

# Laws enacted for State stability and community peace

*A Lawyer*

Every country promulgates and exercises internal laws for their security and community peace. After 2001, the United States of America, for instance, enacted Patriot Act, which says that if necessary to prioritize with National Security Interest, Civil Liberties of a citizen may be restricted. Similarly, England practises UK Prevention of Terrorism Act (1974), and Singapore and Malaysia, The Internal Security Act.

Myanmar has promulgated laws on security in successive periods for community peace. Article (5) of 1947 The Public Order (Preservation) Act manifests the rights to detain desperados for prevention of acts that can harm community peace and security of the State. According to Article 5 (a) of the Act, restrictions can be imposed to detain a person, prohibit him from going to a restricted region in the nation, and hold him to stay a designated place in the fixed period. He can be sentenced to five years' prison term if he fails to follow the restrictions on him.

Then, Emergency Provisions Act was enacted in 1950. Article 5(j) of the Act says "Whoever does anything with any of the following intent; that is to say;- to affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order;- shall be punished with an imprisonment for a term which shall extend to 7 years."

Furthermore, the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts was enacted under Pyithu Hluttaw Act No. 3 in 1975. It is designed to prevent the infringement of the sovereignty and security of the State against any threat to the peace of the people, and against the threat of those desiring to cause subversive acts causing the destruction of the country, without impeding citizens' fundamental rights.

According to the provisions stated in Article 2 (a), the term "those desiring to cause subversive acts" means those who are to perform or about to perform, or to abet, or to assist in, any act that either directly or indirectly, in any manner, threatens the sovereignty and security of the state or public peace and tranquility.

According to the provision enumerated in Article (7), the Cabinet is authorized to pass an order, as may be necessary, restricting any fundamental right of any person suspected of having committed or believed to be about to commit, any act which endangers the sovereignty and security of the state or public peace and tranquility. Article (8) says

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that for the implementation of the authorization mentioned under Article 7, the Cabinet may form a Central Board on its behalf.

Section (10) says that The Central Board, in the protection of the State against dangers, has the right to implement the following measures through restrictive order:

- (a) A person against whom action is taken can be detained for a period of not exceeding sixty days at a time, and this can be extended to a period up to one hundred and eighty days.
- (b) A person against whom action is taken can be restricted up to one year.

The foregoing provision does not mention Paragraph (a) or Paragraph (b), so action can be taken against the person under both articles. Arrest of a person under Article 10 (a) and prohibition of a person under Article 10 (b) are not the same. So, the two punishments can be sentenced separately one after another.

Article (13) says the Central Board shall obtain the prior approval of the Cabinet in case it is considered necessary to extend the restrictions mentioned under Article 10 (b). And Article (14) says the Cabinet may grant prior approval to continue the restrictions of rights of a person against whom action is taken for a period not exceeding one year at a time up to a total of five years. Therefore, apart from the terms stipulated in Article 10 (a) and (b), the restrictions can be extended up to a total of five years with the prior approval of the government in accordance with the said law.

Under the provisions, a person against whom action is taken needs to act in accordance with the law. Article (22) says that any person against whom action is taken, who opposes, resists or disobeys any order passed under this law shall be liable to imprisonment for a period of three years up to five years, or a fine of up to five thousand kyats, or to both.

Therefore, every citizen is required to abide by the existing laws strictly for security of their motherland, and stability and peace of the public. Here, it is notable that an existing law promulgated by the government, before it is nullified or amended, remains in force as long as it is not against the State constitution that was approved by the vast majority of the voters in May 2008.

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Section 21 (c) of the State Constitution of the Union of the Republic of Myanmar says "Every citizen is responsible for public peace and tranquility and prevalence of law and order." Section 387 says "Every citizen, with Union Spirit, has the duty to enhance unity among national races and to ensure public peace and stability." So, every citizen is responsible for ensuring prevalence of peace, stability, and the rule of law, as aspired by the public, and abiding by the law by respecting the responsibilities stated in the constitution.

