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**Statement Demanding that the SPDC Take Immediate Action Against Security Forces for Shooting Peacefully Demonstrating Monks**  
(September 6, 2007)

1. Throughout the past few weeks, the people of Burma have been demonstrating against the recent increase in commodity prices. The SPDC has violently suppressed the demonstrations through the use of its civilian criminals from the Union Solidarity and Development Association (USDA) and the Swan-Ar Shin Association. When people face difficulties to show up on the street, in replace of them, hundreds of monks have also taken to the streets and demanded the reduction of commodity prices.
2. Considered together, the Burma Police Act, the Penal Code and the Code of Criminal Procedure make clear that the people of Burma have the right to peacefully assemble. Section 31(2) of the Police Act provides the police the power to require demonstrators to obtain a license. The authorities must grant these licenses without delay. The licenses are to describe rules and restrictions to prevent a breach of peace or disturbances to the vehicles in the road. Peaceful demonstrators must, under the law, abide by such rules established by the police. The police force may stop any procession or public assemblies and take action only when the procession breaches the peace, if uncontrolled, or the demonstrators have otherwise violated the terms of the license. If the SPDC wants to show that it respects the rule of law, it should handle peaceful processions in accordance with the Police Act and the Code of Criminal Procu.
3. In practice, the SPDC does not comply with the existing laws to facilitate the peaceful processions of people. Instead, on September 5, 2007, the SPDC dispersed a group of 500 peacefully demonstrating monks in Pakokku, by shooting. Unbelievably, this act of violence was committed against monks, who the majority of Burmans worships and reveres. Then, the SPDC clearly violated the current law repeatedly.
4. According to Section 127 of the Code of Criminal Procedure, “Any magistrate or officer in charge of a police-station [or police-officer not below the rank of sub-inspector] may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.”
5. Merely assembling five people does not in itself violate Section 127 of the Code of Criminal Procedure. So long as the assembly is neither unlawful nor likely to cause a disturbance, the authorities cannot disperse it. Section 141 of the Penal Code

provides that, “An assembly of five or more persons is designated an ‘unlawful assembly’ if the common object of the persons composing that assembly is –

*First.*—To overawe by criminal force, or show of criminal force, the Union Parliament or the Government, or any public servant in the exercise of the lawful power of such public servant; or

*Second.*—To resist the execution of any law, or of any legal process; or

*Third.*—To commit any mischief or criminal trespass, or other offence; or

*Fourth.*—By means of criminal force, or shown of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

*Fifth.*—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”

6. The peaceful processions of the monks did not use or show criminal force, as is prohibited by Section 141 (First). In fact, these monks had neither the intent to commit nor did they commit a crime – thus, they were not an “unlawful assembly”. Nonetheless, the SPDC determined that they were an unlawful assembly. However, even after such a declaration, the SPDC must disperse the assembly properly, without immediately resorting to violence. Section 130(2) of the Code of Criminal Procedure provides that officers dispersing a demonstration must “use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.” The SPDC, by electing to shoot at the monks, instead used unreasonable and disproportionate force to disperse the peaceful demonstration, thus violating the laws.
7. In seeking justice and the rule of law in Burma, the Burma Lawyers’ Council condemns the above-mentioned SPDC acts and demands that:
  - a. The SPDC publicly take action against responsible security or army officers who ordered the shooting of the peacefully demonstrating monks.
  - b. The SPDC publicly announce that their security and army officers have committed crimes against the monks and publicly apologize.
  - c. To show that they respect human rights on the basis of the Rule of Law, the SPDC must give licenses to the public and the monks to conduct their peaceful demonstrations and marches in accordance with the current rules contained in the Police Act.

Burma Lawyers’ Council

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