THE Lawyers Committee for Human Rights, New York's well-known organization comprising noted jurists, which has been working to protect and promote international human rights since 1978, has called the human rights scene in Burma as "overwhelmingly grim and scary". It accused the Burmese military junta, which goes by the name of the State Law and Order Restoration Council (SLORC), of engaging itself "in a consistent pattern of human rights abuses in flagrant disregard of the fundamental principles of the rule of law". The SLORC has also been charged with "flouting practically all international standards with regard to trial proceedings and denying its citizens their basic rights to justice".

In its latest report on Burma entitled "Summary Injustice — Military tribunals in Burma", prepared by the Lawyers Committee's fact finding mission, the SLORC-appointed military tribunals have been censured "for exceeding the most extreme derogations permitted under international law", and for "falling far short of international fair trial standards".

The report says that the military tribunals have proven to be an essential component of unabated human rights violations in Burma which continue to hand down guilty verdicts with lightning speed to thousands of politicians, pro-democracy student activists and others peacefully exercising their basic rights to freedom of expression, association and assembly. It points out that thousands remain detained for long periods under poor conditions, where they suffer from torture and other forms of maltreatment at the hands of the military. The rights of persons accused of political offences, according to the report, are routinely ignored and all forms of public expressions are sharply curtailed.

And despite the overwhelming victory of the political opposition led by Aung San Suu Kyi's National League for Democracy in the May 1990 parliamentary election, the SLORC has shown no indication that it will transfer power to a civilian Government. Madame Suu Kyi, daughter of Burma's national hero, Aung San, has been placed under house arrest since July 1989 for 'endangering the State', under the State Protection Law. Her detention order, according to the report, was imposed for one year or "as long as the danger of disruption of peace and tranquility by her exists".

The report highlights how following Suu Kyi's detention many other NLD leaders and pro-democracy activists, including those elected to Parliament, have been held, tortured and an unknown number died in detention as part of the SLORC's intensified campaign of repression against the surviving pockets of organized political opposition to military rule. The report mentions how the Buddhist monkhood, the sole re-

(Continued on page 7 col. 2)
Burma human rights scene grim

(Continued from page 1 col. 4)

main voice of dissent to military rule, also came under attack with numerous Buddhist temples all over Burma ransacked and hundreds of monks tortured and arrested.

The report says that since it took power in September 1988 the SLORC has violated all the international legal guarantees. Within a week of it being in power, the SLORC decreed a new judicial law that re-established the courts under military control. Impa­tient with the speed with which the civilian courts could hand down decisions in the hundreds of political cases pending, the SLORC in July 1989 usurped the judicial power by creating military tribunals with summary powers. Simultaneously, it relieved 62 civilian judges of their duties in 1990 for refusing to sentence political offenders to terms longer than the legal maximum sentence. It also replaced the leadership of the independent Rangoon Bar Council with Government officials since the Council headed by Hla Aung, a former Attorney-General, had condemned the killings of pro-democracy demonstrators by the military in 1988.

The report says that the trial proceedings before Burmese military tribunals are little more than the recitation of charges and the announcement of a guilty verdict. "There is no competent independent and impartial tribunal established by law as set out in the Covenant on Civil and Political Rights", the report points out. Tribunals, according to the report, consist solely of military officers who are neither impartial nor independent.

The Martial Law order establishing the tribunal, the report says, places the burden of proof on the accused. The tribunals have complete discretion to reject the presentation of witnesses and evidence. The Committee feels that the trials before military tribunals amount to little more than sentence hearings. Trials are secret and brief and prosecution statements are typically based on confession or responses to questions obtained through torture. Defendants rarely have access to an attorney and are given no opportunity to present a defence. They are expected to plead guilty or face a higher sentence. The report says there is no instance where a military tribunal has handed down an acquittal.

According to the report, the sentences decreed by the tribunals are for a minimum of three years of hard labour, but are usually for 10 or more years. Many political activists have received terms of 20 years to life imprisonment. More than 100 people had been sentenced to death, but the actual figure may be much higher as few convictions are publicized. The right to appeal is also sharply curtailed and appeals made to the military for clemency have already been responded to, says the report.

Giving instances of summary trial, the report says that a military tribunal in Shwebo took less than two days for trying 25 persons who had taken part in a 10,000-strong demonstration demanding the release of detained students. All 25 defendants were found guilty and 11 received the death sentence. Ba Thaw, a 62-year-old former Navy Lieutenant Commander who is a popular writer, was sentenced to seven years' hard labour for "being instrumental in persuading Aung San Suu Kyi to make her first public appearance during the 1988 anti-Government demonstration". Zargann, a 27-year-old comedian who is famous for satirizing the Government and anti- Government demonstrations, who intended to exploit Buddhism to attack the military, has been sentenced to five years' hard labour for an unspecified offence.

U Thunminga, the 46-year-old monk who is one of the five in Burma who knows the Buddhist Tripitaka, by heart, was sentenced to five years' hard labour for boycotting of religious services to members of the military and their families. Although the SLORC has largely been silent about detained monks because of fear of an adverse popular reaction, it has lately justified its crackdown on monks saying that "the action is intended to protect Buddhism from Communist insurgents, political parties and Western Governments, who intended to exploit Buddhism to attack the Government".

Children have also been convicted by military courts and sentenced to seven years' imprisonment. A 15-year-old school student was convicted of putting up an anti-SLORC banner within the school compound and sentenced to seven years' imprisonment. A 15-year-old boy received a similar sentence for throwing a rock at an SLORC banner.

Nay Min (43), who worked as a stringer for the BBC, was arrested for sending "fabricated news and false rumours" to the BBC; he was sentenced to 14 years' hard labour. He has reportedly become a physical and mental wreck because of torture and other forms of maltreatment while under detention.

The report concludes on a gloomy note saying that as hopes for a transfer of power to a civilian Government fade, so too do hopes for justice in the foreseeable future for the thousands of people who have been sentenced to life imprisonment.