



## International Bridges to Justice (IBJ)

# IBJ Myanmar Program Annual Report – 2023

### 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**

To ensure a smooth functioning of the justice centers in the changing circumstances existing in Myanmar, the IBJ management team provided guidance and support on overall program implementation and budgetary management during the period of January – September 2023. In June 2023, IBJ conducted a mid-year program budget review and adjusted its program implementation, reflecting the remaining budget.

- IBJ implemented the apprentice lawyer initiative under the internship projects starting from January 2023 to December 2023.
- IBJ management team decided to pause new pro bono case referrals in a manner that reflected effective case management practices and considered budgetary deficits. At the same time, IBJ initiated a “low bono” referral system within the existing pro bono lawyer network. (See page 9-10)

#### **An overview of the local security situation:**

In 2023, Myanmar experienced ongoing military conflicts involving government security forces and resistance groups, including Ethnic Resistance Organizations (EROs), primarily in Mandalay, Sagaing, Bago, Karen, and Mon regions, which indirectly impacted the operations of IBJ Justice Centers. Key incidents and developments during this period included (1) armed conflicts pitting groups allied with government security forces and borderline guards against ethnic armed forces and people’s defence forces in Kayin State, particularly in Myawaddy district; (2) attacks on police stations and in the Myawaddy trade zone; (3) occasional bombardments in Taungoo, Thandaunggyi, Yedashe township, leading to a martial-law administration in that region; (4) a prison break incident in Taungoo prison, resulting in the re-arrest of escaped prisoners and a security crisis impacting judicial and legal professionals. **The period between July-September can be deemed a period of relative stability as there were no significant security incidents, allowing the justice centers to function regularly.** IBJ maintained robust security protocols, including security risk assessments and risk mitigation measures. Enhanced security measures, such as heightened checkpoints and access regulations, were instituted in prisons. IBJ provided support and representation to prison staff members accused of misconduct in connection with the prison break incident. Overall, IBJ proactively monitored the security situation to mitigate potential risks and ensure the continuity of its vital services in support of access to justice in Myanmar.

### **Enforcement of Anti-Corruption Policy:**

As previously highlighted in our reports, the increase in corruption and bribery practices has impacted the provision of legal aid in the criminal justice system. **IBJ remains committed to upholding its anti-corruption policy, not only among our staff lawyers but also in cases handled by cooperating pro bono lawyers.** Corruption and bribery have re-emerged in various stages of the judicial process, often involving court clerks and law enforcement personnel, as well as the families of clients seeking to improve outcomes through petty corrupt practices. Cooperation from pro bono lawyers and family members is pivotal in maintaining our anti-corruption stance and combatting these detrimental practices, but it also sometimes creates conflict with clients who are motivated to simply comply with corrupt practices to produce more favourable outcomes.

For instance, in March at the Taungoo Justice Center, a pro bono client's case was dismissed at the District Court. However, suspicious circumstances led our justice center manager to discover that the client's family had attempted to bribe a district court clerk. The pro bono lawyer was unaware of this until the high court overruled the district court's decision that favoured the client. Upon discovering the bribery attempt, the justice center cancelled the representation, and made an inquiry into whether the pro bono lawyer was involved in the bribery. The pro bono lawyer was found not to be involved but was reminded of the obligation to be alert and report any corrupt activity arising in her cases. In a case in Taungoo, a law officer attempted to persuade the pro bono lawyer's client's family to withdraw the power of attorney from the pro bono lawyer and hire a private lawyer who had a friendly relationship with the law officer in exchange for a substantial amount of money. The pro bono lawyer informed the justice center manager who intervened, and the law officer's attempted bribery was thwarted.

In a Hpa-an case handled during September, a pro bono lawyer reported that the client's family was willing to bribe the judge in a drug possession case. The justice center manager confirmed the authenticity of this claim and encouraged the pro bono lawyer to withdraw the power of attorney to maintain the integrity of the legal process.

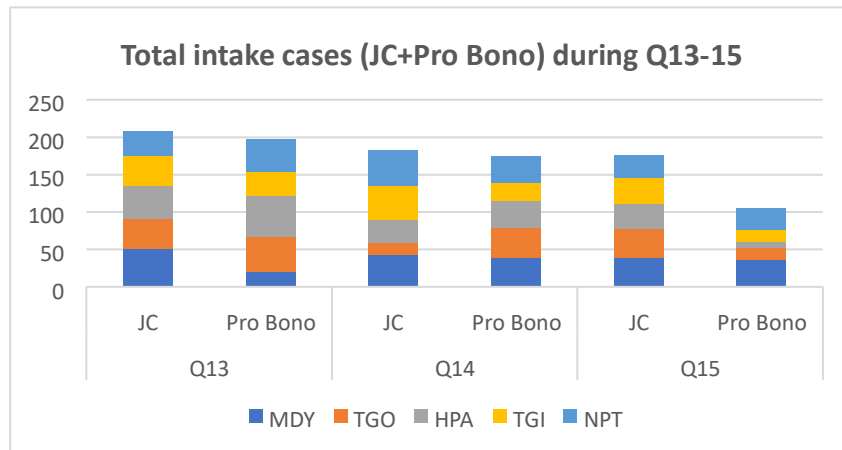
### **Summary of challenges faced in 2023:**

Throughout the reporting period, IBJ encountered persistent systemwide challenges affecting its legal aid representation efforts. These challenges, which have been previously discussed in quarterly reports, included: 1) lawyers facing impediments, harassment, or monitoring when challenging irregular police confessions and the legality of arrest and search and seizure procedures, among other issues, during prosecution witness examinations in political cases; 2) security concerns such as local checkpoints and being monitored and recorded by the military intelligence officers in high profile political cases; 3) improper political pressure applied to criminal cases by the government, including, inter alia, unwarranted directives to speed up trial proceedings in political cases, particularly during July; 4) delays in obtaining documents needed for appeals, that extended beyond the deadline for filing the appeal; 5) a reinvigoration of the corruption and bribery culture, particularly affecting the procurement of powers of attorney and case documents; 6) frequent changes in regulations at prisons and police lockups, impacting the implementation of material assistance services; and 7) currency fluctuation (depreciation) and banking delays, severely impacting the payroll process and the financial needs of the justice centers.

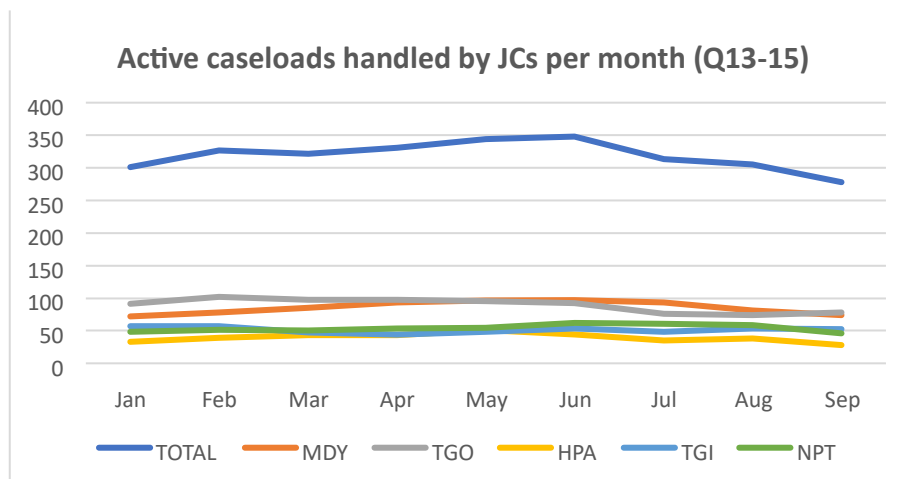
### **Output 1.2: Justice centre lawyers and pro bono lawyers provide quality legal representation in 2760 criminal defence cases over 2 years. Key Achievements**

- During this period, IBJ assisted **1615 unique individuals** (1674 legal assistance services) through legal representation in **1042 criminal defence cases** and provided **legal advice in 639 instances**.
- The justice centers provided quality legal representation in **566 cases** with **406 ordinary pre-verdict** cases, and **160 post-verdict** appellate cases. The justice centers provided representation in **179 politically motivated cases**, and **52 juvenile** cases.
- The pro bono lawyers cooperating in the justice centers provided legal representation in **476 cases** with **431 ordinary pre-verdict cases**, and **45 appellate cases**. There were **113 politically motivated cases**, and **22 juvenile cases** represented by the pro bono lawyers.
- Of the individuals seeking justice at the centers during this period, **32%** were female clients, **1%** were members of LGBTQ community, and **67%** were male clients. **5%** of the persons represented were juveniles, and **1%** were persons with disabilities.
- There were **1233 cases closed** during this period, including **576 justice center cases**, and **657 pro bono cases**. **82%** of the ordinary closed cases received reduced sentences, **12%** of the cases resulted in release or non-custodial measures.

- **76 clients received pardon or amnesty in 2023.** The justice center provided transportation, food, and medicine to some of those who needed.

