

Demand for the Unconditional Release of Daw Aung San Suu Kyi

1. Daw Aung San Suu Kyi is currently in detention by an order given under Article 10 (b) of the State Protection Act, which enables “the Central Board, in the protection of the State against dangers,” to “implement” a “restrictive order”. The Article then states, “The movements of a person against whom action is taken can be restricted for a period of up to one year”. After the arrival of an uninvited person to where she was being held under detention, Daw Aung San Suu Kyi was charged with an offence under Article 22 of the State Protection Act, which says that “any person against whom action is taken, who opposes, resists or disobeys any order passed under this Law shall be liable to imprisonment for a period of up to three years.”
2. According to the 1975 State Protection Act, the Central Board has the authority to restrict a person for a period of up to one year only after a “restrictive order” has been issued. However, the order issued to Daw Aung San Suu Kyi had no force of law from the start since it applies sections of the 1974 Constitution, a constitution that is no longer in use. In addition, although the restrictions imposed on Daw Aung San Suu Kyi by the ruling military regime are not in line with the provisions under Article 11 of the State Protection Act, she did not violate any restriction. She is absolutely innocent.
3. Detention of Daw Aung San Suu Kyi violates not only national law but also international human rights laws. The first detention period was from (20-7-1989) to (10-7-1995), lasting 5 years, 11 months, and 28 days. The second detention period was from (21-9-2001) to (6-5-2002), lasting 1 year, 7 months, and 16 days. The third detention period was from (31-5-2003) to (14-5-2009), lasting 5 years, 11 month, and 14 days. Thus, she was in detention for a total of 13 years, 6 months, and 28 days. As of now, she has been in detention for over 15 years. Such illegal detention constitutes an “imprisonment or other severe deprivation of physical liberty in violation of [the] fundamental rules of international law”, as stated under Article 7 (1) (e) of the Rome Statute of the International Criminal Court.

The Burma Lawyers’ Council demands that the release of Daw Aung San Suu Kyi be immediate and unconditional. After her release, she must be allowed to enjoy the fundamental rights and freedoms of a national. Senior General Than Shwe must not apply Section 401 of the Criminal Procedure Code, which authorizes the President of the Union to suspend, on any condition, the execution of a prisoner’s sentence.

Burma Lawyers’ Council

November 12, 2010

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