

Unofficial translation of the trial report

NB {Words in brackets are by the translator}

Criminal Court of Justice, Insein prison
7 January 2004
Criminal Trail No 1347 – Year 2003

Complainant: Police second lieutenant Ye Nyunt

Defendants: Three people including Aung Gyi

Township Legal Officer: Htay Win

Defendants charged under the 1962 Printers and Publishers Act 17/20.

Judgment

The complainant, second lieutenant Ye Nyunt of the Special Police Information Force, has accused three people, including Aung Gyi, of committing an offence under the 1962 law relating to the Printer and Publisher Act, section 17/20; he wants action to be taken against them accordingly.

The defendants

Aung Gyi- second year law student at Dagon University
Nan Shinn Mon- first year law student at Dagon University
Myo Than Tun- second year economic student at Dagon University

The defendants are accused of publishing "The Statement of the University Students Union" unofficially in June 2003, and three poetry books entitled "Equalilibrium of Step Tune" (Arr Hmya Chay Than Sin), " Foreword" (Ni Dan) and "About the Stars, not meant to be Day" (Nay Ma Me Thaw Kyel Tar Yar Myar Ah Kyaung).

In July 2003, they distributed one hundred copies of "The Statement of the University Students' Union" throughout the following universities (the statements were printed on computer):-

University of West Yangon
Dagon University
Institute of Marine Technology
Government Technology College (Hmaw-bi)
Institute of Economics

It is important to note that they published the books unofficially, as mentioned earlier.

With regards to the above information, second lieutenant Ye Nyunt, from the Information Unit, presented his case – that the three of them, under the 1962 Printer and Publisher Act 17/20, should be found guilty.

Prosecution Witnesses:

- Police sergeant Tin Kyaing, who seized paper sheets including "The Statement of the Union of University Students"
- Police second lieutenant Ye Tun
- Win Min, who copied the statements
- Ma San San Yee, who typed the statement on computer
- U Win Tin, Member of quarter authority
- Police second lieutenant: Ye Nyunt (also complainant)
- Searching witnesses: U Phoe Tha Aung and U Win Ni
- Printing and distribution department chief officer: U Than Aung
- Searchers: Police second lieutenant Kyaw Naing Soe and Police second lieutenant Tun Soe Thein

The above persons presented a combined statement which declared that the University Students' Union was not officially registered, or in accordance with section-6 of the bylaw. Furthermore, under bylaw 3(2), if a person wants to publish a

statement they must seek permission by law; if there is no official registration of a statement, the persons concerned may be found liable under the 1962 Printer and Publisher Act 17/20.

Aung Gyi pleaded that other students were carrying out similar acts, and therefore he felt that he could do the same. Nan Shinn Mon pleaded that senior students from the universities had been publishing articles previous to their offence. Myo Than Htut pleaded that he did not know that he was committing an offense. The upholding witnesses did not submit any statements.

After examining both sides of the case, the judge found all three defendants to be guilty, with regards to the following evidence:

- Aung Gyi's statement "War Declaration(1)" : (k)
- the statement of Nan Shinn Mon: (l)

Even though the defendants pleaded that they had not committed an offense, the complainant argued that this was not a plausible enough reason and was not in accordance with the law.

The poetry books, which were published earlier by other students, did not contain any political tones and were merely about teenagers' natural feelings; as a result, the official authorities did not charge those involved. However, in the case of the poetry book written by the three accused, it was found to contain lyrics that were disrespectful to the military (Tatmadaw) and therefore broke the 1962 Printers and Publishers Act 17/20.

Later, the three defendants repeated the statements that they had made in the court of law, (k), (l) and (m), in front of MI unit 6. They bore witness to a section of Act 24, saying that their case was similar to the case of "The Union of Burma and two persons, including U Ye Naung" which took place in 1991 and was judged in accordance with the Burma penal code, page 63.

It was found that the three of them were university students who, during their study time, carried out political activities and did not concern themselves with student activities. Therefore, their actions opposed the authorities' aims and objectives. They were found guilty under the 1962 Printer and Publisher Act 17/20.

Order

Aung Gyi, son of U Zin Aung, and Nan Shinn Mon, son of U Htan Do Khin, are each sentenced to 4 years imprisonment with hard labor because they committed an offence under the Printer and Publisher Act, section 17/20.

Myo Than Htut, son of U Win Maung are also each sentenced to 4 years imprisonment with hard labor because they committed an offence under the Printer and Publisher Act, section 17, and to a further 4 years imprisonment with hard labor because they committed an offence under the Printer and Publisher Act, section 20.

In both cases, their detention period is included within the sentence.

U Ohn Lwin (LL. B)
Township Judge (special power)
Township Court, Dagon Myo Thit (South) Township

Translated by AAPP