



International Bridges to Justice (IBJ)

IBJ Myanmar Program Annual Report – 2022

Strengthening Sustainable Justice Systems to Address Poverty and Conflict in Myanmar

Outcome 1: Stronger Justice Centers provide high-quality legal services to eligible clients facing criminal charges

Output 1.1: Tailor the structure and the organisation of the 5 justice centers

Key Achievements

- To ensure a smooth functioning of the justice centers in the changing circumstances existing in Myanmar, the IBJ management team provided guidance and support in overall program implementation and budgetary management. In June, IBJ conducted a mid-year program budget review and increased the budgets for program implementation. The parts of the budget increased included IBJ lawyers daily court transportation costs, pro bono case expense payments, internship stipends, and refreshment/data reimbursement costs, as well as external outreach events. These increases effectively respond to fluctuations caused by the Myanmar economic crisis.
- To extend quality, monitoring, assurance and learning of legal aid representation services of the IBJ pro bono networks, IBJ established an intensive case reporting system for pro bono cases. This process has been successfully integrated into the IBJ case management systems.
- In April 2022, the SAC created new electoral districts to influence constituencies in their favour, in preparation for the 2023 election. This impacted the composition of the district courts in districts in which the justice centres are located. Because of this, adjustments to the justice centers' case management and referral systems were required. The IBJ Myanmar senior management and justice centre managers monitored the development and put in place a case management system for the new districts. This system will include the implementation of a new young lawyer apprentice program initiative as part of the existing internship program in 2023.
- IBJ has been vigilant in responding to the security situations in each of the justice center localities. IBJ has developed security protocols and risk assessment tools and has delivered security trainings, not only for the justice centers, but also for the local lawyers and CSOs since 2021. In 2022, IBJ encountered the most direct and immediate security concern it had faced since the coup. In July, the police visited the IBJ justice centers. The visit was in response to an order from the Myanmar Police Headquarters under the Ministry of Home Affairs to investigate an anonymous complaint of a linkage between Justice for Myanmar (JFM) and International Bridges to Justice (IBJ). JFM had been accused of anti-government activity. IBJ's senior leadership, its management team, and the justice center managers addressed the security situation, assisted by the donor's team. IBJ quickly developed a Security Quick Guide and an

implementation plan that covered information management, personal, organizational, and digital security, and case management system. The Security Quick Guide and plan constituted contingency planning that would allow IBJ Myanmar to continue its operations under the most difficult scenarios.

Summary of the challenges faced while operating the project activities

Throughout the year, IBJ has identified systemwide challenges impacting its legal aid representation. IBJ has supported lawyers to the best of its abilities, through capacity building programs and financial support. The following is a summary of those challenges:

1. Limitations on lawyers representing political cases in the special courts and in challenging irregularities and unlawful police confessions, and the security considerations regarding representing political cases.
2. Lawyers faced the pressure of politico-legal crisis in the judicial system. Cases were impacted by unnecessary and unlawful directives issued by military influenced government bodies. In political appellate cases, the powers of attorney and other required documentation are being required to be submitted to Naypyitaw Correction Department under the Ministry of Home Affairs for approval. The approval process usually takes 2 to 4 weeks. This has been impacting the appellate time limitations. The courts have constantly failed to remedy these systemic defects. The lawyers are required to submit affidavits for exceeding the appellate time limitation and they are not allowed to put on record the real reason for the delay. The judiciary resist or do not allow for any SAC related directives to be on court records. Lawyers fear risks to their safety and professional practice if they challenge this delay with the Corrections Department of the Ministry of Home Affairs.
3. The resurgence of the corruption and bribery culture in the judicial process. This is becoming particularly problematic in getting PoAs and case document copies. Court personnel are demanding that lawyers pay extra charges for copying case documents. When they fail to pay, they are being treated abusively by the court staff. Judges are demanding bribes too. Unwillingness to pay bribes results in serious delays in cases being called. Judges do not wait for lawyers who have scheduling conflicts if they do not pay bribes.
4. Although lawyers have identified injuries that are signs of torture in their clients, the window for official reporting to the court is very narrow due to the politico-legal changes and security concerns, especially in political cases. Incidents must be reported immediately, or they are not investigated. Sometimes immediate reporting is not possible, due unavoidable delays in seeing the client, or for other reasons.
5. Due to frequently changing regulations in the prison and police lockups, the implementation of material assistance services had to change and sometime was hindered. Moreover, in some locations, the prison authorities were making records and taking portrait photos of the lawyers who delivered the material aid parcels. IBJ will review all the procedures and guidelines of the material assistance to find a balance between quality-accountability and a secure and easily implemented process for lawyers.

Output 1.2: Justice centre lawyers and pro bono lawyers provide quality legal representation in 2760 criminal defence cases over 2 years

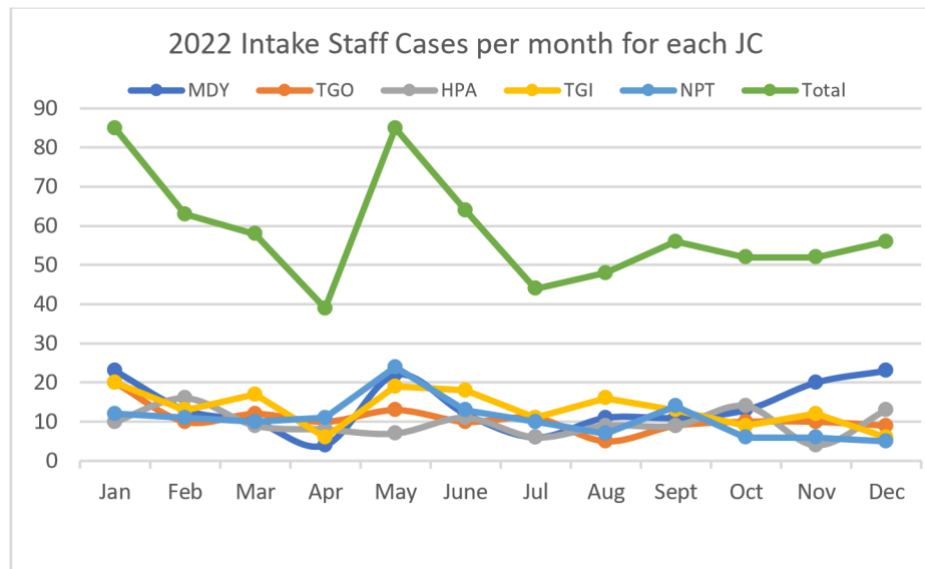
Key Achievements

- In 2022, IBJ provided representation to **1392** individual clients in **1510** criminal defence cases through the combined efforts of the justice centers and their pro bono network lawyers. This is **55%** of the promised legal representation for the whole project extension period (2760 cases).
- The justice centers provided quality legal representation in **702 cases** with **605 ordinary pre-verdict** cases, and **97 post-verdict** appellate cases. There were **256 politically motivated cases**, and **57 juvenile** cases.
- Of the JC clients in 2022, **17%** were female clients, **8%** were juveniles, **1%** were members of LGBTQ community, **1%** were persons with disabilities, and **73%** were male.
- The pro bono lawyers cooperating in the justice centers provided legal representation in **808 cases** with **772 ordinary pre-verdict cases**, and **36 appellate cases**. There were **294 politically motivated cases**, and **28 juvenile cases** represented by the pro bono lawyers.

- There were **1376 cases closed** in 2022 with **667 justice center cases**, and **709 pro bono cases**. **70%** of the ordinary JC closed cases received reduced sentences, **18%** of the cases resulted in release or noncustodial measures.

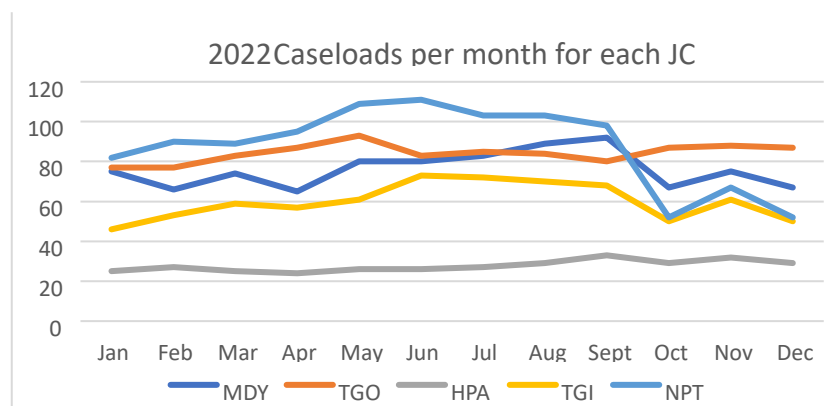
Justice Center case data analysis

The justice centers and pro bono lawyers faced difficulties and pressures of the various security context from bomb explosions, arrests against lawyers, and armed conflicts in certain ethnic areas such as Karen and Bago. In addition, lawyers had problems caused by the negative changes to the criminal justice system, institutionally and systemically. The lawyers were asked by court officials and police for bribe money for copying case files, inquiring about court dates, and getting powers of attorney at the pre-trial detention stages of the proceedings. They were mistreated by the clerks and police guards when they refused to pay bribes.