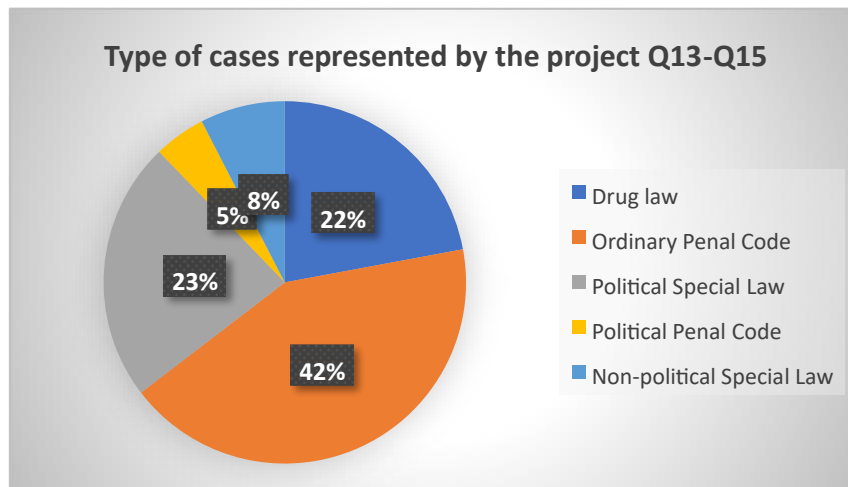


The highest quarterly case intake during 2023 was during the first quarter, both in the justice center cases and the cases handled by pro bono lawyers. The second quarter maintained a steady flow of new cases. This is typical of previous years, as December and April typically witness a reduction in new case registrations by the police. In December, the police and courts typically focus on concluding ongoing cases for their year-end reports. In April, the Thingyan Myanmar new year holidays contribute to lower case registrations. Consequently, unregistered cases from December and April tend to be recorded in January and May, respectively, leading to an inflation of case registrations in these months. However, later there was a noteworthy decrease in pro bono case referrals. Due to overspending in the pro bono payment budget, as analyzed in July financial reporting, the IBJ management team decided to suspend the pro bono referrals. As a substitute, the justice centers utilized the pro bono and helpline referral networks to pilot the newly instituted Low Bono system. The following chart illustrates the monthly caseloads of the justice centers during Q13-15.



Over the quarters of 2023, the project consistently managed an average of 318 ongoing cases per month, with an average monthly caseload per justice center as follows: Mandalay (85), Taungoo (89), Hpa-an (39), Taunggyi (51), and Naypyitaw (54). Mandalay and Taungoo maintained higher active caseloads, while Taunggyi, Hpa-an, and Naypyitaw displayed a consistent flow of active caseload. As mentioned in the discussion of the challenges under Output 1.1, the justice centers encountered difficulties due to expedited trials that left insufficient time for the presentation of a defence case. The Supreme Court's directive to complete all ongoing political cases by the end of July resulted in the highest rate of case closures for both justice center and pro bono cases during that month.

The following chart illustrates the breakdown of criminal cases handled by the project, encompassing both justice center and pro bono representation. Of the total cases, 28% were politically motivated charges, 42% were non-political ordinary criminal charges, 22% involved drug offenses, and 8% were cases under special laws.

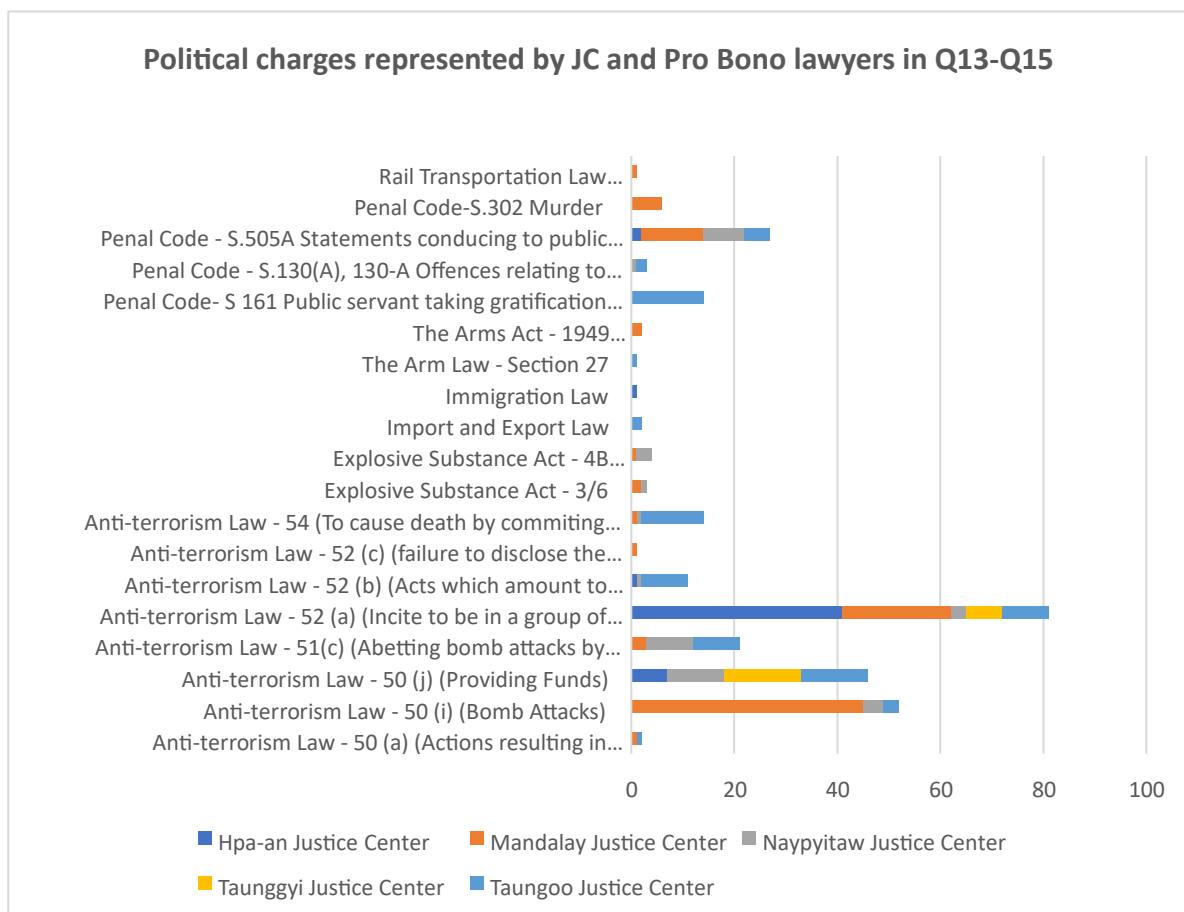


#### Analysis of Political Charges:

A detailed examination of the case data reveals that the majority of political cases represented by the project, **78%, were filed under the Anti-terrorism Law**. This is followed by **17% under the Penal Code** and **5% under other special laws**. Notably, in contrast to the earlier conflict period in 2021, the government now leans towards employing charges under the Anti-terrorism Law more frequently than ordinary Penal Code sections, such as Section 505-A of the Penal Code. This strategic shift allows the government to put a more favourable face on cases that often involve serious human rights violations, by passing them off as cases involving national security.

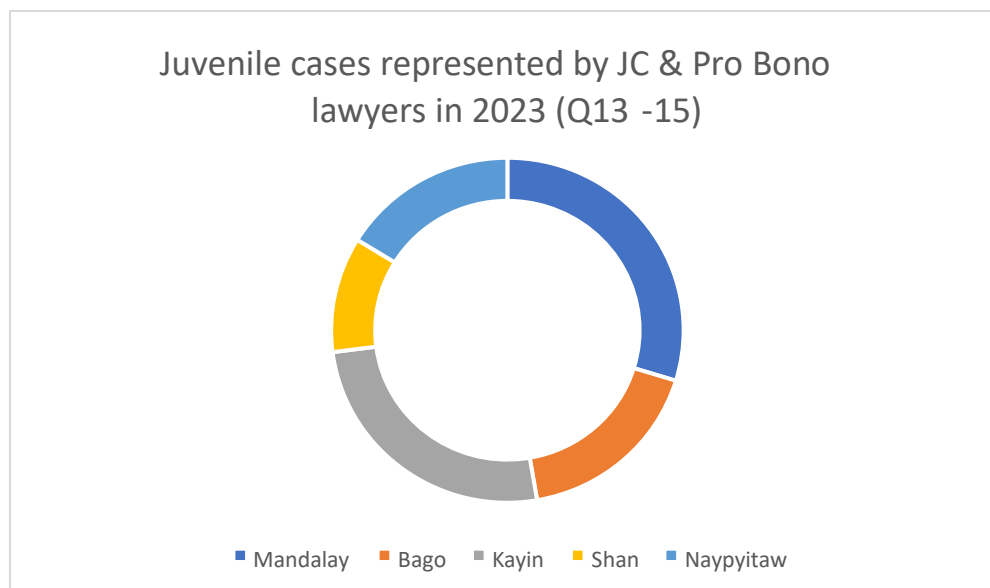
Charges under the Anti-terrorism Law cast a wide net, encompassing offenses like bomb attacks, abetting such attacks, damaging public infrastructure, providing funding or other types of support to alleged terrorist groups, permitting the use of a building by these groups, or organizing transportation for them. However, it is abundantly clear that most clients charged under this law should not be considered as terrorists. Instead, they are often ordinary citizens who have often been wrongfully arrested, denied fair trials, and have been coerced into making confessions under lengthy interrogation, torture, or other forms of maltreatment, often by military intelligence units. Many have had evidence fabricated against them. Among these clients, **36% were charged with providing places** or transportation for alleged terrorist groups, and **20% faced charges related to donations** made to various non-terrorism-associated groups, including IDP camps. Some have simply engaged in civil disobedience or supported pro-democracy movements. The penalties for these charges are disproportionately severe, with potential sentences ranging from minimum sentences as high as 10 years of imprisonment and life imprisonment at the maximum. In many cases under Section 52(a), the accused were merely landlords of persons claimed to be terrorists by the government, and conviction has resulted, in addition to imprisonment, in the forfeiture of their property. Additionally, in Section 50(j) cases, the accused had their banking services and accounts frozen and forfeited by the government. Consequently, the Anti-terrorism Law has become a widely used and pernicious tool for persecuting pro-democracy activists, violating their human rights and right to due process of law.

