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Myanmar: Daw Aung San Suu Kyi must be released immediately

Amnesty International expressed its concerns at the news that Daw Aung San Suu Kyi is being held in Insein Prison under the 1975 State Protection Law, Section 10(a).

"We strongly reiterate calls on the authorities to immediately and unconditionally release Daw Aung San Suu Kyi," Amnesty International said today.

"We also call upon the State Peace and Development Council (SPDC) to release U Tin Oo, National League for Democracy (NLD) Deputy Chairman, and the at least 130 people who reportedly have been held on account of their peaceful political activities after the incident on 30 May 2003."

"Despite claims that Daw Aung San Suu Kyi is being held for her protection, she is being held under provisions that fail to protect her basic human rights and deem her a threat to state sovereignty and security," the organization continued.

Amnesty International is particularly worried by the fact that Aung San Suu Kyi is being held under an administrative detention law which allows people to be detained arbitrarily, without charge or trial, without access to legal counsel or judicial appeal for up to one year on order of the executive. These orders are renewable for a period of up to five years.

"All the detained, including Daw Aung San Suu Kyi must immediately be allowed full access to lawyers, relatives and medical care," the organization stressed adding that it is not reassured by statements made by the authorities that they will be released "when the time is right."

Amnesty International calls upon the SPDC to amend or revoke the State Protection Law allowing arbitrary detention, in order to make it conform to international standards.

The controversial law allows detention in prison without charge or trial, with no right to judicial appeal, of anyone who the SPDC considers to be "endangering the state sovereignty or security".

As is the case with other security legislation in the country, the provisions of this law fail to adequately define what constitutes a danger to state sovereignty or security, and thereby allows authorities to unlawfully detain and imprison people for their expression of peaceful political views.

Amnesty International is also concerned that the prolonged detention without charge or trial allowed by the State Protection Law contravenes international human rights standards.

Background

Daw Aung San Suu Kyi was previously detained between 1989 and 1995 under Section 10 (b) of the State Protection Law, which allowed house arrest.

In 1991, authorities amended the law, under Law No 11/91 (Law Amending the Law Safeguarding the State from the Danger of Destructionist Elements), to increase detention without charge or trial from up to three years to up to five years, renewable on a yearly basis rather than every 180 days.

A number of prisoners of conscience whose prison sentences have expired are also being held under Section 10(a) and (b) of the State Protection Law. Many are suffering from medical problems. These include student leader, Paw U Tun, also known as Min Ko Naing, who has been detained since March 1989 on account of his leadership of the All Burma Federation of Student Unions.

The organization also calls on the SPDC to release all political prisoners who have served their sentences and are still being held under Section 10(a) and (b) of the 1975 State Protection Law.

For more information, please see:

<http://web.amnesty.org/library/index/engasa160142003>

<http://web.amnesty.org/library/index/engasa160152003>

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