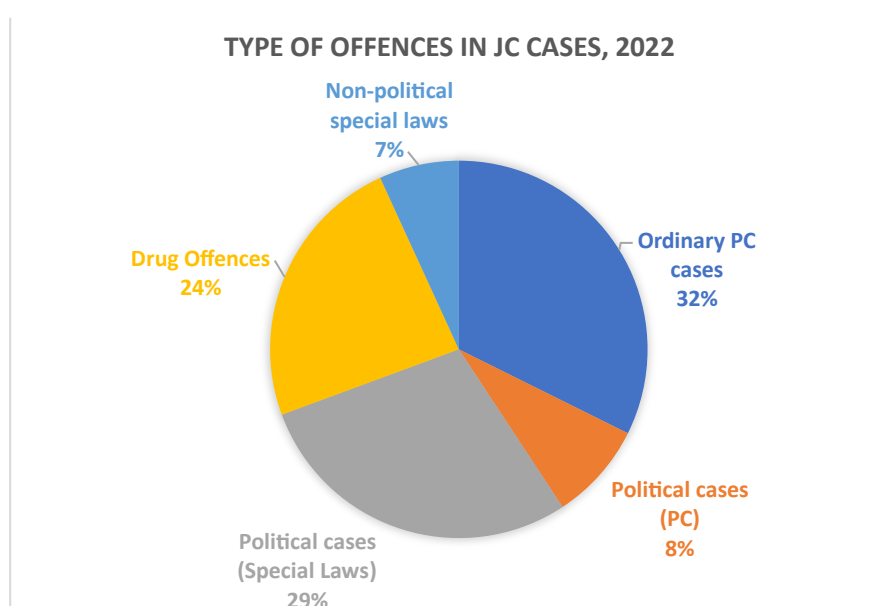
In 2022, January and May showed the highest case intakes. This is a normal pattern. December and April are the months during which new case registrations are less likely to be made by the police. Police and courts tend to complete the ongoing cases in December for their year-end reports. This means that unregistered cases from December are registered in January, inflating the number of case registrations in that month. The same overestimate of cases occurs during May, because the long Thingyan holiday break causes the unregistered cases from April to be registered in May. In July, IBJ instructed the justice centers to put new case intakes on hold following the previously discussed police investigations at the centers. During the rest of the year, the case intakes accurately corresponded to the month being reported on.

The following chart shows the monthly caseloads of the justice centers in 2022.



In 2022, the project managed an average of 336 ongoing cases per month: MDY-76, TGO-84, HPN-28, TGI-60, and NPT-88. Because Naypyitaw Justice Center was the sole criminal justice legal aid service provider in the locality, it had the highest caseloads. Mandalay, Taungoo and Taunggyi have the same steady stream of caseloads throughout the year. The Hpa-an justice center could maintain its caseloads around at 28-30 because of the additional efforts lawyers have to invest when managing speedy trial of cases by courts. The lawyers requested the court to remove no-show, unavailable prosecution witnesses in their cases. Moreover, the justice center mentored and trained young lawyers in Hpa-an and assigned them more pro bono cases. By doing so, the justice center expanded its community of practice and its pro bono network. Back in 2018-19, Hpa-an justice center struggled to establish a thriving pro bono lawyer network. At that time, they faced cynical attitudes about free legal aid from the local community. This has changed now, and they have been accepted as a needed community service and asset.

The chart below shows type of criminal charges of the justice center representation was taken up by **37%** of politically motivated charges, **32%** were non-political ordinary criminal charges, **24%** were drug offences and **7%** were other special laws.

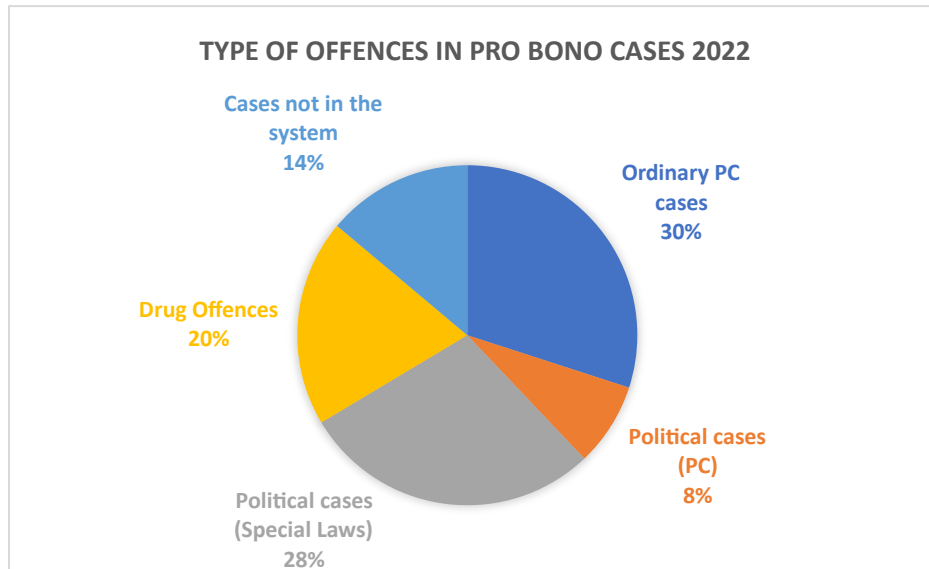


According to disaggregation of the justice center case data, **48% of** all the political cases represented by the justice centers were charged under **Anti-terrorism Law**. These charges include committing bomb attacks, abetting bomb attacks, causing damage to public infrastructure, providing funding to alleged terrorist groups, allowing terrorist groups to use a building, or organizing transportation for terrorist groups. The types of charges faced by our clients is misleading. Almost all of them are not terrorists. A deeper analysis verified by the lawyers shows that most of our clients charged under the Anti-terrorism law were unlawfully arrested and deprived of their fair trials. Most of them were tortured in a long interrogation period, forced to confess, and their statements to the military intelligent units obtained by torture were used as evidence in court. **30%** were charged with allowing and organizing places or transportation for alleged terrorist groups, **26%** were charged because of donations they made to various groups not associated with terrorism, including IDP camps, civil disobedience, and pro-democracy movements. The donations could be as little as 5000 kyats (**less than \$3USD**). The penalties are disproportionate to the seriousness of the charges, as most of these charges are punishable by **4-7-10 years of imprisonment or as much as life imprisonment**. **Therefore, Anti-terrorism charges were generally used as pretext for suppression of pro-democracy activities of Myanmar in 2022.**

Pro Bono case data analysis

A major improvement in the process of pro bono representation in 2022 was the integration of IBI case management tracking system into pro bono representation work. Since the commencement of pro bono legal aid networks in 2018, case management forms and case report systems did not adequately report the activities of the pro bono network. Most of the case tracking and monitoring was undertaken by the justice center lawyers

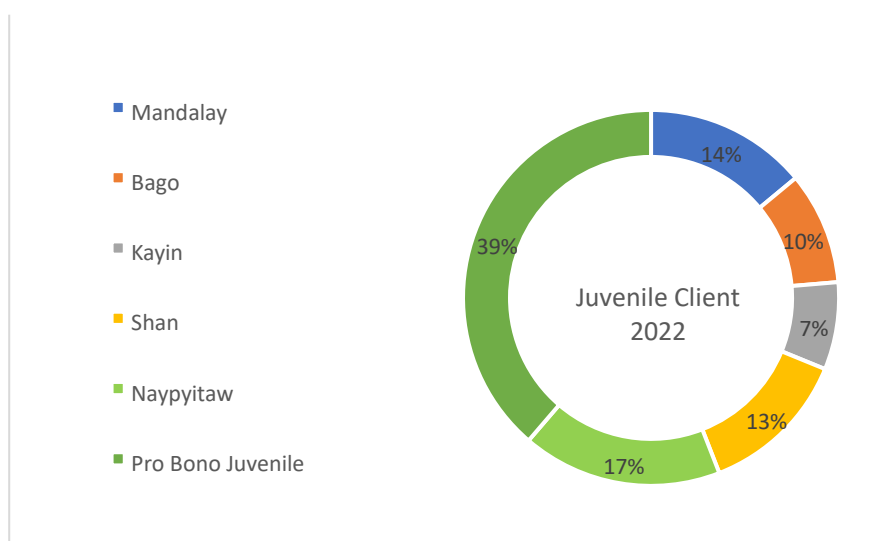
in joint representation. For sustainable development, IBJ has always believed in transferring case management and monitoring tools to the various pro bono community of practice lawyers. In 2022, IBJ improved the pro bono case referral frameworks by integrating them into the existing case management and M&E system. IBJ can report the number of annual pro bono case referrals, and the types of charges. It can also report some of the case activities such as bail motions, case investigation, and case mentoring sessions.



The pro bono lawyers cooperating in the justice centers provided legal representation in **808 cases** with **772 ordinary pre-verdict cases**, and **36 appellate cases**. There were **294 politically motivated cases**, and **28 juvenile cases** represented by the pro bono lawyers. As with the justice center cases, political cases were the most common. They constituted **36% of the total caseload**. **30% were ordinary criminal cases**, and **20% were drug offences**. From the political cases, **60% were charged under Anti-terrorism Law**.

Juvenile justice

While the vast majority of IBJ clients are adults, IBJ places a high priority on the representation of juveniles. In 2022, IBJ represented **82 juvenile cases** of which **54 cases** were handled by justice centers, and **28 were handled** by pro bono lawyers. These cases involved children who ranged in age from 12 years old to just under 18 years of age. These children were mostly charged with **theft, elope and rape between two-minor adolescent boy and girl, violations against public property, political charges** such as **charges under Section 505 A, Anti-terrorism Law**, and **violations of the Arms Act**.



