

26 July 2022

Law Council condemns unlawful executions in Myanmar

The Law Council of Australia strongly condemns the execution of four pro-democracy figures, Phyo Zeya Thaw, Kyaw Min Yu (also known as Ko Jimmy), Hla Myo Aung and Aung Thura Zaw, by Myanmar's Tatmadaw (the armed forces of Myanmar).

These mark the first officially acknowledged executions to take place in Myanmar since at least 1988.

According to a [statement](#) released by the Office of the High Commissioner for Human Rights last month, since the coup on 1 February 2021, at least 114 people have been sentenced to death in Myanmar – including 41 in absentia – in closed, summary proceedings before military tribunals.

Together with the International Bar Association Human Rights Institute, the Law Council has [previously condemned](#) the Tatmadaw's use of military tribunals to try civilians for capital crimes as completely incompatible with international standards on the use of the death penalty, and reiterated that proceedings before the military tribunals fall far short of international fair trial standards.

The Law Council maintains that any execution carried out following a conviction by the junta's tribunals amounts to an arbitrary deprivation of life.

Law Council President Tass Liveris raised these concerns with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions during the 50th Session of the United Nations Human Rights Council. The Law Council has consistently engaged with the Human Rights Council and UN Special Mandate Holders in relation to threats to the rule of law in Myanmar.¹

The Law Council's opposition to the imposition or the carrying out of the death penalty is absolute, on the basis that it is fundamentally incompatible with the realisation or fulfilment of both the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment.²

The Law Council supports the Australian Government's *Strategy for Abolition of the Death Penalty*, and calls on the Australian Government to make strong representations to the Government of Myanmar that the use of the death penalty is particularly egregious in the case of political prisoners and where verdicts have been obtained through the use of military courts and secret trials.

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¹ See, for example: [Statement to the Special Rapporteur on Myanmar](#) (6 July 2021); [Statement to the Working Group on Arbitrary Detention](#) (20 September 2021); [Statement to the High Commissioner for Human Rights](#) (23 September 2021) (the Law Council has signed this joint statement presented by the IBAHRI in the 48th, 49th and 50th Human Rights Council sessions. See also: *The Law Council condemns violence in Myanmar* ([Media Statement](#), 3 March 2021); *The Law Council of Australia and the Australian Bar Association condemn violence towards lawyers in Myanmar* ([Media Statement](#), 12 April 2021).

² Law Council of Australia, [Policy Statement on the Death Penalty](#) (October 2021).