**A government is under a duty to perpetuate the sovereignty and preserve independence of the nation, as well as to restore peace, stability and the rule of law. So, every government has to promulgate necessary laws to carry out the duties, and to take action against the offenders based on the crimes they have committed. That is the most fundamental practice for the rule of law, as well as the normal practice in every state.**

In that regard, every citizen is to understand the fact that the government's promulgating the laws and taking action against offenders in accordance with the law are not associated with any forms of discrimination against or in favour of particular persons, but just in the interests of the nation and the people. If the entire people abide by the law in consonance with the motto "Live in framework of law and lead peaceful life", and serve the interest of the nation and the public, every citizen can lead a peaceful life with life security in the framework of the law.

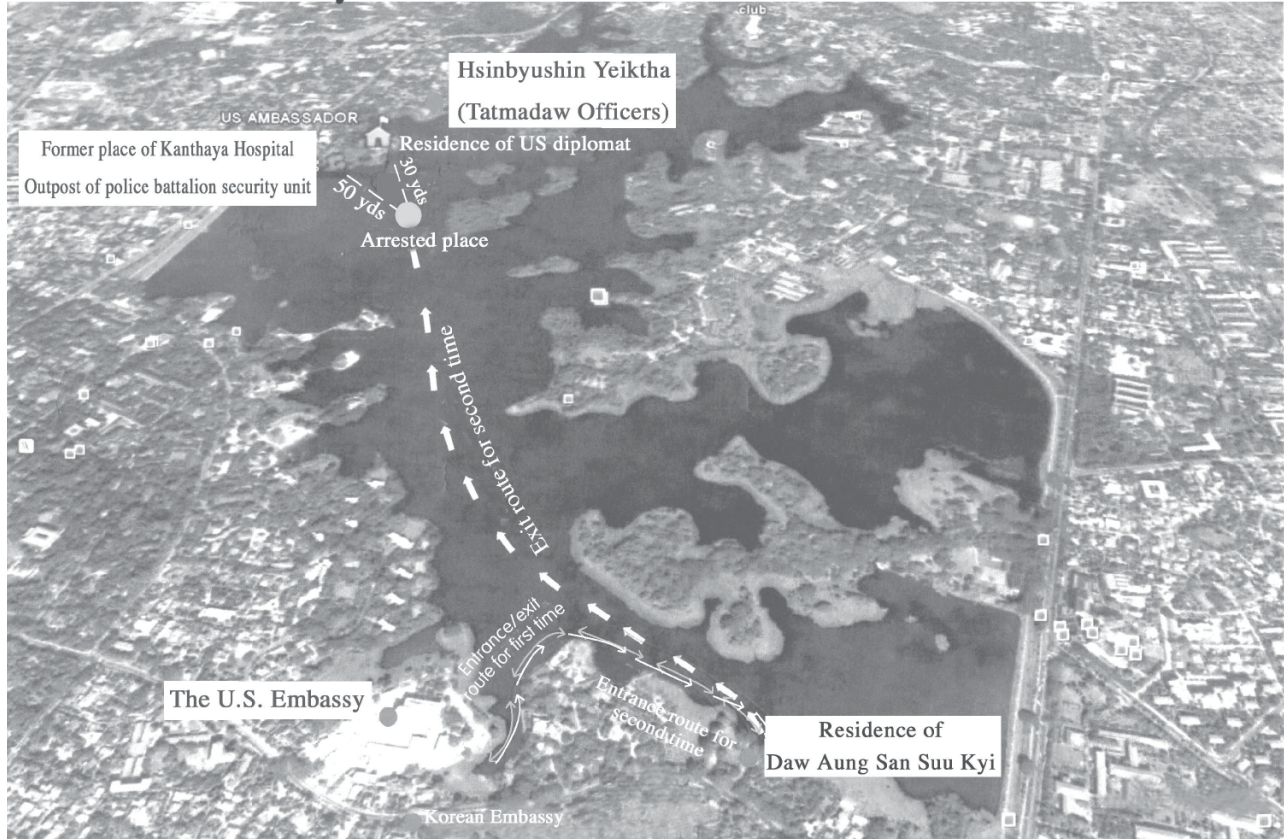
Translation: MS

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# Yangon North District Court judges, district law officers and defence lawyer U Khin Maung Oo together with Mr. John William Yettaw inspect the scene

