



NEW YORK  
CITY BAR

BARRY M. KAMINS  
PRESIDENT  
Phone: (212) 382-6700  
Fax: (212) 768-8116  
bkamins@nycbar.org

November 6, 2007

Ong Keng Yong  
Secretary General  
Association of Southeast Asian Nations  
ASEAN Secretariat  
70A Jalan Sisingamangaraja  
Jakarta 12110  
Indonesia

H.E. U Aung Bwa  
Director-Genera  
ASEAN National Secretariat - Myanmar  
Ministry of Foreign Affairs  
Pyay Road  
Dagon Township  
Yangon Myanmar

Dear Secretary General & Director-General:

I write on behalf of the New York City Bar, an independent nongovernmental organization, to express our concern over the recent crackdown on peaceful protestors in Myanmar, and the ongoing detention of activists and monks there under abusive conditions and without access to counsel. It is our hope that the Association of Southeast Asian Nations (ASEAN) will address these issues at the upcoming ASEAN meeting in Singapore on November 17, 2007; including a robust discussion on how the ASEAN member States and their partners, including China, can encourage the State Peace and Development Council (SPDC) in Myanmar to ensure that peace, democracy, and human rights are respected and maintained.

As ASEAN legislators from Singapore, Malaysia, Indonesia, and Thailand stated recently, "Burma is indeed a regional security and stability threat." As Burma's neighbors, ASEAN member states and China, have a special responsibility to encourage the SPDC to respond to its citizen's legitimate demands without repression and violence.

It has been brought to our attention that during several armed crackdowns on peaceful protests in late September 2007, many protestors were wounded or killed by government forces. Following which, thousands of activists and monks were detained, and homes and monasteries raided. The detentions have included the arrest of democratic leaders, and suggest that the repression of these protests is politically motivated.

Over 100 of the initial 3,000 detainees reportedly remain in custody. Activists released from detention have stated that no medical attention is available to detainees and that food and other necessities are in short supply in the overcrowded detention facilities. Many have been in detention for over a month, without trial or opportunity for bail, or access to any legal representation, in violation of Myanmar's own code of criminal procedure. *See* Myanmar Code of Crim. Proc. § 61, § 496, and § 344. Reports suggest that torture during interrogation is commonplace and that many detainees have died in custody. International media reported on October 11 that 42-year-old activist Win Shwe died in custody, allegedly during interrogation.

The arrests and subsequent detentions are inconsistent with international standards, as laid out in the Universal Declaration of Human Rights (UDHR) and further defined, for example, in the International Covenant on Civil and Political Rights (ICCPR). While Myanmar is not a party to the ICCPR, the standards set out therein reflect widely accepted core principles of human rights and dignity, and we are deeply concerned that these fundamental principles are not being adhered to.

The City Bar is further seriously concerned about the allegations of torture and abuse in detention, and the lack of access to medical treatment for detainees. Fundamental principles laid out in the UDHR, the ICCPR, and elsewhere in international standards such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Standard Minimum Rules for the Treatment of Prisoners ("Minimum Rules") prohibit the use of torture under any circumstances. *See* UDHR Article 5; ICCR Article 7; CAT Article 2; Minimum Rules, Article 31. All detainees are entitled to adequate food, as well as access to necessary medical treatment. Minimum Rules, Articles 20, 22-26.

We therefore respectfully request that ASEAN make demands of the SPDC at the upcoming ASEAN summit in order to ensure that conditions in Myanmar are conducive to peace and democracy and do not violate basic human rights. All those arrested and detained as a result of the repression of peaceful protests in Myanmar should be released without delay. ASEAN should also urge the release all other political detainees in Myanmar, or, at the very least, insist that they are provided with a fair trial that comports with international standards. Consistent with the most fundamental principles of human rights, it must be ensured that detainees are not subjected to torture or any cruel, inhuman, or degrading treatment while in detention centers. The international community, including the City Bar, remains deeply concerned about the well-being of all the political activists in custody who have been subject to arbitrary detention and indefinite detention in Myanmar.

Thank you for your assistance and attention to this critical matter.

Very truly yours,



Barry Kamins

cc:

BRUNEI:  
 Mr. Latif Tuah  
 Director-General, ASEAN - Brunei  
 Darussalam  
 Ministry of Foreign Affairs  
 International Convention Centre  
 Jalan Pulaie Berakas, Bandar Seri Begawan  
 3910  
 Brunei Darussalam

CAMBODIA  
 Mr. KAN Pharidh  
 Director-General, ASEAN - Cambodia  
 General Department of ASEAN  
 Ministry of Foreign Affairs & Int'l  
 Cooperation  
 No. 161, Preah Sisowath Quay,  
 Phnom Penh,  
 Kingdom of Cambodia

INDONESIA  
 Mr. Dian Tiansyah Djani  
 Director-General, ASEAN - Indonesia  
 Department of Foreign Affairs  
 Jalan Taman Pejambon No. 6,  
 Jakarta Pusat

LAOS  
 Mr. Sayakane Sisouvong  
 Director-General, ASEAN- Laos  
 ASEAN Department  
 Ministry of Foreign Affairs,  
 Vientiane, Lao People's Democratic  
 Republic

MALAYSIA  
 Dato' Hussein Haniff  
 Director-General, ASEAN - Malaysia  
 Ministry of Foreign Affairs  
 ASEAN Department  
 No. 1, Jalan Misma Putra  
 Presint 2, 62602 Putrajaya, Malaysia

PHILIPPINES  
 Mr. Luis T. Cruz  
 Director-General, ASEAN-Philippines  
 Department of Foreign Affairs  
 2330 Roxas Boulevard, Passay City,  
 Metro Manila, Philippines

SINGAPORE  
 Mr. Jacky Foo  
 Director-General,  
 ASEAN-Singapore  
 The Ministry of Foreign Affairs  
 Tanglin, Singapore 248163

THAILAND  
 Mr. Nopadol Gunavibool  
 Director-General, ASEAN –  
 Thailand Ministry of Foreign Affairs  
 No. 443 Sri Ayudhya Road  
 Rajthevi District  
 Bangkok 10400, Thailand

VIET NAM  
 Mr. Nguyen Hong Cuong  
 Acting Director-General,  
 ASEAN- Viet Nam  
 Ministry of Foreign Affairs  
 N. 7, Chu Van An St.,  
 Ha Noi, Viet Nam

Mr. James C. F. Huang  
 Minister of Foreign Affairs  
 Ministry of Foreign Affairs,  
 Republic of China (TAIWAN)  
 2 Kaitakelan Blvd.  
 Taipei, 100, Taiwan, R.O.C.

Mr. Yang Jiechi  
 Ministry of Foreign Affairs,  
 the People's Republic of China  
 No. 2, Chaoyangmen Nandajie,  
 Chaoyang District  
 Beijing, 100701