

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)

27 May

The highlights of 27 May court session in Insein Prison were Daw Aung San Suu Kyi's written testimony and the explanation by US citizen John William Yettaw why he sneaked into the Nobel Laureate's residence.

The two live-in companions of Daw Aung San Suu Kyi -- Daw Khin Khin Win and Ma Win Pa Pa -- each testified for about half an hour with both admitting that John Yettaw could not have entered the home if the door was not opened by them.

Daw Aung San Suu Kyi

Daw Aung San Suu Kyi denied she violated the terms of her house arrest since John Yettaw came into her compound by breaching the security cordon set up by the security personnel. "No action has yet been taken against those responsible for security and instead I alone have been charged. Hence, the case is prejudicial and discriminatory", she argued.

As for the John Yettaw's entry into her home on 4 May, she said she informed the uninvited guest to leave the premises immediately but he told her that he was risking arrest if he left the home during the day and promised to leave at night. "That night, citing health reasons, he requested that he be allowed to stay overnight".

She told the court that many of her colleagues were serving long prison terms without the protection or leniency of law. "My political conviction is to not let anyone be arrested or imprisoned, so I granted him shelter temporarily". She added that she did not want either the intruder or the guards suffer because her action. "My action was based on my political conviction and therefore, for me, it does not matter who the intruder was or what his intentions were".

She recalled being informed by her live-in companion about John Yettaw's visit to her home in November 2008 when he was turned away. When her personal physician came for a check up in December, she informed the authorities about the visit through the doctor.

"The authorities did not make any inquiry about the incident nor did I hear anything to indicate that any action was taken. Furthermore, I was not reminded by the authorities to report immediately about any intrusion into my compound", she testified. "Since the

authorities concerned did not protest, criticize, or reacted in any way to my action, I presumed that the way I acted was acceptable to them".

Following the second visit by Mr Yettaw, Daw Aung San Suu Kyi said she was about to keep the authorities informed about it through her doctor when he visits her on 7 May. "The doctor was prevented from entering my home that day and only the police came in", she said.

Defending herself from a legal point of view, Daw Aung San Suu Kyi said she was being charged "under Article 22 of the 'Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts'" and "the prosecution has testified that the Restriction Order was imposed to restrict (or) withdraw my Fundamental Rights as stipulated in the 1974 Constitution of the Socialist Republic of the Union of Burma. That Constitution was nullified and abolished on the day a military coup was staged in 1988. Hence, the Restriction Order imposed on the basis of these invalid legal provisions is unlawful", she said.

John Yettaw

Explaining the proceedings of the court session for the day, Daw Aung San Suu Kyi's lawyer U Nyan Win (*picture - right*) said John Yettaw told the court that he was on God's mission "to warn Aung San Suu Kyi and the Government" about what he saw in his vision. He said he saw Daw Aung San Suu Kyi being assassinated by 'terrorists' who would later put the blame on the government for her death".

He testified that he encountered security personnel on both occasions when he visited Daw Aung San Suu Kyi's residence.

During the 2008 trip, when he left her home, "he met face to face with a security guard who pointed his gun at him and asked what he was doing there. Although the guard spoke in Burmese he heard him in English and told the guard that he was on a mission of God," said U Nyan Win.



On his second trip, when he was approaching Daw Aung San Suu Kyi's residence, "he met with four or five security guards who did not shoot him or stop him. Instead, they pelted me with rocks", testified Yettaw, according to U Nyan Win.

When questioned about his belongings being left behind at the residence of Daw Aung San Suu Kyi, he admitted that he had left them behind and that none of his belongings were missing, he said. He had to leave the residence at night so he left them behind. He said he gave some of his belongings as gifts to Daw Aung San Suu Kyi but she did not accept them, said Yettaw.

The two-year Vietnam War Veteran admitted taking documentary photos and videotaping in the residence "without the knowledge of the residents, including Daw Aung San Suu Kyi". He also said he was provided with a helping of fried rice and bottles of purified water.

Witnesses

The Special Court permitted 15 of the 23 witnesses called by the prosecution to testify but rejected three out of the four defense witnesses named by Daw Aung San Suu Kyi's lawyers.

The four defense witnesses named are National League for Democracy (NLD) Vice Chairman U Tin Oo, NLD Central Executive Committee Member U Win Tin, and Daw Khin Mo Mo, and NLD Elected Representative U Kyi Win of Labutta Township Constituency.

Only U Kyi Win was permitted to testify.

28 May

Defense Witness U Kyi Win (*Photo*), who is also a lawyer, testified for Daw Aung San Suu Kyi for about two hours in court today. The main thrust of his testimony was to rebut the fact that Daw Aung San Suu Kyi made contacts with anyone "outside" her residence and that the charges against her under the 1974 Constitution were invalid because that constitution "no longer in force".



The witness was thoroughly cross examined but he stood his ground, said NLD lawyers.

U Kyi Win told the court that if the restrictions imposed on Daw Aung San Suu Kyi were based on the 1974 constitution, "then from the legal perspective, the case is wrong because the constitution is no longer in force."

He also testified that providing "shelter temporarily" to an uninvited intruder did not constitute breach of house arrest terms. According to the restrictions order imposed on Daw Aung San Suu Kyi she is specifically prohibited from contacting anyone "outside". She did not contact anyone outside because Yettaw arrived by his own will and breached the security cordon in doing so. Hence, legally speaking no offense had been committed by Daw Aung San Suu Kyi. The responsibility solely lies with the person who had come in", he argued.

The court was adjourned until Monday (1 June).

Lawyer U Nyan Win said yesterday that the trial was being speeded up at too fast a pace. "I am not saying what they are doing is illegal because every court can be convened every day. But my view is that it is unfair because our witnesses were rejected without any examination".

Another point U Nyan Win raised was what Daw Aung San Suu Kyi had advised him. "She asked me to convey this message. Everyone has the right to his beliefs".

U Nyan Win said she was commenting about some people reacting negatively in court to John Yettaw's repeated comments about his "Mission of God". She said, "Even though one has the right to not believe in other people's faith, one must show respect ... and not behave rudely and in an uncultured manner".

Solo Protest outside the Prison

Former Army Captain Zaw Nyunt, well known for his pro-democracy activities and repeated arrests by the authorities, was seen protesting in front of Insein Prison, carrying a placard, "Release Mother Suu Immediately!".

Within minutes, security guards arrived and dragged him away. No one knows where he is being held or which security organization arrested him.

Retired Capt Zaw Nyunt was a leading member of the Labor Strike Committee during the mass protests of 1988 and a founder of a United Workers group.

He is the son-in-law of Brig Gen Myo Aung, former commander of Rangoon Command.

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