Demanding rights of the child in the criminal justice system

In September, the chief of security, strategy, and training, legal coordinator and legal associate conducted a series of consultations to have a better understanding of the on the ground realities, challenges, and barriers faced by the justice centres in providing child-friendly legal aid. The discussions considered the pre-and-postcoup juvenile justice context. Based on the findings, the chief of security, strategy, and training, and the legal coordinator organized a two-day legal advocacy skill training workshop in November. In the workshop, the trainers presented juvenile justice best practices and standards, and facilitated the justice center lawyers in conducting a mock-trial. The lawyers not only shared juvenile justice efforts they had made to overcome common challenges, but also brainstormed ideas for alternative measures for disposition of juvenile cases. They also discussed cooperating with other stakeholders and organizations in finding alternatives to secure detention for juveniles. There was discussion of diversion programming, which is strongly favoured by the Child Rights Law, but has not been implemented by the government despite a statutory mandate to do so. As part of the training workshop, the legal coordinator routinely followed-up with the justice center lawyers regarding the impacts and changes of the juvenile justice and their caseworks as a result of the training.

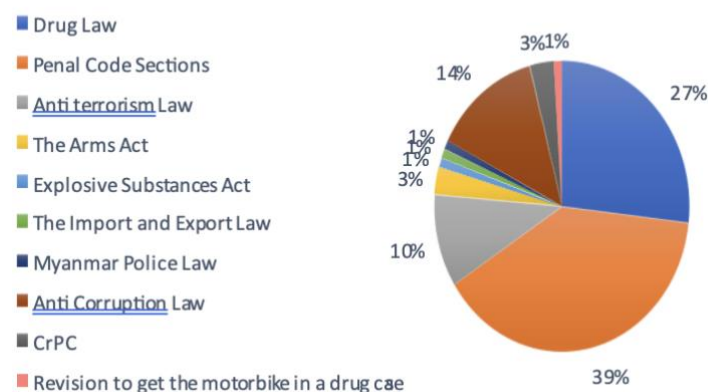
IBJ could report the lawyers' tireless efforts to demand the courts pursue the rights of the child in juvenile justice, including in politically motivated cases.

- In Hpa-an, a pro bono lawyer [Daw Nang Wai] represented an underage girl [Ei] who had been charged under Section 52 (a) of the Anti-terrorism Law. The maximum penalty was 7 years imprisonment. The lawyer argued that the client receives an alternative measure under Section 89 (e) of the Myanmar Child Rights Law. The client was sent to Young Women's Training Center in Twun-tay. Since an appeal will be filed at the High Court, the case has been reassigned to the justice center for the appeal.
- In Hpa-an, a pro bono lawyer (Daw Witt Yee), represented a juvenile who had been charged under Section 381 of the Penal Code. The child was sentenced to be placed in the Young Women Training Center for 2 years. The pro bono lawyer filed an appeal to the District Court. However, the court dismissed the appeal.
- In Taungoo, the intake lawyer, U Soe Moe Aung, advocated/educated the police to pursue rights of the child. Seeing a juvenile, Zaw Aung, brought to the court handcuffed, and placed in court lock-up with adults, the intake lawyer immediately told the police that these practices were contrary to the Myanmar Child Rights Law (Sec. 94(b); 80 (d)). On that day, the lawyer immediately applied to the court for the release of the child to his parents. The application was successful, and the child was restored to his parents on bond.

Strategic litigation and systemic change through appellate work

In 2022, IBJ reported **133** appellate cases filed (**97** JC cases and **36** pro bono cases). In the JC appellate cases, **26%** were filed in the Supreme Court, **43%** were filed in the High Court, and **31%** were filed in the district courts. The following chart shows on what type of charges the appeals and revisions were filed in 2022.

Type of Offences in JC Appellate Cases 2022



One of the core impacts of IBJ's efforts is to shape criminal justice systemic change. In addition to efforts of one-on-one advocacy at the grassroots level, and justice actor dialogues, IBJ emphasizes the value of legal motions and seeking remedies at various stages of the justice system. Through the small impacts of a cases at the local level, IBJ hopes to educate the judiciary and law enforcement, to improve fair trial rights, and to foster best practices in the justice system. Lawyers often face implicit pushbacks in the justice system when providing quality holistic legal representation for their clients. They sometimes face resistance and threats in challenging violations of due process with cross-examination of government witnesses. However, justice center lawyers have not generally been prevented from challenging the factual and legal errors in political cases. The most significant key highlights of IBJ's appellate work in 2022 were the following cases:

- The Taungoo Glass Bulb case was a murder case that commenced in 2019. The two defendants allegedly killed the victim by hitting him with glass bulbs. The defendants were sentenced to death in 2020 by the District Court. The defendants were not represented by counsel when the original sentence was imposed. An appeal was filed in the High Court. The Taungoo justice center manager and a pro bono lawyer represented them in the current proceeding. In November 2021, the High Court upheld the death sentence order of the District Court. Within 7 days from the date of sentence, the justice center filed an appeal to the Supreme Court challenging the execution of death sentence through coordination with the Naypyitaw Justice Centre. As a result, the Supreme Court commuted the death sentence and revised the sentence to 20 years of imprisonment.
- Taungoo Justice Center's assertive defence of the former Bago prime minister's anti-corruption cases. Lawyers are operating in an environment in which there is no judicial independence, and thus fighting an uphill battle with political cases.
- A case in which the Hpa-an justice center manager and an IBJ pro bono lawyer were successful in overturning a 20-year rigorous imprisonment sentence. This vital intervention averted a major miscarriage of justice and saved the lives of two persons who were wrongly accused. The IBJ lawyers filed an appeal to the High Court in Kayin State, challenging the bogus charges filed by the police and the lack of sufficient evidence to convict the two men. The High Court acquitted the defendants and ruled that the district court could not convict the defendants based on speculation and inadmissible statements.
- IBJ justice centers filed 7 appellate cases in politically motivated cases.

Challenges in making bail applications and efforts of the justice centers

In the total cases represented in 2022, around **80% were non-bailable cases**. In 2022, IBJ lawyers made **127 bail applications**, of which **59 were in non-bailable cases** and only **37 were successful**. The lawyers made bail applications in some of the non-bailable cases if the clients met the exceptional provisions of the Criminal Procedure Code as well as in juvenile justice. The lawyers are facing challenges and denials in making bail applications due to the changing justice system being under control of the military directives for politically motivated cases. On the other hand, the lawyers also encountered reluctance on the part of the clients and family members to apply for bail. Some of the clients' families, including some parents of juvenile clients, or mothers of an adult political accused, or even sometimes the clients themselves, did not want to file bail for one of the following reasons:

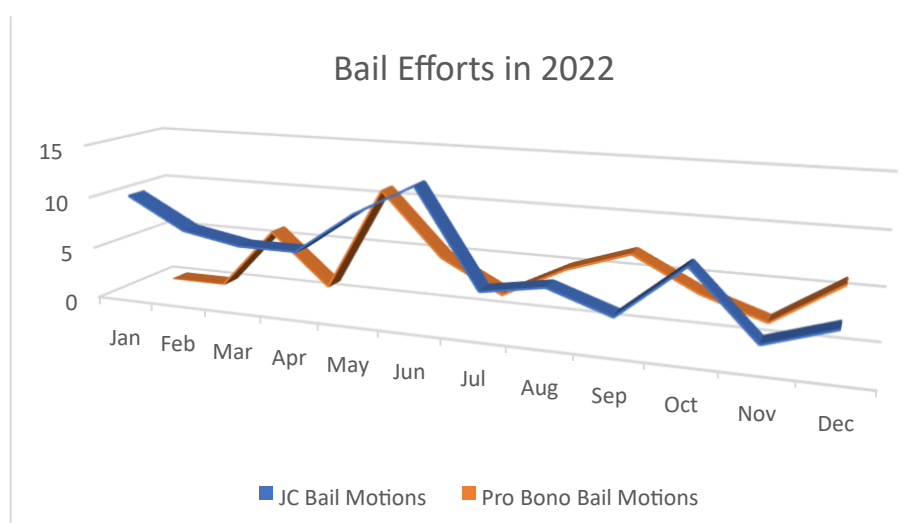
- a. Parents being too poor to nurture or provide necessary care or guardianship to the juvenile accused because all family members need to work for a living.
- b. Some parents thought that having their sons in jail would be better for him, being concerned about the son committing new crimes while on the bond.
- c. Some clients were facing bail poverty, being unable to provide necessary security, sureties, and documentation to make bail.
- d. Sometimes, the clients themselves refused to apply for bail even if they met the criteria because they expected to get the pre-trial detention period deducted from the actual sentence at the final hearing.
- e. Some clients denied applying for bail with the hope to get amnesty or pardon on special days.

In November, the legal coordinator conducted an analysis of bail conditions across the 5 justice centers as a follow-up of the mentoring program with the chief of security, strategy and training.

- In Taungoo and Naypyitaw, nearly every juvenile charged was granted bail, even in non-bailable cases. However, the conditions were not the same in MDY and HPN. Bail applications of non-bailable cases

were rarely granted in Hpa-An. The condition was worse in Mandalay for non-bailable cases regardless of political or non-political in nature. Even in juvenile cases in Mandalay, bail is not usually granted except in cases where the child needed to undergo surgery. In Taunggyi, bail applications in some juvenile cases charged with drug offenses, murder, and rape were granted. However, the principles of detention as a last resort, and the legally favored application of non-incarceration and alternative measures in juvenile justice were not honored.

