



To,
The President
Republic of the Union of Myanmar
Presidential Office, Nay Pyi Taw

Date: 8 April 2020

Subject: Advising and Requesting for Release of Those at Risk in Myanmar's Detention Centers and Prisons, as Coronavirus Spreads

We respectfully present to the President.

We write on behalf of legal aid providers: Yangon Justice Centre, Mawlamyaing Justice Centre, Colors Rainbow, Thazin Legal Aid Group, International Bridges to Justice (IBJ) and the International Legal Foundation (ILF), to propose urgent action that should be taken to protect the health and safety of those who are in detention centers and prisons across Myanmar in light of the spread of the novel coronavirus, COVID-19. As COVID-19 continues to threaten populations around the globe, the World Health Organization has warned that Myanmar is at high risk of infection. Unfortunately, overcrowding in Myanmar's detention centers and prisons leaves detainees particularly vulnerable to this virus.

Currently, the courts are, to various degrees, suspending hearings and administratively adjourning cases for unduly long periods. In this time of crisis, justice systems around the world are engaging in measures to contain the spread of the virus while upholding the guidance of the World Health Organization which advises that the number of detained and incarcerated individuals be reduced through the use of bail and release at all stages of the judicial process.

In line with global responses, we jointly pledge to support the Government of Myanmar in order to ensure that courts address critical matters related to the liberty, health, and safety of detainees, while adjourning noncritical matters. Further, we ask the Republic of the Union of Myanmar Government to instruct the judiciary and other justice sector personnel to use all legal measures to proactively reduce the number of detainees in detention centers and prisons.

- **Advise and request to adjust court operations to protect and prevent the spread of COVID-19, while safeguarding the right to a fair and speedy trial, the right to liberty, and the health and safety of detainees.**

We join other stakeholders in expressing concern in unnecessary gatherings in courtrooms which can add to the transmission of Covid-19. However, we respectfully advise and request for the courts to continue to safeguard the fundamental human rights of suspects and accused persons, while maintaining protections for public safety. Non-essential matters should be adjourned, but courts should continue to hold all critical hearings, including remand hearings, bail/bond applications, habeas corpus hearings, and dispositions of criminal cases. The accused (through their lawyer) should be provided an opportunity to be heard on matters they deem to be essential. Deadlines for filing of appeals and revisions should be extended or suspended during the crisis.

- **Advise and request to use all legal avenues to immediately reduce detention center, jail and prison populations.**

We respectfully advise and request the immediate release of all children under 18 years old from training schools and other detention to the care and protection of their families. We also respectfully advise and request the immediate release of all people in jails and prisons who are particularly vulnerable or face heightened risk of severe illness or death due to COVID-19, including women, people who are over 50, and those who have underlying medical conditions like asthma, diabetes, or a heart or lung ailment;

For sentenced prisoners in detention, we request that the President consider advancing and expanding his normal New Year amnesties to include those most vulnerable to infection. As the goal is to reduce the number and density of the prison populations, the President should consider pardoning all those who have served more than 50% of their non-capital sentences.

Further, to reduce overcrowding in detention centers and ensure the safety of those in pre-trial detention, we ask the judiciary to release pre-trial all those suspected of or charged with bailable offenses and those charged with non-bailable offenses who pose no grave threat to public safety. In order to ensure public health and to avoid discriminating against poor people, the judiciary can release the accused with personal bond rather than requiring sureties. During this crisis, new arrests should be limited, where possible, and suspects can be released on police bail.

To reduce overcrowding in Myanmar's prisons, we call for the judiciary to prioritize the sentencing of accused persons to alternatives to incarceration wherever possible.

- **Advise and request to implement more rigorous sanitary procedures in Myanmar's courts and detention facilities.**

To reduce risk to court staff, judges, prosecutors, and lawyers, we call for courts, police stations, training schools, jails ,and prisons to implement more rigorous sanitary procedures and physical distancing, screening processes, and segregation of new detainees and those who fall ill.

We respectfully submit these recommendations in the name of justice.

CC:

1. State Counsellor/ Chairperson, Coronavirus Disease 2019 (COVID-19) Prevention, Control and Treatment National Central Committee, Nay Pyi Taw
2. Vice-President (1)/ Chairman, Coronavirus Disease 2019 (COVID-19) Control and Emergency Response Committee, Nay Pyi Taw
3. Chief Justice of the Union, Office of the Union Supreme Court, Nay Pyi Taw
4. Union Minister, Ministry of Home Affair, Nay Pyi Taw
5. Union Minister, Ministry of Health and Sport, Nay Pyi Taw