



PO Box 144 Mae Sod Post Office Tak Province 63110 Thailand Tel : Fax (66) (055) : 542 910
E-mail : blcburma@blc-burma.org; blcsan@ksc.th.com; Website : www.blc-burma.org

**Statement of the Burma Lawyers' Council
On Unlawful Arrest and Detention of Demonstrators in Burma
(April 24, 2007)**

1. The Chapter V of the Code of Criminal Procedures, which is the effective national law in Burma, provides how arrest can be made. Accordingly, arrest without warrant or without an order from a Magistrate can be made for suspects categorized in section 54 of that law. Arrest of innocent civilian who participated in peaceful demonstration, took place in Rangoon on April 22, 2007 was unlawful as it was not in accordance with provisions enshrined in the section 54 of the Code of Criminal Procedure.

2. Pursuant to Section 32 of Police Act and Section 38 of Rangoon Police Act, any Magistrate or District Superintendent or Assistant or Deputy Superintendent of Police, or Inspector or officer in charge of a police-station, may stop any procession or public assemblies for maintenance of law and order. Nevertheless, it can happen only when the concerned people violate the conditions of a license granted under Section 31(3) of Police Act and Section 37(3) of Rangoon Police Act. As the police did not allow application processes for licensees to this end contrary to provisions in Police Act, any public procession or assembly shall not be deemed to be an unlawful assembly. As such, any arrest of peaceful demonstrators is unlawful.

3. Arrest of peaceful demonstrators by members of Union Solidarity and Development Association (USDA) and lackeys of the ruling military regime (SPDC) including military intelligent, who were not police wearing police uniform, is also against the existing Police Act.

3. The Burma Lawyers' Council demands as follows:

- (a) The SPDC administrative authorities and police shall comply with the existing laws relevant to arrests and detentions;
- (b) They shall publicly declare the establishment of application process for licensees, to be granted for gathering of peaceful processions and public assemblies, along with necessary conditions for maintaining law and order; Otherwise, cease all unlawful arrests and detentions of peaceful demonstrators.
- (c) Demonstrators arrested on April 22 shall not be detained more than twenty four hours and; after that, release them immediately and unconditionally.

For more legal comment:

Contact U Aung Htoo, General Secretary of the Burma Lawyers' Council
(Cell) 46- (0) 70 3899 882
(or) 46- 26 – 2519 14