- In politically motivated cases, the courts were reluctant to exercise their discretionary power in consideration of bail as their hands were tied by the secret directives from the military. Despite this challenging condition, lawyers tried to apply bail in political cases. In Naypyitaw, bail was granted in a Section 505-A case. However in Mandalay, the judge did not even accept the bail application. In Hpaan, the judge informally discouraged the lawyer that he would not grant bail even before the bail application was submitted.
- Courts got used to ignoring their obligation to exercise discretionary power to consider bail applications when the clients met the exceptional criteria under the law.

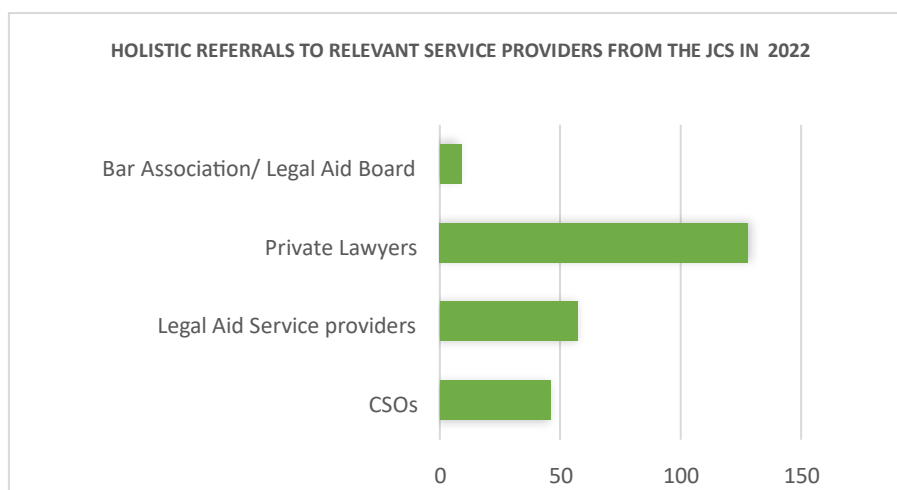


Output 1.3: Provide assistance through legal aid helplines and justice centre activities for 1060 individuals

Key Achievements

- Local service providers directory developed by each justice center
- Legal helpline data archive and reporting system
- Case story writing mini project by the legal helpline lawyers
- Observing and recording justice center case mentoring sessions

Previously, IBJ justice center lawyers have struggled to balance their time and efforts in providing legal representation at the courts and serving individuals asking for free legal advice. There were no office hours for people walking in for the legal aid services because all the center lawyers were operating at the courts, police stations, and prisons. The placement of legal helpline lawyers at each justice center has alleviated the workload of the justice center lawyers who have obligations to appear in court. The establishment of legal helpline service has been advantageous for the project to expand holistic legal aid services. It is reported that not only individuals of the justice center locations, but also from other locations have been reaching out the helplines. It was reported that people from Kyauk-Padang, Yangon, Htan-da-pin, Pyin Oo Lwin, Myingyan, Pathein, Ayeyarwaddy and Magway have contacted the helpline seeking legal advice. Depending on the needs, the helpline lawyers provided free legal advice, as well as referral to outside counsel qualified to help them.

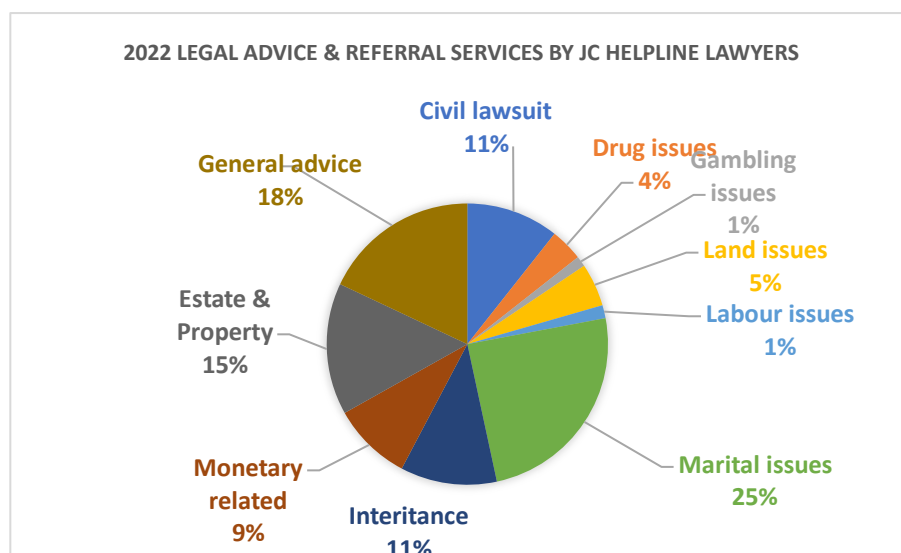


From the legal helpline data archive, IBJ could report a total of **984 holistic legal aid services** apart from legal representation at the court in 2022. The justice centers helpline lawyers provided **572** free legal advice services, which was **76%** of the total advice services given. Out of the **240** holistic referrals, **119** referrals were made via helplines. The above chart shows holistic referrals to various actors.



Mandalay Legal helpline Lawyer providing legal advice and counselling services

Additionally, IBJ legal helpline data archive has captured that **67%** of all the holistic legal aid services provided in 2022 were non-criminal cases. As illustrated in the pie chart below, we can see that 25% were marital issues being raised mostly by women asking legal advice for filing divorce. Around 60% of them encountered physical or mental domestic violence. Although SGBV issue is beyond IBJ's direct services, and capacity, the helpline lawyers have been facilitating access **to justice for victims of crimes** through effective coordination and referral mapping with various local and international NGOs such as UNICEF, UNHCR, LCM, ILF, WON, KMSS and other service providers focusing on various types of services to victims.



Due diligence for security

In the commencement of the helpline setup, IBJ used Telenor phone operator service that interlinked among the five justice centers, as well as a call forwarding system to make available a hotline service for users. IBJ monitored the user friendliness through follow-up survey to the callers by the helpline lawyers, as well as quarterly legal helpline progress sharing meetings. After implementing with the operator system for 8 months, IBJ identified that due to poor internet connection in certain locations like Taungoo and Naypyitaw, the phone lines using the operator system were not strong. In any case, people from the rural communities preferred calling to ordinary sim-card phone numbers over the operator system, in which the user needs to follow instructions. Therefore, **IBJ enhanced the reachability and accessibility of the helpline by replacing the phone operator system with ordinary phone sim-card numbers.** Not only were the ordinary phone lines replaced, but IBJ also opened Signal accounts associated with these numbers. This was done to provide easy and secure access to legal advice and document sharing when necessary. This change was particularly necessary for security after the telecom company, Telenor, was sold to a company that was predominantly owned by a firm with relations with the military.

Output 1.4: Open 4 (6-month) criminal justice paid internship programs

Due to the dual crisis in 2021 and 2022, the opportunities for law students to learn quality clinical legal aid were seriously reduced. The paid internship programs of IBJ were able to fill this gap through online and in-person hybrid internship models. IBJ implemented two paid internship programs in 2022, making available learning opportunities for **54 law students and young community leaders**. In the recruitment process, Gender Equality Social Inclusion (GESI) standards were complied with, and IBJ also conducted a post-internship survey of all the interns. IBJ determined that escalating security concerns impacting lawyer communities has limited clinical legal education opportunities for young lawyers. IBJ leadership has discussed and considered these spaces and needs and the justice center lawyers commented on the options for providing them during the JC monitoring visit in June. IBJ will expand the internship program with an initiative called “Young Lawyer Apprenticeship Program” in 2023.

Outcome 2: Provide material assistance to 600 detainees and prisoners

Output 2.1: Develop justice centers’ resources and operational framework

Key Achievements

- A set of comprehensive Material Assistance Guidelines and forms were developed, and the pilot implementation was monitored.
- The IBJ management team monitored the distribution of material assistance provided by the justice centers. IBJ conducted a reflection session on the implementation challenges and areas for

improvement with each justice center team during the justice center monitoring visits. Based on their feedback and inputs, we have modified the forms for distribution of material assistance.

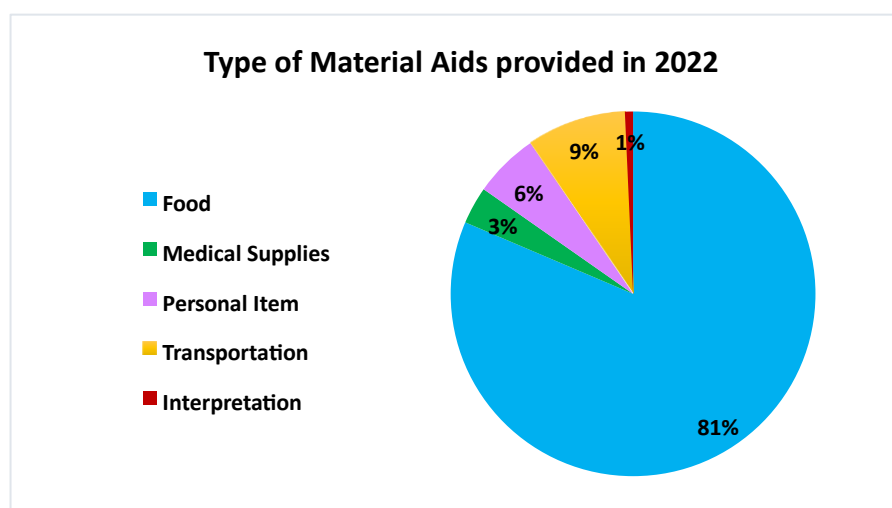
- We also reviewed the M&E and financial systems for the implementation of this outcome.
- IBJ facilitated a COP meeting hosted by the donor on material assistance. We shared our guidelines and forms with our donor partners in June.

Output 2.2: Provide basic aid to 600 detainees and prisoners

Key Achievements

- IBJ provided material assistance to **630 clients (203 unique clients)** of material aid reaching **507 male, 116 female** and **7 juvenile** clients received assistance.

IBJ has ensured that the guidelines and forms are applicable for the justice centers to implement this outcome. We encourage the justice centers to set internal procedures compatible with the environment in which they operate, because local prisons and police stations have different regulations. The lawyers could access the prison special courts and bring food boxes for their clients. However, due to escalating security incidents such as the bomb explosion in the Mandalay District Court, Insein prison parcel reception counter, and police stations, the local regulations for visitation and basic material delivery were changed from time to time, and from place to place. As a result, the unique individuals who received the assistance have reached 68% of the 2022 target, i.e., 34% of the total proposed target. IBJ will construct the Material Assistance Policies for pro bono clients and lawyers and will also consider the lessons learned in 2022.



Outcome 3: Develop an effective cadre of 500 defence lawyers

Output 3.1: Maintain the criminal justice practice digital commons.

Website and e-library

Most of the IBJ internal resources have been compiled and catalogued. The senior lawyers are reviewing the resources before their distribution on the website. IBJ will promote the app and website in the communities of practice groups-- to pro bono lawyers, law interns and paralegals.

Practice tips on representing women detainees.

IBJ has finalized the development of the Practice Tips on Representing Women Detainees in collaboration with LexisNexis. It has been reviewed by external legal experts of both international and national. The Burmese translation process is also completed, and it is being reviewed by IBJ research committee for final version. We will launch the Practice Tips in March 2023.

Development of legal motions and excerpts

In 2022, IBJ lawyers developed one legal argument, and several form legal motions relating to suppressing involuntary confessions, developed from the training workshop in August. IBJ lawyers and Mr. Peterson developed other form motions, including a motion applying for the right to education for juvenile client, a form bail motion, application forms directed to the Department of Social Welfare developed from the juvenile justice training workshop in November. A form motion for pretrial discovery, including discovery related to the chemical testing of drugs, was also developed. IBJ plans to continue development of form motions and legal arguments, and to distribute this resource in 2023.

Output 3.2: Improve defence lawyer capacities

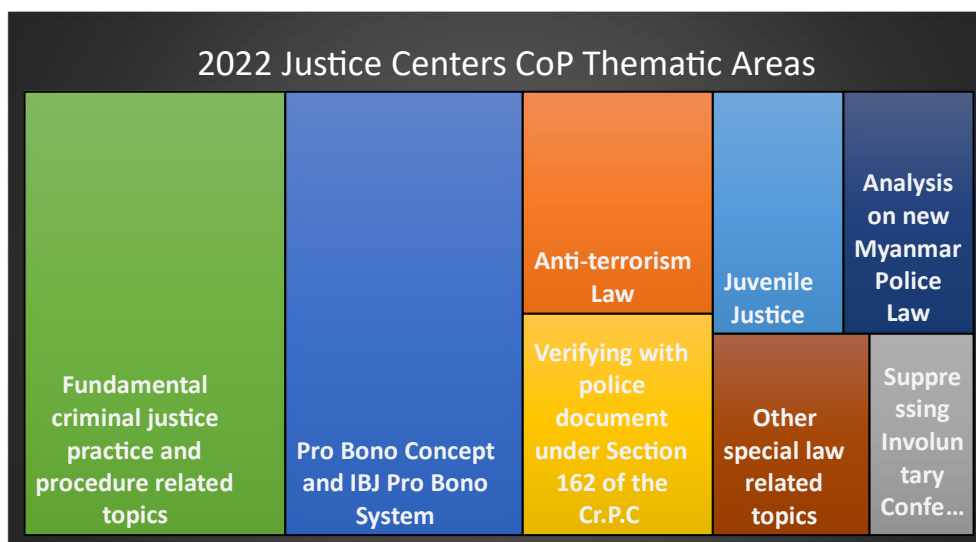
Key Achievements

- In 2022, IBJ reports **25 sessions (15 cases)** of group and individual mentoring, conducted by Mr. Peterson, and training
- **89** mentoring sessions were conducted by the justice centres, of which **76** open cases were discussed; these included **50 appellate cases**
- **19** legal motions resulted from the justice center mentoring sessions
- **18** COP meetings were held that discussed mentoring topics
- **8** lawyer trainings were conducted on mentoring topics

Output 3.3 Engage 2400 pro bono lawyers through monthly legal discussions and advocacy skills trainings over 2 years [80 COP and 20 legal advocacy skill trainings] Key achievements

- IBJ conducted **40 COP events** in 2022 reaching **892** lawyers of which **79%** were women lawyers; there were **615** new unique participants with **77%** women lawyers attended.
- IBJ conducted **11 legal advocacy skills trainings** reaching **257** lawyers of which **80%** were female. The legal advocacy skills training covered the following topics:
 - Methods used in litigation regarding admissions and confessions (March)
 - Misappropriation, breach of trust, and cheating (April)
 - Facilitation and public speaking for lawyers (April)
 - Legal strategies and precedents to be used in suppressing admissions and confessions (April)
 - **Two** trainings on Fundamental criminal law for paralegals in Naypyitaw (August)
 - Joinder of charges, joint trials of accused (September)
 - Documentary evidence and ways to object submissions of evidence (October)
 - Combining of charges (October)
 - Role of defence lawyers and skills covered in the Criminal Defence Practice Manual for young lawyers (November)

IBJ will continue to develop legal motions and strategies for external lawyers through legal trainings in 2023. The COP meetings are linked to local needs and IBJ's mentoring program and some of the topics are discussed in the mentoring sessions. The following chart shows the thematic areas of legal topics covered in the CoPs.



In 2022, in addition to the support of the justice centers, the IBJ country program manager and admin & HR manager jointly conducted COP meetings in June during the justice center monitoring visits. The purpose was to present the new pro bono guidelines and case report systems, and to follow-up on challenges. IBJ has previously reported the challenges voiced by the CoP lawyers across the 5 justice centers.



COP Event at Taunggyi Justice Center in October 2022

Output 3.4 Organise roundtables and monthly advocacy meetings with justice actors

IBJ conducted 2 roundtable panel discussion webinars marking special days.

- On March 8, 2022, International Women's Day, reaching **88 participants of various disciplines**.
- December 10, International Human Rights Day reaching **80 participants of various disciplines**.
- Justice center lawyers conducted one-on-one advocacy for systemic criminal justice change reaching **100 members of the various government agencies** at the grassroots level covering various topics. The following table is the one-on-one advocacy activities of Taungoo and Taunggyi justice centers.

Center	Justice actors met	One-on-one discussion topics
Taunggoo	1 TGO Township Judge	The justice center manager met the township judge to seek lenient punishment for the client Saw Kyaw Htoo who is a person with disabilities. As a result of the advocacy, the defendant filed an appellate motion to the high court.
	1 District Court Judge	The center manager advocated the District Court Judge with regards to the trial delays created by the constant absence of witness testimonies by both the medical officer and the investigation officer. As a result, the investigation officer appeared at the court.
		The justice center manager and the intake lawyer advocated the township judge that the crime ingredients of Sec.505-A were not met in the case and requested bail and restoration to the guardianship of his parents. Bail was successful.
		In the case of a juvenile (f) who was charged with fraud, the associate lawyer advocated the township judge with the child rights, and restoration to the guardianship of her aunt because the client's mother already passed.
		The associate lawyer advocated the district law officer for trial delay due to constant absence of the medical officer and the investigation officer.
Taunggyi	2 Judges 2 Police Officers	Introducing the work of justice center to the Judges of Phekon, Ywa-ngan who were attached to Taunggyi District Court to try political cases, and Aye Thar Yar and Nyaung Shwe Police Officers

Outcome 4: Empower communities and 2900 individuals to assert rights

Output 4.1: Conduct 80 Know Your Rights (KYR) outreach events for 2400 individuals and 100 Focused Group Discussions (FGDs) for 500 direct beneficiaries

Key Achievements

- In 2022, IBJ reported **41** KYR events reaching **1948** participants of which **60%** were female.
- The justice centers conducted **41** FGD events reaching **243** clients and families of which **57.2%** were female.

