

TRIAL OF DAW AUNG SAN SUU KYI

By the National Coalition Government of the Union of Burma

Court: Special Court inside Insein Prison
Judges: U Thaung Nyunt (Northern District - Rangoon)
U Nyi Nyi Soe (Western District - Rangoon)

Plaintiff: Special Branch Police Lt Col Zaw Min Aung, two others

Defendants: 1. Daw Aung San Suu Kyi
2. Daw Khin Khin Win
3. Daw Win Ma Ma
4. John William Yettaw

Charges: *Under Article 22 (State Protection Law or Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts): "Any person against whom action is taken, who opposes, resists or disobeys any order passed under this Law shall be liable to imprisonment..."*
-- Daw Aung San Suu Kyi

Under Article 109 (The Penal Code): "Whoever abets any offense shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code of the punishment of such abetment, be punished with the punishment provided for the offense. Explanation: An act or offense is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment."
-- Defendants 2, 3 & 4

Under Article 13 (1) (Immigration Act -- Emergency Provisions) and under Article 28 (Yangon City Development Committee Law) "for breaching the restriction on swimming in Inya Lake"
-- Defendant 4

Defense Team: U Kyi Win (For Daw Aung San Suu Kyi)
Daw Khin Htay Kywe (For two companions of Daw Aung San Suu Kyi)
U Hla Myo Myint, and U Nyan Win (Assist both the lawyers above)

High Grade Pleader U Khin Maung Oo (For John William Yettaw)

Surprises

The third-day trial of Daw Aung San Suu Kyi was full of surprises. After repeatedly rejecting a request by the Nobel Laureate's lawyer for an open trial, the authorities suddenly decided to grant access to the courtroom to "about 30 foreign diplomats, including the UN resident representative" and ten journalists representing local and foreign agencies, according to a journalist.

Although a U.S. consular official had been attending the present court sessions inside Insein Prison because a US Citizen John William Yettaw is standing trial, today's admittance of foreign diplomats was unprecedented in the junta's history.

Journalists were made to draw lots to enter the courtroom and Reuters (U Aung Hla Tun), Agence France-Presse -- AFP (Daw Hla Hla Thein), Nippon TV (Daw Sint Sint Aung), Sankei Shimbun (Dr Zaw Than), and Jiji Press (U Aung Thu Nyein) won the right to be present. Five local journalists representing Hlyat Taphet, Popular, Flower News, Rangoon Times, Myanmar Times, Pyi Myanmar, and ELEVEN Journals were there also.

The journalists, however, were not permitted to bring their cameras, recorders, or phones into the courtroom.

Three foreign diplomats from Russia, Thailand, and Singapore were also allowed to meet face-to-face with Daw Aung San Suu Kyi after the court session. No information is available as to what was discussed at the meeting.

A briefing about the trial was also quickly arranged at the Ministry of Foreign Affairs Office in Rangoon for diplomats from foreign embassies and United Nations agencies.

Change of Heart

Only the generals know why the sudden change of heart came about suddenly but, observers believe international reaction to the trial most likely prompted that change.

A day before the decision to make the court "half-open", international pressure was noticeably mounting.

ASEAN, which never criticizes one of its members, broke its tradition expressing "grave concern" about the developments in Burma, calling for the immediate release of Daw Aung San Suu Kyi, and urging the generals to treat her with dignity and to provide adequate medical care.

"With the eyes of the international community on Myanmar at present, the honor and the credibility of the government of the Union of Myanmar are at stake," said the statement by ASEAN.

Chinese Foreign Ministry Spokesman Ma Zhaoxu stated on May 19 that as a neighbor, PRC hoped that Burma "can realize reconciliation, stability and development through dialogues of all parties".

About the trial, the PRC spokesman said "Myanmar's affairs should be decided by its people".

It will be difficult to know if China persuaded the generals to go public with the trial but, a *Mizzima* report said Chinese and junta officials had a meeting yesterday. *Mizzima* said it was investigating about the meeting.

Meanwhile, the UN Security Council is also reported to have reached an agreement to react to the Burma situation with a statement. The language to be used is being reviewed at the Experts level.

Although Russia is reported to be most reluctant to pursue action, a general agreement is said to have been reached among the council members to react to the situation in Burma.

The Trial

The two-judge Special Court continued to hear testimonies from prosecution witnesses today.

On 19 May, Police Lt Col Maung Maung Khin, Police Inspector Than Naing, Lance Corporal Myo Lwin, Police Captain Maung Maung Myint, and U Tha Sein, Chairman of Ward (4) Peace and Development Council, testified about the capture of John Yettaw who was seen swimming in Inya Lake and the different items they seized from him.

Today, more police officers recounted how they collected items belonging to defendant John Yettaw from his hotel in Rangoon and from Daw Aung San Suu Kyi's residence.

Daw Aung San Suu Kyi thanked the audience in the court but regretted that she was unable to greet each one of them in person.

"I met her in 2003 and she has not changed at all. Maybe, slightly little older since it has been six years already", said a journalist who met her in the courtroom. "She is in good health also" and she added, she want to meet us again, "when circumstances are better".

The trial continues at 1000 on 21 May.

Outside Insein Prison

Fewer security personnel were seen outside Insein Prison although barricades and barriers preventing people from approaching the prison and traffic from using Insein Road still remain.

Armed guards and police in full riot gear were still deployed though apparently in lesser numbers.

When journalists who were allowed inside the courtroom came out and briefed their counterparts and spectators outside, personnel in mufti believed to be members of the Union Solidarity and Development Association and Swan Arr Shin groups hurriedly came to break up the crowd.

National League for Democracy (NLD) members numbering in hundreds could still be seen outside the prison. Several of them who gathered near an inner layer of barricades said supporters of the junta tried to provoke them with abuse.

News sources: freelancers inside the country, www.myanmar.com, www.dvb.no, www.mizzima.com, www.irrawaddy.org, and various Burmese language blogs