The graph below shows political charges represented in different justice center locations.



### Juvenile justice

While the majority of IBJ clients are adults, IBJ places a strong emphasis on providing legal representation to juveniles. Between January and September 2023, IBJ handled **74 juvenile cases, with 52 cases managed by justice centers and 22 by pro bono lawyers**. These cases involved children aged between 12 and just under 18 years old, who faced a range of charges, including theft, elopement, attempted rape involving minor adolescents, offenses against public property, drug related offences, politically motivated charges like those under Section 505-A and the Anti-terrorism Law, and violations of the Arms Act.



**Efforts in Juvenile Justice:** In February 2023, Daw Yu Yu Win, the Associate Lawyer of Hpa-an Justice Center, undertook the representation of eight juvenile cases at the Hpa-an Township Court. All eight children had been convicted of various criminal offenses, including theft, robbery, drug dealing, and destruction of public property. They had completed their sentences at the Training School in Mawlamyein, demonstrating good character and adherence to school discipline during their one-year service. The lawyer's advocacy led to the principal of the training school issuing recommendation letters for each juvenile, testifying to their improved behaviour and morals. Applications under Section 90(c) of the Child Rights Law were also submitted, ensuring the presence of parents, guardians, and relevant local administrators as applicant witnesses in court. As a result of these efforts, the court eventually ordered the restoration of these juveniles to the care of their parents and guardians.

In August, a juvenile in Naypyitaw was charged with voluntarily causing grievous hurt and possession of a weapon under the Penal Code. The lawyer argued against imprisonment, arguing that the offense did not meet the criteria for a serious crime under Section 88(c), and the child's character was not beyond redemption. In the best interest of the child, an alternative measure was proposed under Section 89(d) of the Child Rights Law, leading to the court's decision to place the juvenile under the supervision of a juvenile supervision officer for three months.

Additionally, in Naypyitaw, two juvenile cases represented by pro bono lawyers resulted in the successful assertion of their rights under the Child Rights Law, leading the court to release the juveniles to their parents under a 10 million Kyats bond. Given that obtaining release on bond in drug cases, especially for juveniles, is rare, these cases highlight the successful advocacy efforts of the pro bono lawyers.

#### **Early Intervention in Juvenile Cases:**

As was reported earlier this year, in Taungoo, a 17-year-old juvenile was arrested for graffitiing antigovernment slogans on a monastery wall. Despite being charged with Section 505-A and Section 8 of the Import and Export Law for his unregistered motorcycle, the accused was initially placed in a police station rather than in prison. Advocacy by intake lawyer U Soe Moe Aung led to the police cooperating and placing the client under non-custodial supervision at the police station. Daw Kyu Kyu Lwin and U Soe Moe Aung further advocated to the court, seeking release on bond under the Child Rights Law. The lawyers collaborated with local administrators and social welfare supervision officers to prepare recommendation letters and juvenile social welfare reports. As a result, the court conducted a summary trial, ultimately releasing the client on bond for charges of sedition and possession of an unregistered motor vehicle. This case demonstrated the impact of early intervention and advocacy in juvenile cases and the value of cooperation with various authorities.

#### **Challenges in Juvenile Cases:**

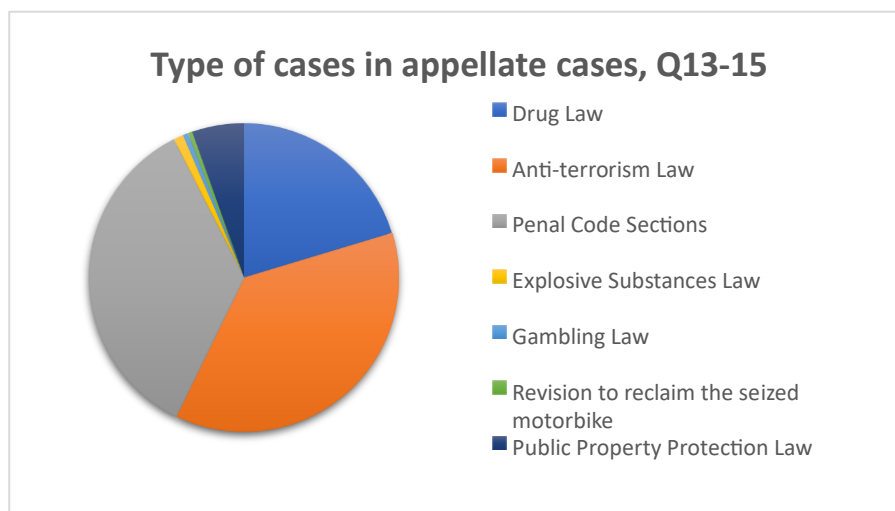
In Mandalay during June, security concerns and rumours of explosives in the juvenile court toilets led to the closure of these facilities, along with restrictions on the presence of juveniles at court throughout the day. In Taungoo, the absence of a new juvenile judge affected the timely processing of release applications for juvenile clients. Since priority was given to political cases which were expected to conclude by the end of July and also

due to ongoing security concerns, the processing of juvenile cases has been negatively impacted. In Taunggyi, three juveniles faced charges under Section 52 of the Anti-terrorism Law, with the justice center representing one and pro bono lawyers representing the other two. Notably, politically motivated cases, whether involving adults or juveniles, are usually tried in prison-based courts throughout the country, in violation of the Child Rights Law's prohibition of the pretrial detention of children in prisons. Although efforts to secure bail for these juveniles are ongoing, no bail hearing had been scheduled at the time of this report.

These accounts reflect both the challenges and successes in juvenile justice efforts. Advocacy and early intervention can lead to positive outcomes for juvenile clients, even in cases involving politically motivated charges. However, inconsistent practices and security concerns across different locations in Myanmar continue to impact the processing of juvenile cases, making it essential to adapt defence strategies to local conditions and maintain a strong commitment to upholding the rights of children in the justice system.

### **Strategic litigation and systemic change through appellate work**

During this reporting period, IBJ handled a total of 187 appellate cases, which included **160 Juvenile Case (JC) appeals and 45 pro bono case appeals. Among these justice center appellate cases, 17% were filed in the Supreme Court, 60% in the high court, and 17% in the district courts, while 6% were filed with the Hpa-an Juvenile Court as general revisional cases.** These appellate cases encompassed a range of legal charges, with 37% falling under the Anti-terrorism law, 35% under the Penal Code, 20% involving drug offenses, and 5% tied to the Public Property Protection Law. The following chart illustrates the distribution of appeals and revisions based on the types of charges filed during the reporting periods in 2023 (Q13-Q15).



### **Key legal challenges in appellate efforts in political cases:**

During the period from January to September, the justice centers made a series of appellate applications in politically motivated cases especially the Anti-terrorism Law cases. The findings and outcomes of the trial courts, and grounds for appeals raise significant legal concerns and challenges. In these cases, several common legal grounds for appeal were identified and are discussed below. IBJ has extensively examined its appellate efforts in political cases and presented analysis in our previous reports.

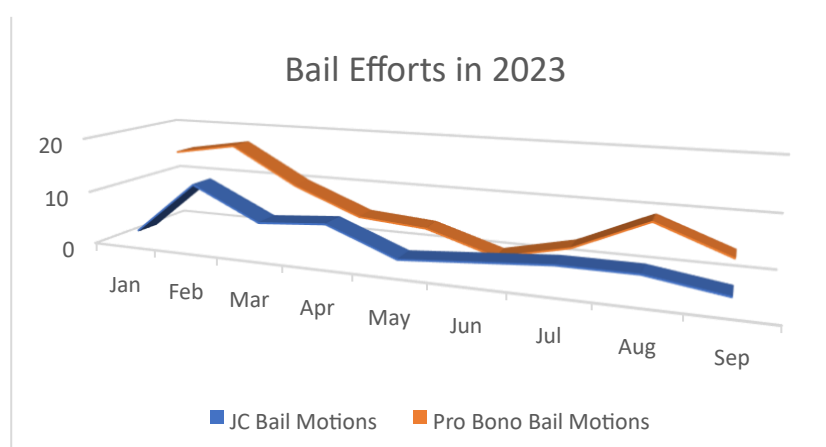
1. **Lack of Sufficient Evidence:** In a large percentage of Myanmar criminal cases, proof is simply not presented by the prosecution upon which a reasonable judicial officer could conclude that the client is guilty of the offence charged beyond a reasonable doubt. Worse, in many cases, particularly those involving political charges, there is only very tenuous evidence of *any* weight connecting the client with the offense. Clients have received lengthy prison sentences despite the prosecution's absolute failure to establish their involvement in criminal activities as defined by the law. Frequently, this is a result of governmental interference with the independence of the judiciary ("telephone justice").
2. **Torture and Forced Confessions:** Clients were often convicted based on statements obtained under duress and torture, violating their rights and due process. Myanmar law has many procedural safeguards against the use of involuntary confessions, and they are often not followed by the courts. These cases highlighted the importance of ensuring that evidence is legally and ethically obtained during interrogation and routinely raising the issue of the involuntariness of a confession.