The justice centers customised resources for public legal awareness activities based on the type of target groups served and local needs. Sometimes, there was experience and resource sharing among the justice centers. The topics covered were as follows:

Know Your Rights (General Public)	Focused Group Discussion (Direct beneficiaries)
<ul style="list-style-type: none"> • Knowledge sharing about bail (MDY) • Rights of accused and Child Rights Law (TGI) • Drug related offences (HPN) • Traffic Law (HPN) • Women's rights (HPN) • Rights of accused charged with crimes (HPN) • Rights of accused and violence against women (TGI) 	<ul style="list-style-type: none"> • Criminal Trespass and Rights of the accused (TGO) • Offences relating to property - theft (HPN) (TGI) • Court processes and murder (NPT) • Drug related offences and court procedures (NPT) (HPN) • Gambling law and court procedures (NPT) • Child rights law and sexual related offences (NPT)

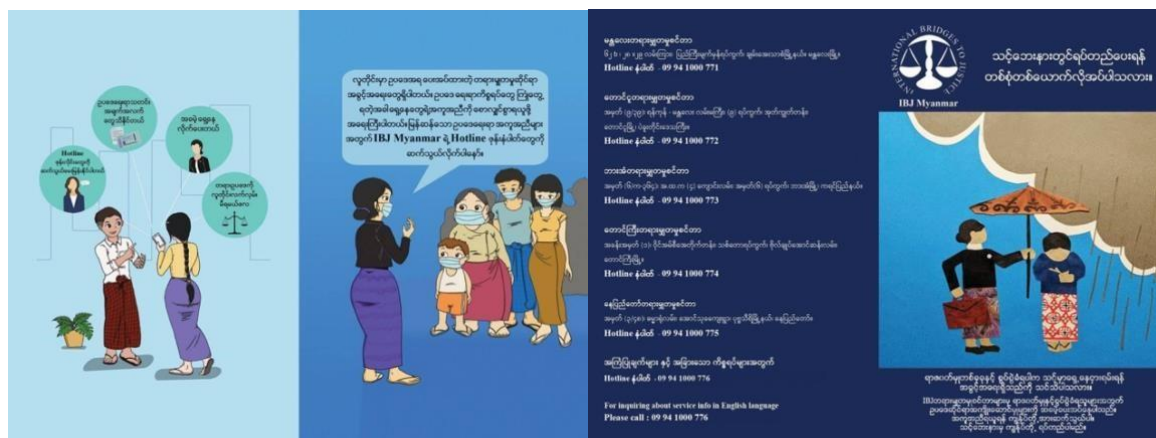
FGDs are becoming more effective for promoting legal empowerment for the clients and their community. IBJ has reported a significant impact to change the altitude and behaviour of the clients and people in their neighbourhood.

Output 4.2: Provide public information to members of the public about legal rights and legal aid services

Key Achievements

- Legal helpline awareness graphic cards and digital pamphlets

To promote legal helpline service, IBJ printed and distributed 6000 pamphlets to the justice centres. We have promoted about the helpline, and justice centers legal services on Facebook although we maintained to keep low profile and visibility on social media for security purposes.



Outcome 5: Myanmar local leadership is equipped to assume management and ownership of Justice Centres

Output 5.1 Foster justice center sustainability

Key achievements

- 5 trainings of project development and stakeholder analysis for each justice center in May and June
 - 1 Donor mapping framework developed by IBJ management team.
- 5 extensive and detailed consultations with each justice center and individual staff for innovative ideas on new project opportunities in June
- 1 needs assessment and logical framework design training in November.
- 5 feasible new projects and logical frameworks developed by each justice center with the support of the Country Director and the Country Program Manager

One of the achievements under Outcome 5 in 2022 was on-site coaching and monitoring, activities that had been suspended for two years due to the Covid-19 and the political crisis. In June 2022, IBJ Myanmar local management team (country program manager and admin & HR manager) provided guidance and support for the justice centers to navigate and better implement the organisational policies and procedures during the onsite visits. Moreover, in September 2022, IBJ supported its key staff members (the country director, country program manager and two justice center managers) to participate in the 11th Asia Pro Bono Conference in Laos, which broadened the international exposure and networking opportunities for the IBJ local staff and provided in-person coaching and consultation for the sustainability of the project in 2023 and beyond.

In the last quarter, after consultations with the justice centres, it is evident that nationalisation of the justice centres is a journey requires a multi-pronged approach in the coming months. Taking this into account, IBJ has approached this from various dimensions: program and fund development, building capacities, visibility of the justice centres' efforts and achievements. IBJ has submitted the sustainability plan to the donor and in principle have a common agreement on the nationalisation plan notably the leadership configuration. The sustainability

plan, lists the indicators which enables a close follow-up on the needs, capacity support required and capabilities of the justice centres. IBJ has also developed the 4-year IBJ Myanmar strategic plan through a series of participative, consultative methodology. The strategic plan provides for institutional guidance for justice centres to continue to lead and secure access to justice in Myanmar.

With the shifting security, legal, and political landscape, the operational contexts vary in each of the justice centres. We have observed that stable contexts become fragile quickly. Justice investments in people-centric, access to justice have been limited since the coup. Donor have re-positioned their justice sector investment strategy for Myanmar with an increasing number withdrawing any support to access to justice efforts led by the SAC led government. To support sustainability and nationalisation, IBJ Myanmar has also developed an updated, comprehensive do nor mapping for the justice centres to tap into resources to support their work in the coming years.

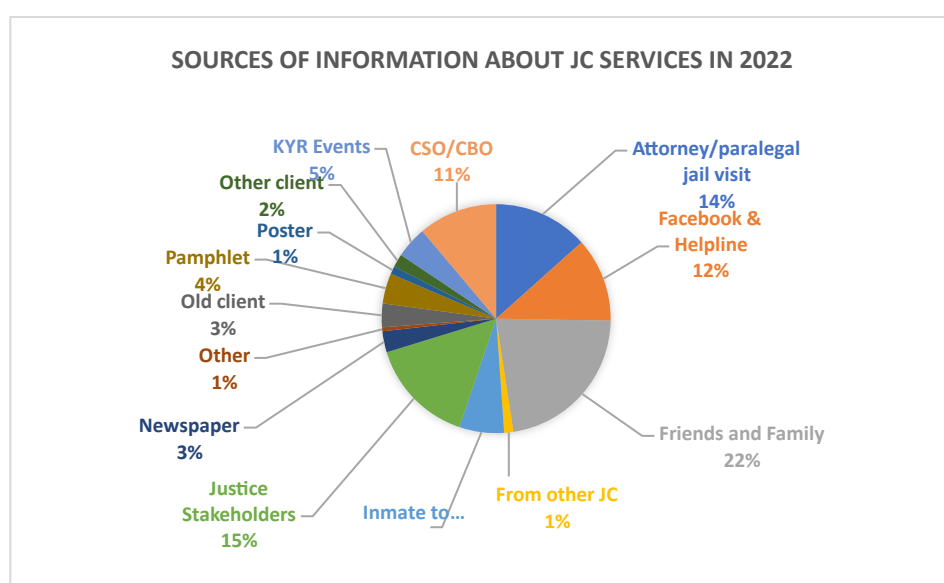
As part of the sustainability plan, IBJ has begun the first part of a series of workshops, mentoring, trainings to support sustainability of the justice centres. The justice centres have been given the programme development tools to develop a proposal to address the justice demands in their community. With a framework for donor mapping developed, they will have the in-house knowledge and skills to develop a basic log frame, concept note identifying the issues and needs, using the problem and solution tree methodology and eventually develop a suitable program budget.

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

In 2022, the justice centers have experienced security risks, restrictions on the role of legal aid, and surveillance of lawyers providing representation in politically motivated cases, discrimination and undignified treatment by the court clerks and police because of resurging corruption and bribery, and other pressures created by the political crisis. These factors have severely impacted the justice centers' operations. With their resourcefulness and adaptability, IBJ justice centers' staff have sought to continue the quality legal aid delivery even under most challenging conditions. *(Please also see related analysis in 3.3 Impact on Justice System)* Nevertheless, the justice centers have worked tirelessly to maintain the accessibility of the justice center services through various sources and entry points. The following chart shows how the justice center services were reached by the clients.



Conserving fair trial rights and access to justice even in precarious condition

Despite the challenging conditions as described above, Daw Wint Wint Aye, Naypyitaw Justice Center Manager represented a political client charged with Sections 50 (i)¹/ 51(c)²/ 52(a/b)³ of the Anti-terrorism Law. If separately convicted of these charges, the client might have received a life sentence. In the court hearings, the lawyer inquired about the circumstances of the accused at the time of arrest, the reason why he was at the place of arrest, and the fact that nothing incriminating was seized from him at the time of arrest. She also challenged the conduct of the arresting officers, alleging that the officers violated the client's due process rights at the time of arrest. After being held in the center, the client and his co-defendant were taken to the police station and forced to sign the search form. The search form is provided as police documentation to the court. There was no civilian witness when the police conducted the search. The materials seized and recorded on the search form were inconsistent with the testimonies. The client and his co-defendant signed the search form because they were threatened with being returned to the interrogation center if they refused to sign. The lawyer adduced testimony establishing these facts and argued to the court that the client's rights were violated. In the defense case, the lawyer established that the client was an honest farmer with no connection to any political activities, had no previous conviction, and did not have a criminal reputation. Due to the lawyer's advocacy, the client was only charged with violating Section 52 (a/b) and the other charges were dismissed at the framing of the charge stage. At the end, the client was sentenced to 6 years imprisonment.

Efforts for right to early access to counsel

IBJ's emphasis on early intervention and zealous legal advocacy have been indispensable during the time of crisis. Despite facing pushbacks from the police and judicial bodies in preventing early access to clients, the lawyers continued to insist on access to clients at as early a stage of the proceeding as possible. In 2022, IBJ reported that **30%** of the justice center intake cases were appointed at the remand stage, **55%** were appointed at the inquiry stage, and **13%** were at the appellate stage.

