court session in the prison to start, I experienced that the township police officer Nay Myo ordered the judge to call upon my defendant filed by him albeit it was not scheduled on that day. The judge asked the lawyers representing co-defendants in that case if it was possible to call the case. I rejected the proposal of the judge. Also, in one chief examination, that same police unprofessionally and rudely challenged the public prosecutor that he did not like the chief question made by him and to be careful next time. These incidents are indicating the status of rule of law being abused by police."*

On the other hand, Daw Khin Moe Moe also remarked that the new Attorney General of Shan State is supportive of legal aid and respects justice and fair trial rights. Under his leadership, the law officers are being supportive in political cases. On one occasion, defendants were arrested for their participation in anti-coup activities. However, the police fraudulently charged them with offences relating to an explosion and an attempted murder, a crime punishable by lengthy imprisonment. However, surprisingly, the attorney general's office officer dismissed these serious charges and charged the defendants under Section 505 only.