3. **Legal Procedure Violations:** Some cases underscored the importance of upholding proper legal procedures during investigations and trials. Again, this is particularly true with regard to the admission of confessions. However, there are also procedural safeguards that apply to search and seizure by police and other issues. Errors in judgment by police and procedural violations were cited as legal grounds for appeal.
4. **Jurisdictional Issues:** In some instances, concerns were raised regarding the jurisdiction of the court to handle certain cases, particularly when the alleged offenses occurred outside of the court's jurisdiction.
5. **Third-Party Information:** Several cases were initiated based on information provided by government intelligence agencies, which raised questions about the credibility and admissibility of such information as evidence. Courts may also convict based upon improper admission of hearsay evidence or other errors in admitting evidence.

These cases collectively highlight the challenges and complexities associated with the application of the law by the judiciary influenced by the government in Myanmar. The appeals sought to rectify these legal issues, emphasizing the importance of a fair and just legal process, the protection of individual rights, and the need for a robust legal defence against serious charges. The outcomes of these appeals will significantly impact the interpretation and implementation of the Anti-terrorism Law in Myanmar.

### **Challenges in Bail Applications and Justice Center Efforts**

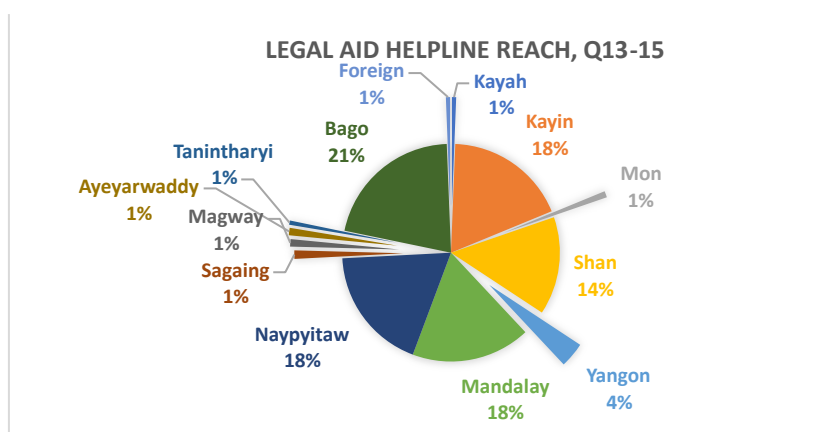
During this period, a significant portion (around 71%) of the cases represented were deemed non-bailable. Under Myanmar law, very few charges are literally non-bailable, despite the label, but Myanmar judges are often unreasonable regarding bail and pretrial release. IBJ lawyers submitted **a total of 115 bail applications, with 48 of them pertaining to non-bailable cases and only 17 were successful**. The lawyers faced formidable challenges and frequent denials in their pursuit of bail applications, a consequence of a justice system influenced by military directives, particularly in politically motivated cases. Even in the case of women and juveniles, the courts exhibited a reluctance to grant bail, with drug-related and political cases being particularly affected. This reluctance is rooted in improper governmental interference in the criminal justice system. It is also rooted in the judges' fear of potential inspections and allegations of corruption. These influences discourage the courts from respecting the right to the presumption of innocence and the principle of detention as a law resort in setting bail for our clients. Moreover, as we have stated in our reporting in 2022, in some juvenile cases, economic constraints make it difficult for some parents to supervise accused juveniles, as all family members are needed to work to support the family. Certain parents believed that their sons were safer in custody, fearing that bail could lead to further criminal activity. Limited financial means prevented clients from meeting the bail requirements. Some clients opted not to apply for bail, expecting pre-trial detention time would be deducted from their final sentence. Others refused bail due to expectation of potential amnesty or pardons that are granted on special occasions.





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

The legal helpline has reduced the workload of the justice center lawyers by allowing them to concentrate on courtroom representation and relieving them of having to provide free legal advice to walk-in clients. The legal helpline service has not only lightened the caseload for justice center lawyers, but it has also extended the geographical and demographic reach of our legal aid services. The helplines have proven to be accessible to a wider audience, attracting inquiries from individuals outside the justice center locations. The helpline audience has received free legal advice and referrals to qualified external counsel as needed. The following pie chart illustrates the expansion of legal aid helpline services in 2023.



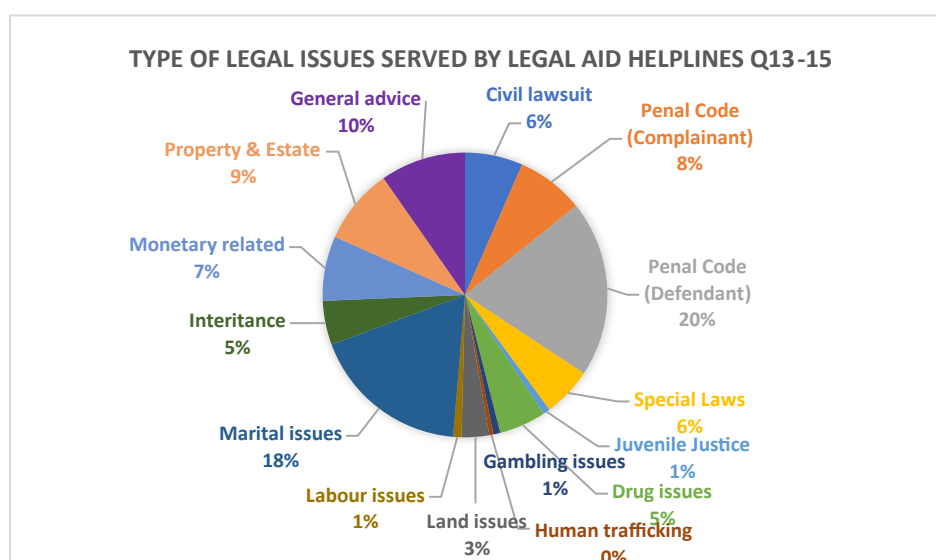
Based on the legal helpline data of 2023, IBJ has recorded a comprehensive tally of **639 instances of holistic legal aid services, apart from case representation**. Within this total, the justice centers' helpline lawyers played a significant role by offering **348 instances of free legal advice**, which accounted for 81% of the total advisory services rendered (431). Among the 208 holistic referrals made, 11% of those referred were referred to the relevant civil society organizations, 15% were referred to legal aid service providers, 35% were referred to private lawyers, and 1% were directed to the township legal aid boards.



*Photo-Naypyitaw Legal helpline Lawyer providing legal advice and counselling services to a local woman.*

Additionally, IBJ legal helpline data archive has shown that **60%** of all the holistic legal aid services provided in 2023 were for non-criminal cases. As illustrated in the pie chart below, we can see that 18% were marital issues being raised mostly by women asking legal advice for filing divorce. Around 40% of them has experienced physical or mental domestic violence. Although Sexual and Gender-Based Violence (SGBV) issues are beyond IBJ's scope of 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, Legal Clinic Myanmar (LCM), The International Legal Foundation (ILF), Women's Organization Network

(WON), Karuna Mission Social Solidarity (KMSS) and other service providers focusing on various types of services to victims. Moreover, the helpline lawyers have expanded the service reachability and the holistic nature of its services by cooperating with non-legal, or social service providers and non-governmental organizations such as World Vision, Myanmar Disabled Association, and international organizations such as ICRC, UNFPA and UNHCR.



#### **Sustainable Legal Aid through Low Bono Referral:**

To ensure the sustainability of legal aid services in light of the identified financial constraints in June and July, the management team made the strategic decision to temporarily suspend pro bono case referrals and introduced an affordable legal aid referral approach. This initiative builds upon a longstanding practice of referring ineligible cases to external private lawyers, a practice IBJ has employed since its establishment. The justice centers initiated a Low Bono referral system that involved assessing the financial means of clients and their families. If clients were found to be financially capable of affording low-cost legal representation, the justice centers referred these cases to private lawyers. Currently, approximately 40 lawyers, many of whom are associated with the justice centers as pro bono lawyers, have expressed their willingness to handle such cases.

Throughout the pilot phase of these referrals, IBJ closely studied the process, aiming to develop a comprehensive Low Bono referral system. This system will encompass assessment criteria, transparent guidelines for both lawyers and clients, and monitoring indicators. **During this pilot phase, 15 cases were successfully referred to outside lawyers as Low Bono cases.** Clients incurred minimal case expenses, ranging from 200,000 Kyats to 300,000 Kyats. **It is important to note that the justice centers did not intervene in case appointments or payments in these cases because IBJ is still experimenting with this process.**

