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Death Penalty/Legal Concern

15 April 1991

MYANMAR (BURMA): Soe Lwin alias Maung Soe, aged 21
Win Naing alias Na Kok, aged 23

An official Myanmar television broadcast announced on 8 April 1991 that Soe Lwin and Win Naing had been sentenced by a military tribunal on 3 April for their alleged role in the 1988 mass protests against continued military rule.

The broadcast stated that they were both "absconders", who were guilty of the murder of six people and one police warrant officer on 10 August 1988. Several policemen were reportedly beheaded that day after troops opened fire on pro-democracy demonstrators. The report said that Soe Lwin and Win Naing, both from Thingangyun township, had been arrested on 10 December 1990. Another prisoner, Htwe Aung, was sentenced by a military tribunal to three years' imprisonment for his alleged role in the beheading of a policeman in August 1988. Amnesty International is concerned that Soe Lwin and Win Naing are in imminent danger of execution.

Amnesty International is concerned that all those tried by military tribunals established in July 1989 may have been unfairly tried and convicted. The organization is unable to evaluate the allegations against Soe Lwin and Win Naing, but is concerned that they did not receive a fair trial, and urges that those sentenced to death not be executed. Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, and works to ensure that all political prisoners receive fair trials.

BACKGROUND INFORMATION

On 17 and 18 July 1989 the State Law and Order Restoration Council (SLORC, the ruling military authorities) announced martial law orders 1/89 and 2/89 bestowing judicial authority on the Military Commanders in Yangon and elsewhere and empowering them to conduct summary trials in military tribunals. Tribunals may "waive unnecessary witnesses", "indict an offender without hearing prosecution witnesses", "reject the recalling of witnesses who have already testified", and impose death sentences "regardless of the provisions under existing laws". Order Number 2/89 declares that "decisions and judgements passed by a military tribunal shall be final". No judicial appeal is allowed.

Death sentences only have to be approved by the Military Commander, and the sole recourse of the condemned is to ask the army commander-in-chief within 30 days to "revise" the sentence. This denial of judicial appeal is contrary to international human rights standards. At least 100 death sentences had been handed down since the inception of martial law orders 1/89 and 2/89, but unofficial sources report that no executions have taken place.

Large-scale public unrest erupted in Myanmar in March 1988. Mass demonstrations led by students, Buddhist monks and others called for an end to 26 years of military one-party rule and its replacement by a civilian interim administration. The military reimposed control in a coup on 18 September 1988 and formed the SLORC. It proclaimed severe martial law restrictions on freedom of expression and assembly and instituted military courts to try political cases. Since then the SLORC has arrested thousands of people for their opposition to its continued rule. Although general elections were held in May 1990, the SLORC has not transferred power to the elected National Assembly.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- urging that Soe Lwin and Win Naing not be executed, and that their right to judicial appeal against their conviction and sentence be immediately restored;

- expressing concern at reports that they have been sentenced to death by summary procedures contrary to international human rights standards;

- pointing out that according to the United Nations, executions resulting from summary procedures denying the right of legal appeal and omitting other fair trial safeguards constitute *"the arbitrary deprivation of life"*.

APPEALS TO:

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Telegrams: Commander Myo Nyunt, Commander,
Yangon Division Military Command, Yangon, Myanmar
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Maj Gen Khin Nyunt,
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State Law and Order Restoration Council
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COPIES TO: diplomatic representatives of Myanmar in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 May 1991.