The sketch shows Inya Lake where U.S. citizen John William Yettaw was arrested



NAY PYI TAW, 29 May—The judges of Yangon North District Court, the district law officers and defence lawyer U Khin Maung Oo together with Mr. John William Yettaw yesterday at about 1.30pm inspected the scene to make it clear how Mr John William Yettaw entered and left the house compound of Daw Aung San Suu Kyi through Inya Lake in accordance with the Code of Criminal Procedure Article 539 b. (1) and provisions of the article 621 of court manual.

At the scene, Mr. John William Yettaw stated that he entered the house compound of Daw Aung San Suu Kyi in the first time on 30 November 2008 and in the second time from 3 to 5 May 2009. Both times he entered the compound through the underground culvert placed across at the corner of University Avenue and Inya Myaing Road and then stepped over the fence the height of which was about over two feet only from the back of the house via Inya Lake. It was found that in the first time he left the house taking the route he entered but in the second time he left the house heading for the US counsellor's house compound that shares the fence with the Kanthaya Hospital.

The place in Inya Lake where Mr. John William Yettaw was found by Police Inspector Than Naing and party of the Myanmar Police Force at about 5.30 am on 6 May was one-minute swimming distance, about 30 yards from the residence of the US counsellor.

In the incident, they found two empty five-litre drinking water bottles, two small bags, a camera thoroughly wrapped up in plastic, a pair of pliers, a screw driver, a pair of folding pliers with laser, six memory cards, a torch light with dry cells, 28 separate dry cells, a hat, a white shirt with long sleeves, a pair of trousers, seven paper sheets with written English words, two paper sheets with printed words, two envelopes, an American passport stating the name of Yettaw, two 100-US dollar notes, 93 1000-kyat notes, two 10-US dollar notes, one 50-US dollar note and 10 visiting cards. The memory cards in the camera featured pictures of Bogyoke Aung San, a fighting peacock and a bookshelf.

On 6 May morning, the items confiscated from the room of Mr. John William Yettaw at Beauty Land (2) Hotel in Kyauktada Township were one small Sony Model DCR SR 45 video camera, one night vision Bushnell 3x40 binoculars, one Vocal Translator, one mobile phone with Nokia 3110-C card, Gjt brand battery charger, one Video Camera Sony brand charging cable, one Nokia phone charging cable, one 4 GB Memory Stick (black), a pair of scissors made in Pakistan for four purposes, the map published by Myanma Tourism Service and four paper sheets of hotel directory, totalling 61.

The confiscated items that remained at the residence of Daw Aung San Suu Kyi after

Mr. John William Yettaw left were two black chadors usually worn by Muslim women, two black headscarves, two long skirts, one red torch light, six colour stencil pencils in a plastic bag, three pairs of sunglasses, two signal lights, a pair of swimming glasses, one two-pin plug, two pieces of circuit wire, one recharger, a set of headphones, a black bag with a zip in it that was used to keep the apparatuses, a plastic bag with a zip in it, two pairs of grey stockings, five parts of an English book and a bag with pieces of torn paper sheets in it.

According to his statement, Mr. John William Yettaw was a member of the US Army and was in battle nearly two years during the war in Vietnam. He entered Myanmar through Maesot and Maesai and visited Maetaw Clinic in Maesot about ten times. During the visit, he met with Bo Kyi of Assistance Association for Political Prisoners-AAPP.

The trial against Mr. John William Yettaw continues at Yangon North District Court after the law suit was filed against him for entering secretly the house compound of Daw Aung San Suu Kyi, for violating the prescribed rules and regulations though he arrived on a tourist visa, for breaching the restriction on swimming in Inya Lake imposed according to the YCDC Water Supply and Sanitation Rules (41).

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