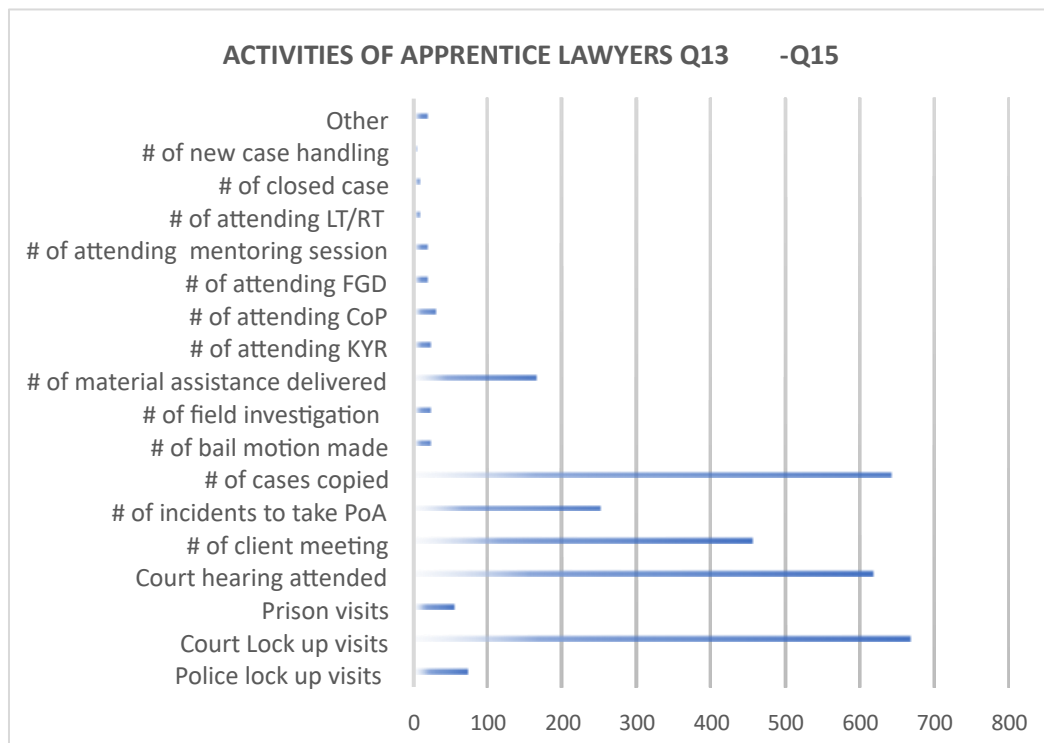
This achievement reflects the collaborative efforts of the justice centers in strengthening legal aid and pro bono representation within the local lawyer community, contributing to the long-term sustainability of these crucial services.

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

IBJ's Apprentice Lawyer Program, an initiative aimed at nurturing a new generation of zealous legal aid lawyers, remains a vital investment in the future of legal aid and criminal defense. With ongoing politico-legal changes limiting opportunities for clinical legal education, this program offers a unique platform for young lawyers to gain hands-on experience in the field of criminal justice legal aid. To expand the pool of dedicated criminal defense lawyers, IBJ introduced the apprentice lawyer program, providing a comprehensive orientation and training curriculum, including case management systems, monitoring and evaluation processes, and coordination with the roles and responsibilities of intake lawyers. This program, extended through December 2023, underscores IBJ's commitment to building a skilled cadre of independent lawyers who are well-equipped to join IBJ's Low Bono program and continue the mission of delivering justice to those in need beyond the term of this project.

The apprentice lawyers have been actively involved in a wide range of important tasks which increase access to justice. These include visiting police lockups and court lockups, conducting prison visits, attending court

hearings, facilitating client meetings, handling incidents requiring powers of attorney, copying case files, submitting bail motions, participating in field investigations, and providing material assistance to those in need. Their accomplishments also include taking on new cases, reflecting their significant contribution to the legal aid initiatives of IBJ.



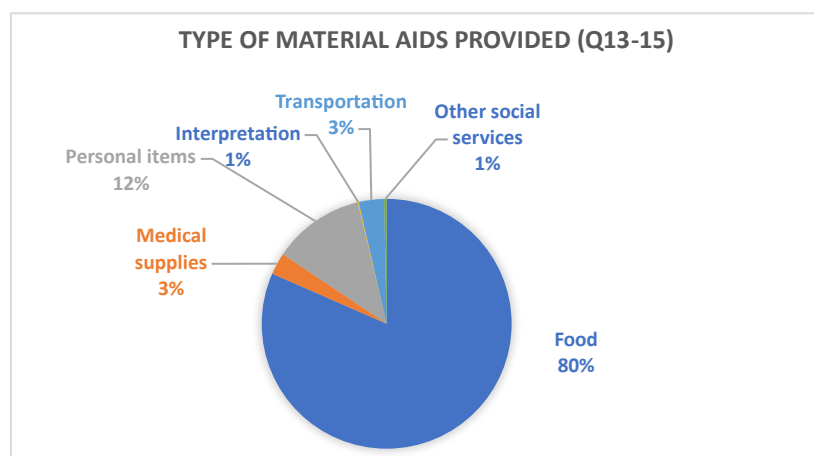
## Outcome 2: Provide material assistance to 600 detainees and prisoners

### Output 2.1: Develop justice centers' resources and operational framework.

IBJ management and justice center teams reviewed the Material Assistance Guidelines (MAG), Forms, M&E and financial systems for the implementation of this outcome and updated the guidelines.

### Output 2.2: Provide basic aid to 600 detainees and prisoners.

IBJ provided material assistance to **503 clients (199 unique clients)** to whom they provided material aid, reaching **73% male, 18% female and 9% juvenile** clients. According to the statistics, food items, especially meals at court hearing were the most needed aids, followed by personal items. Transportation supports are mainly provided to clients being released on pardon or amnesty, as well as for juvenile reunion. Through the holistic service network, the clients also receive non-legal social services such as monthly financial support, safehouses, or psychosocial support.



Due to heightened security concerns and stringent regulations imposed by the prisons, the transportation and delivery of physical essentials like personal items, dry rations, and medicine to clients' present significant logistical challenges, most notably in the regions of Mandalay and Naypyitaw. In response to these obstacles, operational guidelines now permit the substitution of small cash support for tangible materials, enabling justice centers to fulfil basic needs of the clients more easily. This small cash support is directly disbursed to clients during lawyer-client meetings preceding court hearings. In certain cases, lawyers may also make secure deposits to the clients' accounts at the prison. In Naypyitaw, it has been found to be more practical to directly transfer financial aid to the families of clients due to logistical and security concerns. This flexibility has enhanced overall effectiveness in resource management. Unlike the other justice centers, the Taunggyi justice center has maintained a good relationship with the police and correction department, which has allowed the lawyers to delivery parcels of food, personal items, and medicine to pretrial detainees. They have been able to support political detainees at the police detention and 2-mile jail. The clients detained there are originally from Pekhon, at the border of Shan and Kayah States. Their families were in IDP camps and were not able to meet the detainees.



*Photo- Hpa-an Justice Center providing financial support for transportation for clients*

### **Outcome 3: Develop an effective cadre of 500 defence lawyers**

#### **Output 3.1: Maintain the criminal justice practice digital commons.**

##### **Website and e-library**

IBJ launched the e-library and IBJ website among the justice center teams and communities of practice groups-- to pro bono lawyers, law interns and paralegals. The materials not only include legal materials developed by IBJ, but also public legal resources such as judicial reports, Myanmar laws, law commentaries, journals, and judicial precedents. Lawyers are able to access these materials offline, expanding their usefulness to lawyers with limited internet connectivity. IBJ will continue the process of reviewing and uploading legal materials. In Q15, IBJ developed a legal excerpt template for the justice centers to be used and distributed in community of practice discussions and lawyer trainings.

##### **Practice tips on representing women detainees.**

Women in Myanmar face legal conflicts, suffer discrimination, and endure an epidemic of SGBV. They are disproportionately represented in the pro-democracy movement, making them vulnerable to government persecution. Prolonged pre-trial detention, to which women are often subjected, is made more painful for women by social and economic disadvantages, as well as increase vulnerability to abuse by police, jail personnel, and fellow detainees. Recent arrests of women in protests raised concerns of torture and abuse during detention. IBJ, with LexisNexis, developed *Practice Tips for Lawyers Representing Women Detainees* to address these challenges. The tips were presented in June to interested Myanmar lawyers, promoting gender-responsive justice. Accessible on IBJ's platforms, the tips aim to protect women detainees' rights and well-being.

### Output 3.2: Improve defence lawyer capacities.

#### Key Achievements

- In 2023, IBJ reports **16 sessions (3 cases)** of group and individual mentoring, conducted by Keith Peterson, and training
- **41** mentoring sessions were conducted by the justice centres, of which **23** open cases were discussed.
- **14** legal motions resulted from the justice center mentoring sessions.
- **5** COP meetings were held that discussed mentoring topics. (Joinder of charges etc.)
- **3** staff lawyer trainings were conducted on mentoring topics.

Throughout the mentorship programs during the period, mentees sought guidance and advice from their mentors in various legal cases, spanning issues from criminal defence to juvenile justice. While following their mentors' suggestions, they employed different defence strategies and examination methods to represent their clients effectively. These collaborative efforts yielded mixed results, with some clients avoiding imprisonment or receiving reduced sentences. However, in some cases, despite the legal strategies employed, clients still faced penalties or were unable to achieve desired outcomes. The mentoring program demonstrated the impact of expert guidance and strategic legal defence in the pursuit of justice for the clients, contributing to both successful acquittals and sentencing reductions.

### 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 **27 COP events** in 2023 reaching **670** lawyers (with 445 new unique lawyers) of which **76%** were women lawyers.
- IBJ conducted **11 legal advocacy skills trainings** reaching **214** lawyers of which **80%** were female. The legal advocacy skills training covered the following topics: Land law (HPN), preparation for cross-examination (MDY), appeals and revision and trial proceedings (NPT and TGO), drug case analysis (TGI)

During the period from January to September 2023, IBJ justice centers facilitated a series of dynamic Community of Practice (COP) discussions, encouraging peer-led learning and knowledge exchange among lawyers. These legal discussions covered a broad spectrum of topics, including aspects of criminal law, evidence, and procedural matters. Lawyers actively participated in these sessions, engaging in in-depth examination of legal issues, sharing practical experiences, and collaboratively devising innovative legal strategies. The COP activities not only fostered a supportive learning environment but also contributed to enhancing the legal knowledge and expertise of the legal practitioners involved, ultimately strengthening their capacity to provide effective representation and support to their clients in the criminal justice system. The quality and impact analysis of the staff and external lawyers received capacity building programs of IBJ are discussed under Impact 3.1.

