

## **Demand for taking effective legal action on the perpetrators that blasted bombs in Burma**

1. On May 7<sup>th</sup> 2005, there occurred a fierce bomb blast, which has never experienced in Burma since the time of her independence, killing a number of people and intimidating the entire 'civilian population' of the whole country.
2. Within a few hours after the incident took place, the SPDC military regime, without submitting any evidence, alleged the political opponents, as perpetrators, as was the case in Depayin Massacre that occurred on May 30, 2003. The political opponents retorted that the bomb blasts could have been revenge attacks by the former military intelligent persons or army personnel, supporters of Prime Minister General Khin Nyunt ousted by the SPDC, highlighting the connection between the blasts and the growing dissent within the military. Any allegation without sufficient proof may increase suspicion, mistrust and hatred that may lead to the damage of expected genuine national reconciliation. More importantly, it may not facilitate the efforts for seeking truth, reparation of the victims, and possible reformation of state institutions that may prevent repeated atrocities in future.
3. In regard to seeking truth, the accountability is mainly with the ruling regime, which seized the state power with a military coup, while controlling all administrative mechanisms along with state budget. Nevertheless, the people in Burma as well as the international community may hesitate to accept the findings of the SPDC if the incident is investigated merely under the direct supervision of the regime as it usually makes false accusations against its opponents, fabricating faked stories. The regime was also unable to expose the perpetrators of Depayin Massacre and no legal action has been taken on them. To be worse, the regime did not even publicly investigate the case of Brigadier General Tin Oo, the Secretary two of the SPDC, and other high ranking army officials, who were allegedly assassinated in a bomb blast a few years ago. As such, it is suspicious as to whether the truth may be uncovered by the SPDC, if the perpetrators in this incident are former military intelligent persons or other army personnel who are loyal to the ousted Prime Minister Gen. Khin Nyunt.
4. With reference to the abovementioned factors, we urge the SPDC to form an independent investigation commission with the participation of following persons:
  - (a) Some dignified, competent and independent legal academicians who have never served the successive ruling military regimes;
  - (b) Some army, police or government officials who constitute a part of SPDC's administrative mechanism; and,
  - (c) Some representatives elected in 1990 May election.

5. Findings of the commission may not be a conclusive proof. The right to presumption of innocent can be enjoyed by every person or accused. The ruling of the court should be a final phase for the public to determine exactly who the perpetrators were. In this account, highlighting the important role of judiciary, we urge the SPDC as follows:

- (a) to facilitate the Supreme Court for the formation of a special criminal tribunal with the participation of independent legal academicians;
- (b) to guarantee the rights of accused to seek the assistance of lawyers;
- (c) to hold public trial in the downtown of Rangoon where the public can have easy access;
- (d) to allow the presence of independent legal academicians from the international community as trial observers;
- (e) to facilitate the medias from inside the country and international community in their efforts to collect information in every process of the trial.

6. Utmost important is to take immediate action on the sufferings of victims as follows:

- (a) the lists of the deceased and wounded be publicized on a daily basis until a final data collection is completed;
- (b) the venues where the bodies of the victims are temporarily placed be publicized;
- (c) the remaining families of the victims be allowed to bury the bodies by providing necessary financial and men power assistance;
- (d) the families of the injured persons be effectively facilitated to have immediate access to medical centers where the victims are being treated; and,
- (e) the victims and the family members of the deceased be provided with sufficient compensations.

May 8, 2005

For more information, please contact U Aung Htoo, General Secretary:

Tel (46) (070) 3899 882