

Unofficial translation of the trial report

{The words in brackets are by the translator}

Criminal Court of Justice in Insein prison  
7 January 2004  
Criminal Trail No 1348 of year 2003

Complainant: Police second lieutenant Ye Nyunt

Defendant: Five people including Aung Gyi

Township Legal Officer: Htay Win

Defendants charged under the 1988 Law relating to Forming of Organizations, Section (6)

**Judgment**

The complainant, second lieutenant Ye Nyunt of the Police Special Bureau, has found that five people including Aung Gyi are guilty under the 1988 Law relating to Forming of Organizations, section (6), and he wants action to be taken against them.

The defendants

Aung Gyi - second year Law student of Dagon University  
Nan Shinn Mon - first year Law student of Dagon University  
Myo Min Tun - second year Law student of Dagon University  
Win Htut Lwin - first year Chemistry student of Dagon University and  
Aung Ko Oo - first year student of Institute of Marine Technology

The defendants unofficially founded the Union of the University Students in March 2003 and organized the students in the following positions:

Aung Gyi- temporary Chairperson  
Myo Min Tun- temporary Vice Chairperson  
Nan Shinn Mon- temporary General Secretary  
Win Htut Lwin- temporary Member of Executive Committee  
Aung Ko Oo- temporary Member of Executive Committee.

In July 2003, they distributed "the Statement of the University Students Union" in the following universities. The statement was printed on a computer.

University of West Rangoon  
Dagon University  
Institute of Marine Technology  
Government Technology College (Hmaw-bi)  
Institute of Economic

They planned to have a university students' conference in the University Community Hall for Religious Ceremonies. According to the following persons' statement, Aung Gyi, Nan Shinn Mon, Myo Min Tun, Win Htut Lwin and Aung Ko Oo, set up the University Students Union without permission from the Ministry of Home Affairs.

Prosecution Witnesses :

- (Ms.) Suu Mon Thwel
- Police Sergeant, Tin Kyaing who seized paper sheets including "the Statement of the Union of University Students"
- Police second lieutenant Ye Tun
- Police second lieutenant searchers; Police Win Tin, Than Aung, Phoe Tha Aung, Kyaw Naing Soe, Tin Latt, Shwe Tote
- Police second lieutenant Ye Nyunt (also complainant)
- Police second lieutenant Tun Soe Thein, appointed as investigator, acting on behalf of Police second lieutenant Than Sein,

who was transferred from this case.

- Police second lieutenant Kyaw Naing Oo also participated in the interrogation by the No-6 military intelligent unit

They were found, by the above persons, guilty of the crime set out in the 1988 Law relating to Forming of Organizations, section (6).

Win Htut Lwin pleaded that he was guilty. The rest of the defendants, such as Aung Gyi, Nan Shinn Mon, Myo Min Tun and Aung Ko Oo pleaded not guilty:

- Aung Gyi stated that they founded the Union because they did not know the law.
- Nan Shinn Mon pleaded that they intended to work for the students' rights and they were not guilty because the Union was not for political activities.
- Myo Min Tun pleaded that he joined the Union because Aung Gyi told him to have social and religious activities in the Union. He also pleaded that he was not guilty because there was no political activities in the Union.
- Aung Ko Oo stated that he also co-founded the Union. However, he pleaded not guilty because they did not know that they needed to get permission to found the Union.

The defendants were not able to have any witnesses in court.

After examining the case on both sides, the judge found that the five persons including Aung Gyi were guilty of the following charges:

- Without the permission of the Ministry of Home Affairs, they unofficially founded the University Students Union,
- they distributed copies of Statement No-1 in universities and colleges,
- they planned to have a convention for university students in the University Community Hall for Religious Ceremonies on December 10, 2003.

Therefore, they were found guilty under the 1988 Law relating to the Forming of Organizations, section 3 Sub section (a) and (c).

In accordance with the case of "the Union of Burma and two persons including U Ye Naung" in 1991 - decided according to the Burma penal code page 63 - the MI personnel interrogated them, and due to the defendants answers, were found guilty without question. In accordance with Act 24, Criminal Trail No 1348, 2003, the court accepted the defendants' confessions to the No-6 military intelligent unit. Those confessions are stated in document; k, l, n, o and p.

The witnesses declared that the defendants set up the University Students Union without the permission of the Ministry of Home Affairs. They were found guilty thus under the 1988 Law relating to Forming of Organizations, section 6, because they committed an offence under section 3 Sub section (a) and (c).

The court did not accept their defense that "they did not know they needed to ask permission for founding the Union."

Therefore, the court sentenced the defendants as follows:

### **Order**

Aung Gyi, son of U Zin Aung, and Nan Shin Mon, son of U Htan Do Khin, are each sentenced to (4) years imprisonment with hard labour because they committed an offence under section (6) of the 1988 Law relating to the Forming of Organizations.

Myo Min Tun, son of U Phyu Lone Chay, Win Htut Lwin, son of U Myint Han, and Aung Ko Oo, son of U Win Thu are each sentenced to (5) years imprisonment with hard labour because they committed an offence under section (6) of the 1988 Law relating to Forming of Organizations.

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