### Output 3.4 Organise roundtables and monthly advocacy meetings with justice actors.

IBJ organized a roundtable webinar reaching 101 participants launching the practice tips for women detainees.

The justice center lawyers continued to engage in comprehensive advocacy efforts and legal discussions with various stakeholders within the justice system, extending their impact beyond individual cases to drive systemic change in local criminal justice. These interactions reached a total of **141 government agency members** and covered a variety of crucial advocacy areas. These included advocating for juvenile offenders' release on bond, submitting petitions on behalf of death-row prisoners, urging the Department of Correction to expedite approvals for power of attorney applications in political cases, and collaborating with other lawyers and legal aid providers for success in this endeavour. The advocacy efforts also encompassed meetings with courts and police stations to address issues such as client access and undue delays, while ensuring the removal of absent witnesses from the list. Special focus was placed on advocating for the release of juvenile offenders on bond, emphasizing their well-being and provision of basic assistance. Furthermore, the justice centers actively asserted the rights of clients with mental illness and advocated with psychiatrists to provide testimony regarding clients' mental states. The lawyers also engaged in meetings with the courts, police stations, and stakeholders, fostering more efficient access to clients, reducing delays, and enhancing legal processes. In addition, the Mandalay justice center team engaged with the new principal of Mandalay Youth Training School and organized a "Know Your Rights" event for



the juvenile offenders at the training school. A similar meeting was held with the principal of the Women Care Center, a government training school for girls and young women serving sentences.

#### **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.**

- In 2023, IBJ reported **33 KYR** events reaching **2620** participants of which **60%** were female. The justice centers conducted **32 FGD** events reaching **182** clients and families of which **57.2%** were female. **Know Your Rights (KYR)**: Throughout the year, the justice centers conducted a series of KYR public legal awareness campaigns, addressing a wide array of critical legal topics. From January to March, they tackled subjects such as the Anti-terrorism Law, the Motor Vehicle Law, and Child Rights Law, among others, aimed at enhancing public understanding of these laws. From April to June, the focus shifted to areas like marital issues, court procedures, drug offenses, and juvenile court proceedings. Finally, from July to September, the justice centers extended their outreach to educate communities about the new Arms Law, violence against women, the Farmland Law, and women's rights. These campaigns aimed to provide members of the public with essential legal knowledge and awareness of laws that impacted various aspects of their lives.



*Photo- A focused group discussion in Hpa-an*

**Focused Group Discussions (FGD)**: The justice centers actively engage in FGDs with direct beneficiaries to provide comprehensive legal education and empowerment. These discussions are designed to cover an array of crucial legal topics throughout the year. From January to March, sessions were conducted on topics like the Antiterrorism Law, the Motor Vehicle Law, and the Child Rights Law, providing in-depth knowledge to the participants. During the period April to June, the discussions delved into marital issues, court procedures, and understanding how the system handles drug offenses. From July to September, subjects included the New Arms Law, offences related to violence against women, the Farmland Law, and other laws. These discussions aimed to equip clients and their families with a general understanding of the legal landscape in Myanmar, empowering them to make informed decisions and navigate Myanmar's criminal justice system effectively.

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

During the reporting period, IBJ disseminated **589 legal helpline awareness pamphlets**. The justice centers employed various promotional tools, including pamphlets, KYR events, and a Facebook Page, to promote the helplines and legal services. The Taunggyi and Mandalay justice centers particularly utilized the Facebook platform for public education initiatives. Notably, the Mandalay legal helpline lawyer and interns collaborated to create informative graphics focusing on the Gambling Law, and about Land Law (See pictures below). IBJ maintains a cautious approach to public information activities, by monitoring the security situation and maintaining a low profile on social media platforms. Looking ahead, the IBJ team plans to develop additional public education materials during the balance of the current year.



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

### Output 5.1 Foster justice center sustainability

- 3 workshops on M&E quarterly review led by the Myanmar management team with the justice centers: JCM, PO, LHL, IL, APL in January, February, and March.
- 1 Soft-skill training: *Building a thriving workplace in IBJ Myanmar Project* in March.
- 1 all-staff project development training on Concept Note development in March.
- 1 Workshop on M&E quarterly review led by the Myanmar management team with the justice centers: JCM, PO, LHL, IL, APL in May.
- Myanmar New Year and Thingyan duty lawyer plans in April.
- Mid-year program reflection on achievements and lessons learned in June.
- Project budget overview meeting in July and August.
- All-staff meetings for 2024 project proposal in September.
- Management meetings for 2024 project proposal development in September.

The activities conducted from January to September aimed at strengthening the sustainability and resilience of the IBJ Myanmar Project and the justice centers. Soft-skill training was organized in March to foster a thriving workplace culture, emphasizing conflict management, staff empowerment, work-life balance, and addressing issues such as aggression, bullying, and harassment. This initiative is essential to creating a work environment where everyone can thrive. To enhance the capacity of justice centers for financial and project development independence, IBJ conducted a series of trainings and coaching sessions, including concept note development training. This training equipped the justice centers staff with the skills and tools needed to finalize projects conceived and designed under the project's outcome 5.

Additionally, IBJ Global Leadership Staff in Geneva established bi-monthly meetings with the Myanmar head office staff to support the local leadership transition, enabling strategic planning, addressing program and financial management issues, and facilitating knowledge-sharing. This approach strengthens collaboration and ensures continuous support during this transitional phase. Local management meetings involving the national legal advisor, justice center managers, and HQ program team strengthen program support, promote effective management decisions, and encourage collective leadership. Multidisciplinary discussions involving relevant departments contribute to a holistic understanding and collaborative decision-making. These efforts result in program-wide coordination and synergy, ensuring the successful implementation of the project and its growth.

In September, the local team leveraged the project development techniques and knowledge they acquired in 2022 and 2023. They initiated the process of crafting the 2024 project proposal, commencing with activities such as project reflection, local needs assessment, logical framework creation, and budget development. This proactive step underscores IBJ's unwavering dedication to ensuring project sustainability and continued development.

### 3. Impact Analysis

#### 3.1 Impact on service providers quality of justice service delivery

In 2023, the justice centers have continued their legal aid functions in the face of security risks, restrictions on the role of legal aid, and surveillance of lawyers providing representation in politically motivated cases, discrimination, and disrespectful treatment by the court clerks and police. A major cause of the difficulty with clerks and police has been the resurgence of corruption and bribery among court personnel and police, and other pressures created by the political crisis. These conditions have severely impacted the justice centers' operations. The justice center lawyers have responded with resourcefulness and adaptability. IBJ justice centers' staff have continued to provide quality legal aid and pursue proven criminal defence practices such as early intervention, field investigation, strategic motions, and appellate cases even under most challenging conditions. The justice centers have worked tirelessly to maintain the accessibility of the justice center services through various sources and entry points.

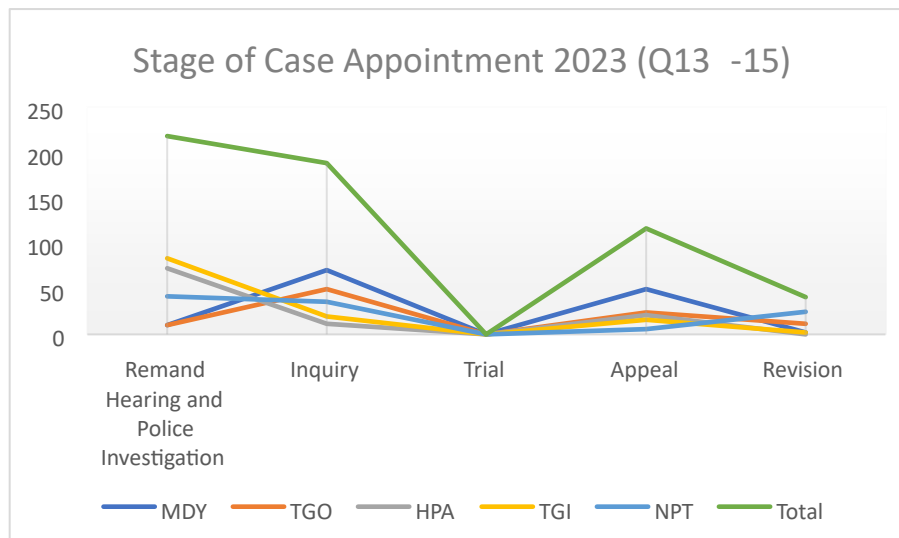


*Field Investigation for a murder case at Chan Ka Lay Village, Hpa-an*

#### Efforts for right to early access to counsel

IBJ's emphasis on early intervention and zealous legal advocacy have been particularly effective during this time of crisis. Despite facing pushback from the police and judicial bodies in preventing early access to clients, the lawyers have continued to insist on access to clients at as early a stage of the proceeding as possible. In 2023 (Q13-Q15), IBJ reported that **39%** of the justice center intake cases were appointed at the remand stage (a 9% increase compared to 2022 (Jan-Dec)), **33%** were appointed at the inquiry stage, and **21%** were appointed at the appellate stage. Moreover, IBJ case archive data recorded that 107 cases, or around 19% of the pro bono cases, were appointed at the remand stage.





