

**Mandates of the Special Rapporteur on the situation of human rights in Myanmar; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE:  
UA MMR 2/2017

20 April 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in Myanmar; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 28/23, 25/18, 26/7 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **death threats and ongoing harassment and intimidation faced by lawyer Mr. Robert Sann Aung, particularly following the targeted killing of lawyer Mr. Ko Ni on 29 January 2017** [REDACTED]

Mr. Robert Sann Aung, is a human rights lawyer who has represented numerous victims of human rights violations and their relatives, as well as human rights defenders and student activists facing arbitrary arrest and prosecution in connection with their activities. He is a former political prisoner who was imprisoned six times due to his peaceful human rights activities. In 2015, he was one of the three finalists of the Martin Ennals Award for Human Rights Defenders. He was also the subject of a previous communication (UA MMR 1/2012) sent on 23 February 2012. We regret that we have yet to receive a reply from your Excellency's Government.

According to the information received:

Mr. Robert Sann Aung has been receiving threats, including death threats, along with insults through telephone calls, text messages, and Facebook posts for, among others, having taken on cases and clients in relation to various human rights concerns. Reportedly, many of the calls warned him to stop supporting the reform of Burma's military-drafted 2008 Constitution.

The frequency of the threatening messages and phone calls has allegedly significantly increased since the targeted killing of prominent constitutional lawyer Mr. Ko Ni on 29 January 2017. It is recalled that Mr. Ko Ni was shot at

point-blank range at Yangon international airport upon arrival from having travelled abroad.

In particular, around 19 December 2016, Mr. Sann Aung became aware of someone in plainclothes following him while in transit at Mandalay airport while travelling from Bhamo to Yangon. When Mr. Sann Aung approached and questioned this person, he claimed to be military intelligence and that he was on hand to assist Mr. Sann Aung should he need any help. He could further overhear that the supposed military intelligence personnel reporting to someone via a mobile device as to where Mr. Sann Aung was seated on the Mandalay-Yangon flight. However, Mr. Sann Aung had reportedly not sought such assistance making the situation seem highly irregular and threatening.

Mr. Sann Aung reportedly travels regularly, almost on a weekly basis, to Bhamo, which often requires him to travel through Mandalay. Since the incident around 19 December 2016, there were at least three other occasions where it is believed that Mr. Sann Aung was monitored while travelling from Mandalay to Yangon. The latest incident reportedly took place towards the end of February 2017. In addition, unknown individuals have reportedly been seen regularly monitoring Mr. Sann Aung's home.

While we do not wish to prejudge the accuracy of the information made available to us, we express grave concern about the reported ongoing harassment and intimidation faced by Mr. Robert Sann Aung, particularly the alleged threats against his life and security. We express further concern that these actions appear to be directly connected to his role and work as a prominent human rights lawyer and defender. In this regard, we urge your Excellency's Government to take immediate action to guarantee the physical and psychological integrity of Mr. Robert Sann Aung and to immediately order impartial, independent and effective investigations into the death threats and other acts of intimidation against him.

The above allegations indicate a prima facie violation of the right of every individual to life and security of person, and not to be arbitrarily deprived of life, as set forth in articles 6 (1) and 9 of the International Covenant on Civil and Political Rights (ICCPR) and article 3 of the Universal Declaration of Human Rights (UDHR).

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions (Principle 4) as well as the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions (Principle 9).

We would also like to refer to the UN Basic Principles on the Role of Lawyers. In particular, principles 16 and 17 stipulate that Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, harassment or improper interference and shall adequately safeguard their security.

We wish to finally refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms articles 1 and 2 which establishes everyone's right to promote and to strive for the protection and realization of human rights and fundamental freedoms as well as State's prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the measures taken to ensure that Mr. Robert Sann Aung is afforded with adequate protection so that his rights to life and security of person are respected and fulfilled.
3. Please kindly indicate what measures have been taken to ensure that human rights lawyers and defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Yanghee Lee  
Special Rapporteur on the situation of human rights in Myanmar

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Diego García-Sayán  
Special Rapporteur on the independence of judges and lawyers

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions