

## **Unofficial translation of the trial report**

Chan Thar Kyaw

Court House, Mon Ywar Township  
July 7, 2003  
2003, Criminal Case No. 4518

Complainant: Police second lieutenant Tin Win  
Defendant: Chan Thar Kyaw (Juvenile)  
Lawyer for complainant: Daw Hla Hla Win (Deputy Township Legal Officer)  
Lawyer for Defendant: Himself

### **charged under the Criminal Act, Section 333 and 114**

### **Judgment**

The case is that on May 30, 2003, at 16:41 hr, Police second lieutenant Tin Win and security forces serving the security duty at South Oobo block, Mon Ywar Township, requested and prevented about 150 hostile Buddhist Monks, who left from Mon Ywar Township, not to follow Daw Suu Kyi and her group. But some Monks went back to Mon Ywar and organized more people to the place of confrontation. About 250 Monks and 50 people were gathering at that place and confronting with security forces. They even refused to listen to the chairman of Sangha Naryaka Sayardaw and started to attack the security forces with stones and catapults. In this incident, many members of security forces were injured seriously. Therefore, police second lieutenant Tin Win, as the complainant complained to the court to take action against those who made these attacks. Chan Thar Kyaw was charged with a separate case, as he was not 16 years old yet at the time of incident.

In this case, the complainant submitted 24 witnesses including complainant himself. Prosecution witness (PW-1) U Tin Win testified as his charges and he testified that Chan Thar Kyaw was one of those who attacked the security forces. PW No. 2, Police Lieutenant Thet Oo Naing, who himself involved in the security forces in that incident, supported the charges of the complainant. (PW-4), U Pyew Saung, who is chairman of Ahlone Block Peace and Development Council (PDC) and involved in the security forces in that incident, also supported complainant's claim. (PW-5) U Ngwe Soe Lwin, chairman of Yongyi Block PDC testified that he has known Chan Thar Kyaw and his family as they live in Yongyi Block. He heard that members of security forces were injured by Buddhist monks and people who attacked them with stones and catapult and he also heard that ChanThar Kyaw was arrested for involving in this attack. He said that Chan Thar Kyaw's parents wouldn't know his involvement as he is out of their control and supervision. He also testified that Chan Thar Kyaw was completed his tenth grade examination. PW No. 6 Dr. Khin Soe Myint, PW No.7 Dr. Naing Lin, PW No.8 Dr. Thet Myat Zaw, PW No.9 Dr. Aung Kyaw Soe, all of them were medical doctors who treated members of security forces including Policemen Soe Myint Thein, Hlaing Kyaw Oo, Aung Win, Soe Min Htike, Aung Myo Thant, Hlaing Win, Ye Naing and Police Lieutenant Myint Lwin Oo, testified that Policeman Ye Naing got severe injury at his front teeth, which was extracted by a doctor and the rest got minor injuries from that incident. PW No.3 Police Inspector Zaw Min and PW No.10 Police Inspector Khin Maung Zin, who were the case officers, testified that according to their investigation, they found that Chan Thar Kyaw was one of those who attacked the security forces.

I have listened to 14 witnesses. According to these testimonies, there are tangible facts that defendant is chargeable under the penal code 333 and 114. When I asked defendant whether he was guilty or not, defendant argued that he was not guilty as he was looking the incident from the distance.

When defendant testified as his own witness, he said that on May 30, 2003, at 3:30 pm, he heard the news of confrontation between Buddhist Monks and security forces in Ahlone Block. So, he rode a bicycle to there together with his friend. He was looking the incident, in which Buddhist Monks were throwing the stones and catapults at the security forces, at a small bridge before Kan Oo Pagoda, on the roadside of Mon Ywar-Budalin motorway. He testified that the place he was looking is about 100 foot away from the place of incident. One hour later, he heard the gunshots and he left from that place. He left alone because he couldn't find his friend. He didn't involve in the incident and he was just an onlooker, so that he was not guilty, he said. But he couldn't produce the witness that may support his claim.

To sum up, there is no doubt from both sides that defendant was at the place of incident. It is also very clear that members of security forces were injured severely from that incident. Although defendant denied the charges of PW No.1 U Tin Win and PW No. 2 Thet Oo Naing that defendant was one of those who attacked the security forces, he couldn't produce the witness that may support his claim. Being presence at the place of incident, where Buddhist Monks and some people attacked the members of security forces with stones and catapults, alone made sense that he helped the attackers. Even though he didn't involve himself, he would be same responsible as the other attackers, as he was nearby them.

When I asked the character report from juvenile supervisor to learn about his attitude, I was informed that as a less intelligent person, he was there under the influence of the environment. I was recommended that he should be sent to close supervision of his parents or guardians with three years probation period or to the youth rehabilitation center for three years, to be able to readjust his character.

In this case, as defendant helped the attackers who made severe injuries to the members of security forces serving for the safety of the people, and as recommended by the juvenile supervisor that he should be sent to the parents or guardians with three years probation or to a youth rehabilitation center for three years to readjust his character, I make the judgment as follow.

## Order

I find that Chan Thar Kyaw, son of U Khin Maung Tin, living in Kandaw Gyi Street, Yongyi Block, Mon Ywar Township, is guilty to the charges under the penal code 333 and 114. According to the Juvenile Act, section 47 (D), I order him to detain at Nhet Awsan Youth Rehabilitation Center, Rangoon Division, until Oct 4, 2005, when he will be 18 years old.

I order to destroy all material evidences after the date of appeal.

Baby  
Township Judge