#### **Early intervention in a juvenile political case:**

A case in Taungoo involves a 17-year-old boy who was arrested and had his motorcycle seized by the police for graffitiing anti-government slogans on a monastery wall. The boy was initially held in a police station, charged with Section 505-A and Section 8 of the Import and Export Law. This placement violated the Child Rights Law, which prohibits holding children in prison before trial, regardless of the nature of the offence. **The lawyers from the justice center immediately intervened after being contacted by the boy's widowed mother. They successfully advocated for the child's relocation to the non-custodial supervision of the police station as per the Child Rights Law. Furthermore, they worked with local authorities and social welfare officers to secure character references and reports. Their persistent efforts led to the court considering a release on bond.**

#### **Advocating that the police do their job:**

In Taunggyi, two men were arrested on charges of burglarizing the house of their former employer, Major Kyaw San. The wives of the accused promptly reached out to the Taunggyi justice center on the day of the arrest. Because they were daily wage workers and could not afford private legal representation. U Khun Nway Oo, a justice center lawyer, and a pro bono lawyer took immediate action by visiting the police station to meet with the clients. During the meeting, they discussed the clients' legal rights, reviewed the case history, and devised defence strategies. It became evident that on the day of the alleged burglary, both accused individuals were not even in town; they had returned to their native village. The lawyers collected evidence to establish a legitimate alibi for their defence. **They engaged with the police, providing evidence of the absence of the accused from town and emphasizing the fact that there was no stolen property found in the possession of the accused. The lawyers assisted the accused in making statements to the police, establishing a strong defence for the clients.** The lawyers held meetings with the investigating officer and the chief officer involved in the case, citing the alibi and the lack of evidence supporting the charge. They also emphasized the potential hardships that the accused families would face if the men were imprisoned. Consequently, the police acknowledged the insufficiency of evidence to support the charges and released the accused individuals under Section 169 of the Criminal Procedure Code, which requires the release of the accused when evidence is deficient.

#### **Protecting free speech rights, and fair trials amidst political sensitivity:**

In Mandalay, a Swiss citizen, formerly a monk for ten years and residing in Myanmar for over two decades, has been charged and convicted under Section 295-A of the Penal Code for allegedly damaging the religious beliefs of a community. Transitioning from monkhood to a novice and then to a hermit, he pursued his passion for filmmaking. In August, a video he created went viral, containing content deemed inappropriate and sensitive. The military arrested him, and nine others involved in the video, subjecting them to nearly a month of interrogation. While the Swiss citizen, due to his foreigner status, was spared torture, the co-accused faced ill treatment. Children performers were kept in military guest houses, with a 9-year-old girl still in custody. IBJ, engaged by the Swiss Embassy, provided guidance through its international program director, chief of security, strategy, and training. The country program manager, and the legal coordinator facilitated communication between the embassy, the client's family, and the Mandalay justice center legal team. The IBJ ensured the

provision of parcels, communication between his family members, medical aid, interpretation support at the hearing inside the prison court, and emotional assistance. The organization upheld equal rights to legal remedies and secured representation for the co-accused individuals by referring to mind like service providers or private lawyers.

### **Challenges and advocacy in ensuring fair trials for mentally ill defendants in Myanmar:**

In Myanmar, it is difficult to safeguard the rights of mentally ill persons to a fair treatment by the Myanmar criminal justice system. There is a general lack of public understanding of mental illness among members of the public and among those involved in the criminal justice system. The legal standard for mental responsibility for criminal behaviour for persons with mental illness is outdated and can result in unjust outcomes in criminal cases involving the mentally ill. Even if a person is found not to be responsible for criminal conduct due to mental illness, the mentally ill person can be held in secure detention for lengthy periods up to her/his lifetime. There is a lack of forensic psychiatric expertise in Myanmar, and a lack of resources devoted to treatment of the mentally ill. There is a lack of coordination between the justice system and relevant institutions treating the mentally ill, such as mental hospitals and social welfare organizations. Social welfare agencies are understaffed and poorly funded. Bail applications and requests for transfer of mentally ill persons to appropriate medical facilities are frequently denied without due consideration of the defendant's mental health. As a result, mentally ill defendants may be detained in regular prisons with little or no mental health treatment and may be subject to abuse. IBJ lawyers are actively advocating for mentally ill clients to address these systemic deficiencies and promote due process. Lawyer staff training has been conducted about justice for the mentally ill, and further trainings are planned for the upcoming quarter.

In Mandalay, a murder case involving a client with documented mental health issues prompted the center manager to aggressively advocate for a psychiatric expert's examination and testimony regarding the client's mental state at the time of the offence. While the doctor was willing to testify as an expert witness, the court faced challenges when attempting to summon the doctor. The hospital requested that the accused be transferred for a mental examination, which the court couldn't accommodate due to security concerns. As a result, the court recommended removing the expert witness from the list of defense witnesses. The lawyer disagreed and is actively pursuing strategies, including coordination with the prison hospital, to secure the expert witness's testimony. However, the court erroneously refused to allow the examination of the client or the testimony of the psychiatrist. The center manager intends to appeal. There was compelling evidence of the role of mental illness in offence, and by refusing to permit psychiatric testimony the court failed to permit development of the most important issue in the case.

In Naypyitaw, a client with mental health issues facing murder charges was fortunate to receive proper mental healthcare. Despite being denied bail due to concerns about public safety, the client's case manager advocated for him and reported the abuses he suffered while in Yamethin prison. **The lawyer's efforts led the court to recognize the client's need for mental health care and arrange for his transfer to the Yangon mental hospital, where he will receive the care and treatment he requires.** These cases underscore the importance of legal advocacy in addressing the challenges faced by mentally ill individuals in the criminal justice system.

### **Promoting and empowering lawyers through capacity building**

IBJ's second core project segment is capacity building. In 2023, has held in-house staff legal workshops, monthly CoPs, and lawyer trainings, and has conducted an enhanced mentoring program involving mentoring by both international and national legal experts. The justice centers have conducted local mentoring programs for young pro bono lawyers. There has been a cascading impact of these training modalities, with training provided in one modality being replicated in other modalities. A survey assessing the impact of lawyer training and CoP meetings conducted by IBJ Justice Centers between January and September 2023 revealed substantial positive outcomes. The survey involved Pro Bono lawyers from five justice centers and IBJ staff lawyers. Of the 163 respondents, 79.8% were female lawyers, while 20.2% were male lawyers. Among the participants, 51.9% identified as advocates, 38% as H.G.P, and 9.8% as Apprentice Lawyers.

The survey findings showed that over 90% of lawyers reported a significant increase in confidence, particularly in defending rights, especially the rights of juvenile clients. This boost in confidence was attributed to their active participation in CoP sessions and lawyer training programs. Additionally, lawyers expressed heightened confidence in applying less commonly utilized laws in court, enhancing their ability to advocate for their clients' rights. In-depth discussions on the Evidence Act have been instrumental in improving how lawyers

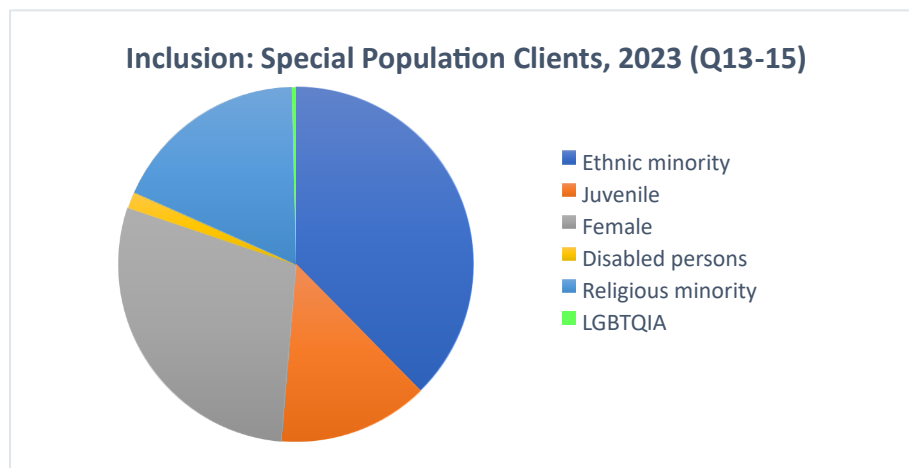
examine evidence and handle evidence in court procedures, equipping them with essential tools for building strong cases.

Furthermore, meticulous case analysis has become a vital strategy. Lawyers have been trained in a structured approach to crafting robust defence strategies and advocate effectively for their clients' rights. Many lawyers found the specialized training on child rights law immensely valuable. The training played a critical role in helping them to ensure fair treatment for young clients. Moreover, discussions about challenges in representing clients and general legal matters have fostered a vibrant exchange of experiences and insights. Lawyers appreciate the diverse perspectives shared during these discussions, finding them invaluable tools for problem-solving. This collaborative approach has enriched their arsenal of strategies for overcoming difficulties encountered in their legal practice.

In Taungoo, the pro bono lawyers applied the legal strategies discussed in one COP session about ***“Separation and joinder of charges, double charging, and relevant legal remedies”*** in a political case where two defendants were charged under Section 51 (c) of the Anti-Terrorism Law in one case tried in Taungoo District Court and were charged under Section 19 (f) of the Arms Act in a separate case tried in Tandabin Township Court. Both charges were included in the same cause of action. The pro bono lawyers applied using Section 22 of the Interpretation Law which provides that “if any commission or omission amounts to a crime under two or more legal charges, the person who committed the crime shall be punished under one charge section. There shall be no double charging for one crime.” It was successful as the punishment imposed by the Township Court under Sec. 19(f) of the Arms Act was merged with the punishment by the District Court. This indicates how the COPs the justice centers are leading can be impactful in the criminal justice practice.