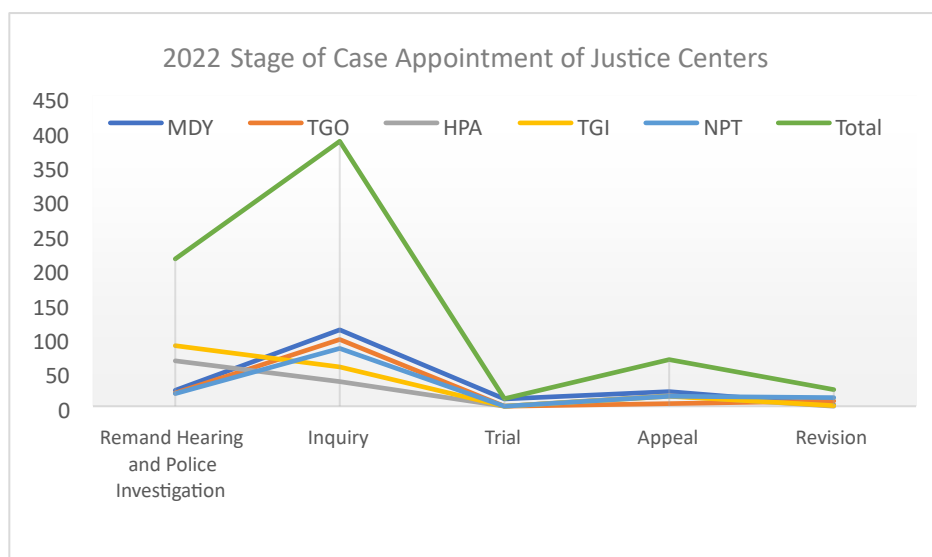
- Among the 5 justice centers, the Taunggyi Justice Center has had the most success in getting cases appointed at the 24-hour/remand and police investigation stage. This is due to the team's efforts of making a regular lockup visit schedules and duty assignment. The justice center staff has expanded their visits to the 2-mile jail and 3 police stations in Taunggyi, as well as the police stations in Ho-pong, Nyaung Shwe, and Ayetharyar. However, it has not been easy for Mandalay, Taungoo and Naypyitaw to access intake cases at the early stages. This is because of changes in local regulations that now

prohibit the justice center lawyers from meeting with clients before the case is registered in the court. Also, much of the lawyers' time is being consumed by court processes, and the lawyers (especially intake lawyers) have faced challenges in managing their time between court and lockup visits.

¹ An offence of terrorist bombing, punishable with min 10 years to max imprisonment for life

² production, distribution, sale, gift or possession of explosive material, bomb, or arm to commit terrorist bombing or to abet in the commission of terrorist bombing, punishable with min 5 years to max 10 years of imprisonment

³ an offence of financing of terrorism under Section 42, punishable with min 3 years to max 7 years



Making “big cases small, small cases disappeared” through early intervention and advocacy

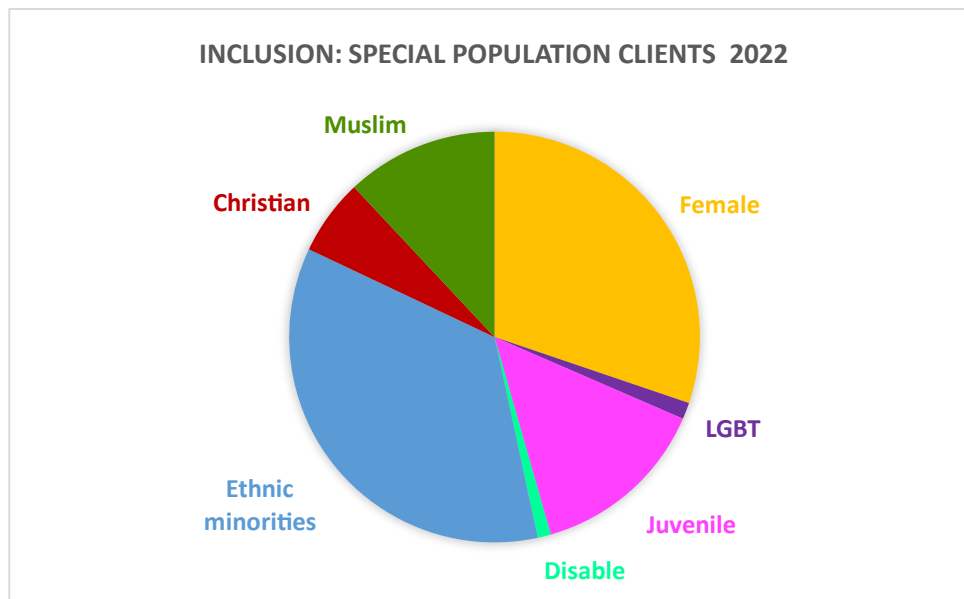
In October, the Naypyitaw Justice Center pursued justice for a young man within 24-hour of arrest through early intervention and negotiation. A brother of two sisters, Ma Nyo and Ma Nwe, was arrested for embezzling a company’s money (2 million kyats). When the two sisters negotiated with the company, they were required to pay 3 times (6 million kyats) more than the amount in dispute. The company threatened the two sisters that if they could not give the amount claimed, their brother, who was in jail, would be prosecuted under Sec.420/468 of the Penal Code. Violations of each section carried a maximum penalty of 7 years. The two sisters could not afford to pay the amount claimed by the company. Therefore, they called the justice center helpline for help. The justice center manager, Daw Wint Wint Aye, advised the associate lawyer, U Aung Myo Aye, to immediately go to the police station to inquire about the status of the case. It was found that the charges had not been filed against the accused yet, as it was only within 24-hour of the arrest. The lawyer advised the police that the accused’s family wanted to negotiate with the complainants. The negotiation was successful, and the company accepted payment of only 3 million kyats in settlement of the matter. The company and the client concluded an agreement to pay 1.5 million kyats as the first payment, and to make monthly instalment payments of 3 hundred thousand kyats for 5 months to fulfil the second payment of 1.5 million kyats. The client was released immediately after the negotiation and the first payment, and the risk of him facing criminal charges was resolved.

Promoting and empowering lawyers through capacity building

IBJ’s second core project segment is capacity building. In 2022, in addition to in-house staff legal workshops, monthly COP and lawyer trainings, IBJ’s enhanced mentoring program by both international and national legal experts that cascades the justice centers’ local mentoring programs for young pro bono lawyers. IBJ conducted a bi-annual general survey to measure how the quality and confidence of IBJ staff lawyers have improved through trainings, mentoring and peer-led legal discussions. **79%** of the staff lawyers have expressed improvements in their understanding and ability to proactively litigate rights violations. IBJ surveyed **103** pro bono lawyers who have joined the capacity building programs and have proactively contributed to IBJ’s free legal aid delivery.

3.2 Impact on access, inclusion, and empowerment

In 2022, it is reported that **1392** new unique clients could access our justice center legal representation. We can report **639 special population** which is **50.12%** of the total number of unique individuals.



IBJ's services of 1) legal representation, 2) legal advice & holistic referrals, 3) material assistance, 4) legal empowerment campaigns and FGD discussions, have been effectual entry points to expand, promote and empower access to justice for the general populations, especially those who are indigent and marginalized in various communities. Moreover, IBJ values GESI in implementing the project activities to expand access to justice. In Taungoo and Taunggyi, the justice center lawyers represented LGBTQ clients. The lawyers ably represented the clients with respect and dignity and were supported in a manner that respected their gender expression.

In 2022, IBJ could identify many areas in which the justice centers' services have positively impacted the lives of IBJ's clients, and also the lives of those in the communities the justice centers have served. IBJ has previously described how the impact of FGDs have changed the mindsets of complainants and defendants regarding monetary issues, and how FGDs have taught that poverty should not be criminalized. IBJ has also reported some of the testimonies of the clients and their families on how IBJ lawyers have helped them to address their overwhelming fears and empowered them to make connections between their state of poverty which makes them more vulnerable to being punished further in the criminal justice system.

