

## Unofficial translation of the trial report

Criminal Court of the judge  
14 December 2002  
Criminal Trail No 23 of year 2000

Complainant: Police officer Hla Myint  
Defendant: Five persons including U Aye Kyu (a.k.a.) Monywa Aung Shin  
Charged under the 1950 Emergency Provisions Act, section 5(j)

### Judgement

The case is a complaint by sub lieutenant U Hla Myint of the Police Special Bureau in Bahan police department. He has found that these six persons are guilty under the 1950 Emergency Provisions Act, section 5(j) and he wants action to be taken against them. He found out that  
U Aye Kyu (a.k.a.) Monywa Aung Shin  
U Aung Myint,  
U Soe Han, U Tun Myint,  
U Saw Naing Naing (a.k.a.) U Naing Naing,  
and U Sein Tun Kyaw, who is the vice chairperson, National League for Democracy (NLD), Irrawaddy Division branch (running away from the case)

gathered in the house of U Saw Naing Naing (a.k.a.) U Naing Naing on Sep 10 and Sep 12, 2000. Together they discussed and wrote a statement of NLD members dated Sep 12, 2000. The statement asked for the release of Daw Suu Kyi and other Central Executive Committee members who were under house arrest, for the Head Quarters and (Rangoon) Division Branch to be allowed to reopen. It also called for urgent tripartite dialogue between the Government, NLD and Ethnic groups, and denounced the unlawful action of the State Peace and Development Council. They printed the statement on a computer and sent it to the Voice of America through the US Embassy.

In the case, U Hla Myint (Prosecution witness {PW} 1), Zaw Min (PW 2), U Kyaw Soe, U Tin Htut (PW 3 and 4), and Kyaw Kyaw Hlaing (PW 5) were questioned. They send the following evidence to court.

Evidence (A) Complaint

Evidence (A1) Copy of Complaint

Evidence (B) and (B2) original and printed statements of NLD members

Evidence (C) Search Warrant

Evidence (D) to (I) confessions of U Aung Shin and others, made at the National Investigation Bureau (NIB).

U Hla Myint (PW 1), Zaw Min (PW 2), U Kyaw Soe, U Tin Htut (PW 3 and 4) members of Yankin Township, YaYaKa members, and Kyaw Kyaw Hlaing (5) stated that they searched the Htan Taw Parijati monastery in Thakata township, the place defendant U Aung Shin stayed. They found the NLD members' statement and five copies of computer-printed statements. They seized these using the search warrant, in the presence of eyewitnesses.

Moreover, they (the defendants) discussed and wrote the statement and printed it on computer. They confessed to their activities to the NIB. The confessions are documented in Evidence (D) to (I).

Because of the complainant's evidence and the evidence papers they showed,

U Aye Kyu (a.k.a.) Monywa Aung Shin,

U Aung Myint,

U Soe Han,

U Tun Myint,

U Saw Naing Naing (a.k.a.) U Naing Naing were prosecuted under 1950 Emergency Provisions Act 5(j). The evidence was clear enough to prosecute. In the case of, U Sein Tun Kyaw running away from the case No-30/2000, action will be taken action under ruling 87/88.

After the complainant's witnesses had been questioned, Kyaw Kyaw Hlaing was questioned again. He said that it's not true that they wanted to send the statement to the Senior General (head of the military government) and that the statement doesn't contain words which would provoke a people's uprising.

Defendant U Aye Kyu stated that: He wrote the draft statement in accordance with the members and he gave them it to read. He was asked to finish the statement. He was responsible for printing the statement on computer as it was going to be sent to the Head of State. He put it in Htan Taw Parijati monastery in Thakata township, the place he was staying. The statement doesn't have any words which provoke uprising. He didn't go to US embassy to give it, etc.

U Aung Myint stated that: The youth disliked and criticized the closure of Head Quarters and (Rangoon) Division branch, and the house arrest of NLD leaders. The youth talked about it at the funeral house, on the one month anniversary day of the funeral of U Soe Han's wife. They don't want anymore problems. Therefore they wrote the statement in order to report it to head of State, as they are members of a legal organization,

Defendant U Soe Han is a lawyer at the high court. He stated that he didn't participate in the meeting on Sep 10, 2000 although the complainants had stated that he did. He went to U Naing Naing's house on Sep 12, 2000 as U Tun Myint had sent him a letter which said he should come and calm down the youth. He was the last one who arrived (at U Naing Naing's

house). U Aye Kyu read the draft. He just warned them not to put any words against the law and left. He didn't know about the printing on a computer.

U Tun Myint stated that the letter was at his home, but it should be seized with a search warrant, according to the Act 94. There was no need to seize the letter as the defendant admitted that he went to U Naing Naing's house on Sep 12 although he was not in the meeting on Sep 10, 2000. Defendant U Tun Myint pleaded that they didn't want to undermine the law and restoration. They just intended to report to the Senior General by writing the statement after discussing the (NLD) youth's dislike of the house arrest of NLD leaders and the closure of Head Quarters and (Rangoon) Division branch.

Defendant U Saw Naing Naing (a.k.a.) Naing Naing stated that they discussed at his house, he didn't know about printing on computer.

These are the results of the interrogations during which the defendants confessed to the NIB that they are guilty. In the case of "the Union of Burma and two persons including U Ye Naung", it rules that only confessions, given to intelligence personnel who didn't mislead, threaten or make promises, according to the Act 24 are acceptable.

There is no evidence that the defendants were misled, threatened or promised. Therefore, there is no reason why their confessions to the Military Intelligence should not be accepted. The confessions were from Evidence (D) to (I).

As a result of these confessions and the complainant's statements, it has emerged that these NLD members

U Aye Kyu,

U Aung Myint,

U Soe Han,

U Tun Myint,

U Saw Naing Naing (a.k.a.) U Naing Naing and

U Sein Tun Kyaw (who has run away from the case)

gathered in the house of U Saw Naing Naing on Sep 10 (except U Soe Han) and on Sep 12, 2000 (all of them).

They together discussed, wrote and managed to print on computer the Evidence (B1) and (B2), a statement of National League for Democracy members dated on Sep 12, 2000. The statement asked for the release of Daw Suu Kyi and other Central Executive Committee members who were under house arrest, for the Head Quarters and (Rangoon) Division Branch to be allowed to reopen, and for urgent tripartite dialogue between the Government, NLD and Ethnic groups, and denouncing the unlawful action of the State Peace and Development Council.

They U Aung Shin pleaded that the statement was intended to report to the Senior General, head of State. However, the letter doesn't intend to inform the Senior General, moreover it has usage, which effects the security and stability of the state. Therefore, they are guilty of the crime as set out in the 1950 Emergency Provisions Act, section 5(j).

### **"Order"**

U Aung Shin (a.k.a.) U Aye Kyu (father U Bo Win), U Aung Myint (a.k.a.) Pya Pon Ni Lon Oo (father U Ban Du), U Soe Han (father U Ba Shein), U Tun Myint (father U Kyi Maung) and U Saw Naing Naing (a.k.a.) U Naing Naing (father U Saw Ba Thein) are sentenced to 7 years with hard labor as they are guilty according to the 1950 Emergency Provisions Act 5(j).

Their detention period is included in the imprisonment.

(Ba Kyaw)

Joint Division Judge (4)

Rangoon Division Court

Foot note: 1991 Burma precedent (Page 63)