### 3.2 Impact on access, inclusion, and empowerment

In 2023, **983** new unique clients accessed our justice center legal representation, and **534 special population members accessed our services**, which is **54%** of the total number of unique individuals.



IBJ's holistic one-stop services, which include legal representation, legal advice, effective referrals, material assistance, legal empowerment campaigns, and engaging in FGDs, have proven to be effective entry points for expanding, promoting, and empowering access to justice for the broader population. This has been particularly true among persons who are economically disadvantaged and marginalized. Furthermore, IBJ places a strong emphasis on Gender Equality and Social Inclusion (GESI) in its project activities, to ensure access to justice is available to all. In locations such as Taungoo and Hpa-an, the justice center lawyers have not only provided representation for LGBTQ clients but have also reached out to the general LGBTQ community to offer legal support. In doing so, the lawyers have demonstrated a deep respect for their clients' rights and dignity, while providing support that acknowledges and respects their gender identity.



*Photo- Hpa-an Legal Helpline Lawyer in a regular meeting with LGBTQIA community in Hpa-an*

IBJ conducted client impact interviews to assess the outcomes of our legal representation efforts. A total of 34 individuals were surveyed, consisting of 14 clients and 20 family members. Among the respondents, 18 were male, and 16 were female, and the group included 6 juveniles, including 5 male and 1 female respondents, the latter respondent identifying as LGBTQ. The interviews were carried out by a team of 5 interviewers, with 30 interviews conducted remotely and 4 conducted in person. The clients represented a diverse range of legal cases, encompassing charges such as rape (366/376 of the Penal Code), sedition (505(A) of the Penal Code), violation of various sections of the Anti-terrorism Law, and drug offenses. The cases also civil cases, including land disputes, marital problems, property protection, among other things. These interviews provide valuable insights into the impact of our legal assistance across a broad spectrum of clients and case types.

#### **Second Chances: From Juvenile Offender to Hair Stylist**

Htet Myat Oo, a juvenile who was charged and convicted of dacoity (punishable with 10 years), found himself facing a lifealtering legal challenge. However, his legal ordeal had a positive ending. In the training school in Mawlamyei, he was given the opportunity to receive vocational training in hairdressing. Although he could have faced detention in training school until age 20, thanks to the tireless efforts of his lawyer, he was granted an early release, allowing him a chance for a brighter future. Daw Yu Yu Win, the associate lawyer of Hpa-an justice center represented him. Due to his age, the lawyer argued that he could not be sent to prison, and pursuant to the Child Rights Law he was sent to the training school. **Although the court held that he would remain at the training school until the age of 20, the lawyer outlined a viable pathway to secure his early release under the Child Rights Law Section 90(c).** This offered the possibility of reuniting him with his family and avoiding lengthy incarceration. He was not alone in his journey; the lawyer attended every hearing, providing much-needed legal and emotional support. He was released from the training school, marking a fresh beginning for him and his family. Today, he is on a path to open his own hair salon, embracing a second chance at life and a career that he never thought possible.

#### **Youth-to-youth empowerment and legal advocacy:**

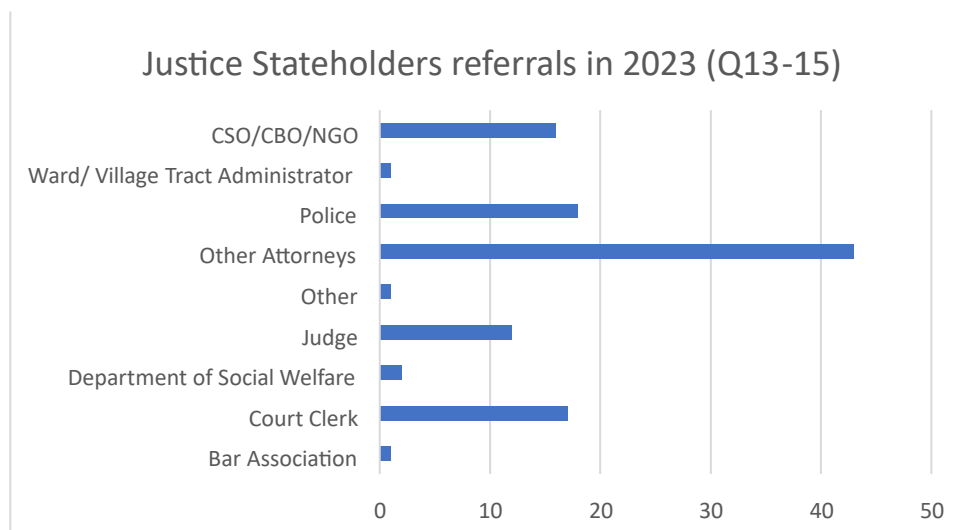
On the international stage, IBJ has introduced a Youth Justice Charter, a document crafted by young individuals for their peers. This charter outlines ten fundamental legal and human rights that every child across the globe should enjoy. In an effort to actively engage young people in this important mission, IBJ organized its inaugural Youth Charter Competition earlier this year. The competition identified winners, recognized as Youth Charter Defenders, and granted them funding to implement innovative projects aimed at assisting children who are involved with the legal system. Myanmar youth were among the winners of the competition. Notably, three of the winners from Myanmar previously served as law interns at the Mandalay Justice Center. This initiative highlights IBJ's dedication to not only advocating for youth but also empowering them to take the lead in shaping a more equitable future for themselves and their communities. This project has particular salience in the current political context in Myanmar. The impact of these efforts will be seamlessly integrated with the justice centre's mission and channelled towards advancing our broader goals in Gender Equality and Social Inclusion (GESI). In September, the Mandalay Justice Center, in collaboration with IBJ's Global Youth Justice champions, conducted KYR sessions for juveniles and provided mental well-being support for juveniles and youth residing in juvenile training schools.



*Young girls and women at government Women Care Center playing a group game with Mandalay Legal Helpline Lawyer and IBJ Youth Justice winners.*

### 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, including the local legal community, have continued to refer indigent criminal defence cases to the justice centers.



As is shown by the chart above, **out of all cases referred to the justice centers, 39% were referred by other lawyers, 16% were referred by the police, and 15% were referred by court clerks, 14% were referred by CSOs/CBOs and 11% were referred by judges.** There were other key justice stakeholder populations, such as prison officials, social welfare workers, law officers, ward administrators, and like-minded service providers. Local legal aid boards have been an excellent source of referrals. The legal aid boards have been actively cooperating with the justice centers and are crucial to promoting access to justice. Advocacy for the rights of accused and the right to counsel are having an impact in promoting the criminal justice, 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 regularly demanding bribes. Justice center lawyers and pro bono lawyers are being abused by the court clerks and CRO police in conducting basic defence functions. Much of the lawyers' time and energy are consumed by unproductive and unnecessary conflicts with clerks and police. IBJ



lawyers have taken action to remedy the situation. They engaged with local legal aid boards in Hpa-an regarding the matter of court clerks demanding extra money for copying case documents. As a result, in September, the state legal aid board reported the situation to the chief justice of Kayin State during their quarterly meeting, and the court clerks were reprimanded.

### **Challenges in Drug-Related Cases**

As reported in Output 1.2, a significant portion of the cases handled by IBJ, approximately 22%, involve drug offenses. The justice centers have consistently strived to uphold the fair trial rights of individuals accused of drug-related offenses, in trial as well as appellate courts. Previous reports have highlighted instances of success in drug cases where accused individuals were acquitted at the appellate stage. However, there were notable changes in the prosecution's approach to framing and presenting drug cases.

In Hpa-an, the center manager noted that, due to the increased number of acquittals in drug cases, the Legal Affairs Ministry instructed law officers to strengthen the evidence presented in drug cases. In response, the prosecution has begun presenting medical officers as witnesses. These medical officers conduct physical examinations of the accused to assess the effect of drug use on the accused. Given that the medical officers are also under government influence, their testimony invariably aligns with the prosecution's position, as well as that of the chemical experts. Unfortunately, this has led to trial delays, as medical doctors have difficulty making time to appear in court. This often necessitates 4 to 5 hearing adjournments to secure their presence. Even when medical officers confirm drug use by the accused, it remains challenging to secure medical treatment and alternative measures for the accused.

In Taunggyi, lawyers reported that the police and military intelligence sometimes exploit drug cases as traps to target specific individuals with political affiliations. Nonetheless, in Taungoo, Associate Lawyer Naw Valentina successfully represented a client charged with a drug possession offense. The lawyer mounted a strong challenge to the prosecution's evidence, which primarily relied on police statements, and achieved a successful outcome for the client.

### **Conclusion**

A full examination of the many systemic challenges within the criminal justice system extends beyond the scope of this report. As detailed in Output 1.2, the report has delved into the intricacies of legal cases, ranging from political cases with pervasive allegations of bribery, undue influence, and unfair trials, to broader issues surrounding child rights, mental health, and access to justice. These narratives echo the diverse and profound challenges that individuals, particularly those from marginalized and vulnerable communities, face when interacting with the legal system. While political cases have been a focal point, the impact of legal aid services provided by IBJ Justice Centers reverberates throughout a wide spectrum of legal proceedings. Our services have bolstered the rights and preserved the dignity of those in need. The report showcases not only the critical importance of IBJ's legal interventions but also the immense potential for further efforts to produce reforms and positive changes within the criminal justice system in Myanmar.

### **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 measures knowledge, conceptual understanding, and skills of justice center team members as part of monitoring, evaluation, learning and impact analysis.

- 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 client impact interviews for qualitative service impact.

***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 for use pre-printed vouchers as part of the audit recommendation. IBJ monitored the security situation including financial flow, and the banking process.