*"Before I contacted the justice center, it was hard for me to go to the court, every time I went to court, I felt so small due to ignorance of the legal proceedings. The justice center provided transportation and meal support for me every court hearing. As I am no longer required to attend the court hearings; my normal life has been restored. Although I am a daily-wage worker, I no longer have the belief that only rich people can get justice. **IBJ has cleared my doubts and empowered me that poor people also deserve to be heard and respected.**" – Interviewee No. 1 (M) HPN (Charged with S.294/354/323. Received a punishment of fine; represented by Hpa-an Justice Center)*

*"My husband was arrested and charged with S. 49 (a)/52 (a) of the Anti-terrorism Law. He was arrested because one of his friends mentioned his name in the interrogation center. I am a CDM teacher, mother of a 5-year-old daughter. I could not afford to retain a lawyer for my husband nor be able to see him, because of my CDM status. I am living in a village near my relatives with no income. I was informed of the criminal proceedings, nature, and stage of the case. The justice center helped to send food and other basic needs to my husband. **Only because of the lawyers, I could face the situation steadily, and with dignity.**" – Interviewee No. 1 (F) MDY (Wife of the client Si Tu Aung represented by Mandalay Justice Center).*

*"It was just me and my son in our household. When my son was arrested for his pro-democracy activities, I did not know what to do. He has been charged with many cases including a S.505 case. I did not have money to get my son a lawyer. So, I discussed with my daughter who lives in Yangon with her family to sell my house. However, she got the contact of the justice center, and my son would be represented for free of charge. **So, I did not need to sell my house to pay for a lawyer for my son.** My relatives were afraid to contact me because they were afraid to get involved in the political cases. Now I am a lone in my house. I could not go to the prison to send parcels*

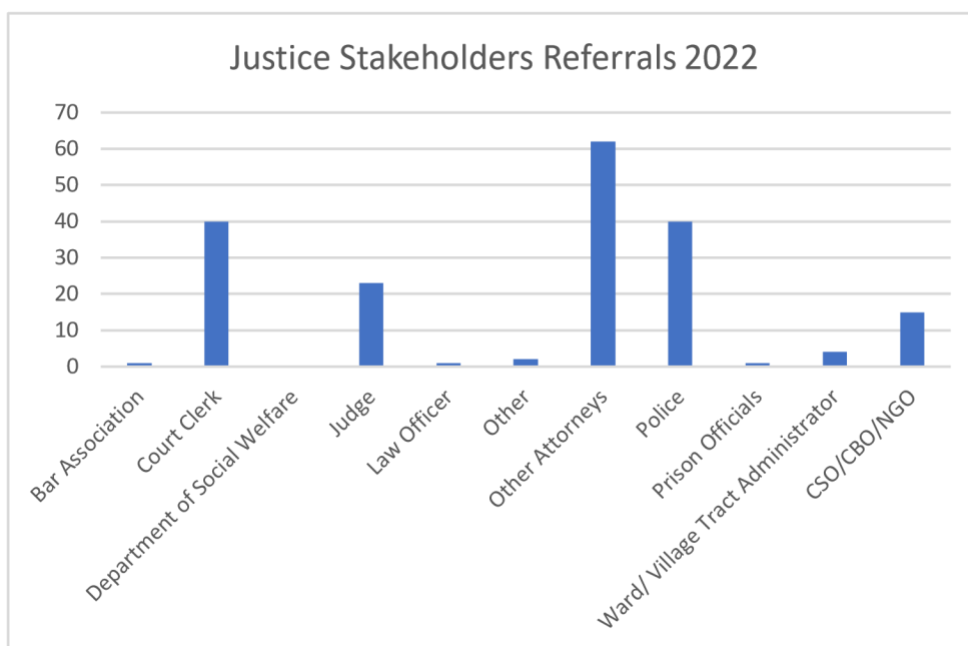
for my son. But luckily, the justice center helped me support my son. The lawyer also delivered messages from my son. Therefore, I feel close to him. I am so happy and thankful that out of the 5 cases, my son was acquitted in the S.505 case. Although he could not be released, some of the prison years might be reduced.” Interviewee No.1 (F) TGO, (70 years, mother of a political client represented by Taungoo Justice Center.)



Taungoo Pro Bono Lawyer giving emotional support for her political client’s wife who collapsed due to severe emotional breakdown after hearing the final order (20 years).

3.3 Impact on the justice system

Measuring the impact on the justice system has been more difficult since the coup. We became unable to do multi-justice actor dialogue. IBJ continued to stress one-on-one advocacy at the grassroots level. Despite the changing political context, our impact on the justice system throughout the project is still considerable. The various justice actors have continued to refer criminal defence cases to the justice centers where they identified the accused to be indigent and unable to retain a lawyer.



As is shown by the chart above, out of all cases referred to the justice centers, **33%** were referred by other lawyers, **21%** were referred by either the police or court clerks, and **12%** were referred by judges. There were other key justice stakeholder populations, such as prison officials, social welfare workers, law officers, ward administrators, and local organizations crucial to promoting access to justice that are also cooperating with the justice centers. From this we can conclude that the advocacy for the rights of accused and the right to counsel are having an impact, despite the damage to the rule of law that has been done by the government since the coup.

On the other hand, we have seen the resurgence of the practice of bribery and other corrupt practices since the coup. Court clerks and judges have been demanding bribes. Justice center lawyers and pro bono lawyers are being abused by the court clerks and CRO police in conducting basic functions. Much of their time and energy are consumed by unproductive procedures created by clerks and police. We are currently planning alternative approaches to better support the work of the justice center lawyers. (See Output 1.4: about Young Lawyer Apprenticeship Program)

Influence and control of the military disturbing rule of law and justice

We've reported a case that demonstrates the control that the military government has over the judicial system in political cases. The Taungoo Justice Center identified torture and murder by the military in an Anti-terrorism case. 3 men were arrested in February. They were held in military interrogation camps and tortured during interrogation sessions. The special investigation bureau (SB) filed a case against the men in April. Only two men were charged. One of them, however, was murdered by the SB according to the clients. They allegedly had violated **Section 50 (j)/ 51 (c)/ 52 (a) of the Myanmar Counter-Terrorism Law**. The justice center and pro bono lawyer Daw San San Hla represented both defendants. After every hearing, the clients were taken back to the military interrogation camp. The lawyers argued to the judge that the men should be placed in the prison and not held at the military camp. The judge ordered that the accused be detained in the Taungoo prison, since the case was being tried in the special court. The SB simply ignored the judge's order and continued to hold the men in the camp. While representing the clients, the pro bono lawyer investigated the incident of murder of the third accused. She found out that the murdered man's wife had been demanded money from the SB agents. However, the SB agents lied and told the woman that her husband still alive and needed money for medication. At the time of the lawyer's investigation, the SB had been defrauding the wife out of money supposedly intended for her husband's medication for two months. The lawyer contacted the wife and told her to stop sending money to the SB. She also had to deliver to the woman the news about her husband's death.

Hostile treatment of lawyers representing political accused by judges and law officers

As the year approached an end, lawyers continued to have difficulty accessing clients who were in custody. They also had trouble getting private meetings with clients. There were problems getting powers of attorney signed at remand hearings. Then the situation got worse. The courts were directed to speed up the trials especially of political cases. They put the defense lawyers under high pressure with unmanageable schedules, lack of sufficient time to prepare cases, and a less favourable view of defense cases.

In December, Daw Su Lwin Myint (Mandalay JC Associate Lawyer) was targeted for harassment by the Madayar township judge and law officer during defense case examination. The lawyer did not have sufficient time to produce defense witnesses. She requested that the judge allow her to produce the defence witnesses at the next hearing. When she submitted the witness list, it was 17 witnesses. The judge responded that only 10 defense witnesses were confirmed with the client in the previous hearing. The lawyer could not attend that hearing and she made an absentee request to the judge. However, the judge was infuriated at the lawyer and scolded her, insisting that she remove some of the defense witnesses. Although the lawyer agreed to remove some of the witnesses, the judge continued to insist that the lawyer must bring 9 witnesses in the next hearing, and she must remove those who had not yet appeared. When the lawyer submitted the power of attorney for another case, the judge threw the document at the lawyer because there was no address under her lawyer's seal (including the JCM's seal). According to a Supreme Court directive, all lawyers must describe their license number and address in their seal. However, due to security reasons, Daw Su Lwin Myint provided the office's address instead of her home address. Both the judge and the law officer threatened her with contempt of court when she argued about the address in her seal. The law officer questioned whether the office is registered under the new Organization Registration Law. The lawyer responded that it is registered under the company law, and she could provide the head office contact information if necessary. Due to the deteriorating situation, the JCM filled in for the next hearing. However, the judge was continued to behave unprofessionally. The judge expressed her frustrations to the client's family, saying that she was unhappy about having a lawyer involved, and that she was unhappy about recalling prosecution witnesses in the case, in which the defendant was charged with Section 52 of the Anti-terrorism Law. The client has filed a petition to the SAC and is waiting for the discharge and release order before the final judgment. The judge knew that the petition was filed and in progress. She told the family that she would proceed the case faster if they continued with the lawyer. The client's family informed and consulted with the justice center. Therefore, for the best interest of the client, the JC lawyers decided to withdraw the power of attorney and referred the case to a pro bono lawyer.

Monitoring and Evaluation

IBJ always seeks ways to better capture the impact of its work. A strong multi-disciplinary team always works closely with the justice centers to ensure all the key activities and efforts are measured and monitored for producing systemic change. In addition to upgrading the data collection systems, IBJ also promote knowledge, conceptual understanding, and skills of justice center team members regarding monitoring, evaluation, learning and impact analysis.

- With the guidance of the country director, the country program manager, and the admin & HR manager conducted a round of justice center on-site monitoring visits to cover the last 6 months. During the visits, operational and human resource management were emphasised and improved.
- IBJ conducted a general survey on in-house and pro bono lawyers to measure the impact of the capacity building programs.
- The management team reviewed procedures and guidelines for material assistance. This development covers not only programmatic monitoring, evaluation, assurance, and learning, but also operational aspects such as procurement, distribution, and loss and damage management.
- IBJ made the following M&E system upgrades:
 - Integration of pro bono case data archive, management and reporting system
 - Legal Helpline monthly reporting and data archive
 - Local mentoring program M&E forms
 - Justice center case stories

- IBJ conducted year-end and 6-months lawyer impact qualitative surveys as well as client impact interviews.

Financial oversight and management process

The IBJ Myanmar management team reviewed and upgraded internal financial procedures and guidelines based on audit recommendations. The finance team has created to use pre-printed vouchers as part of the audit recommendation. As part of the documentation and office security, IBJ decided to suspend using pre-printed vouchers in July. IBJ monitored the security situation including financial flow, and banking process.