1. When the military assumed state power in 1988 it declared that it would immediately perform four major tasks, the fourth being "to hold multiparty democratic general elections". This it did on the 27 May, 1990 and the nation together with the nations of the world acclaimed this general elections to be free and fair.

2. Three hundred and ninety two members of the National League for Democracy were elected and given the mandate by the people to fulfil their election promise to govern for the good of the country.

3. All the promises given by the Chief of Staff of the Defences Forces and the other military leaders at the time of assuming power and till the day of elections were broken two months after the elections when they issued Announcement 1/90 (27 July 1990) [ See details of such promises in our Statement 52 (9/98)]. In this Announcement 1/90 they declared that the military would continue to govern until such time as a new government is formed under a new constitution.

4. Why did the military leaders hold elections when no constitution existed? Was it because they wanted to deliberately deceive the people? The authorities must explain.

5. Paragraph 12 of Announcement 1/90 contains that "Article 3 of the People's Parliament Election Law states that the parliament be formed with representatives elected from constituencies according to this law ". To this date, the State law and order Restoration Council and now the State Peace and Development Council have failed to convene that People's Parliament.

6. Being the recipient of the people's mandate, the Central Working Committee of the National League for Democracy was duty bound to repeatedly ask for the convening of the People's Parliament which it did but had no success. Therefore the National League for Democracy announced that it would convene parliament comprising all elected representatives including those from the states and nationalities and published the reasons why there was justification for so doing in its Statement 35(8/98).

7. After its public statement that a parliament would be convened comprising all elected representatives including the states and nationalities, the authorities set out to arrest and hold in detention a total of 967 (as of 2nd October 1998) NLD parliamentarians-elect, and members of organising committees and other members from the States,
Divisions, Townships and Villages.

8. The law relating to arrests in Burma is set out in the Criminal Procedure Code part III, chapter 5 and 6.

9. Chapter 5 contains the general procedure for arrests. Section 46 sets out the manner and Sections 47, 48 and 49 lays down how to proceed step by step from one place to the next. Section 50 prescribes that undue cramping and crowding of persons arrested be avoided. Section 51 and 52 refer to body search of the person arrested and Section 53 provides for confiscation of weapons carried by the person arrested.

10. Section 51 makes the following provisions for arrests without warrants:-
   (1) A person accused of involvement in the commission of an offence, or against whom information has been given, or who is suspected of committing an offence;
   (2) A person who without any reasonable cause is found with an implement for committing a break-in or burglary;
   (3) A fugitive from justice;
   (4) A person found in possession of suspected stolen property in respect of which there is reason to believe that an offence has been committed;
   (5) A person obstructing the police in the performance of their duties; an escapee from lawful imprisonment;
   (6) A military absconder;
   (7) A person to be extradited;
   (8) Released prisoners who have violated the provisions of Section 565(3) of the Criminal Procedure Code and
   (9) When written authority is given by a police officer to arrest without a warrant as permitted by law.

11. There is no provision of law that authorises the present arrests of parliamentarians-elect, NLD organising committee members and other members without warrants of arrest.

12. Chapter 6 contains provisions for warrants of arrest of persons. Section 75 requires that a warrant of arrest of a person must be issued in writing by a court of law and must bear the signature of the issuing magistrate and bear the seal of the court. Section 80 requires the police officer or any other person executing the warrant to explain the contents of the warrant and to show the document to the person to be arrested. These provisions are clear.

13. In arresting the NLD parliamentarians-elect and members, these provisions of law have been transparently contravened. Reference can be made to our Statements 63(9/98), 65(9/98), 68(9/98), 69(9/98), 72(9/98).

14. When the authorities assumed state power their declared Number 1 claim was to maintain law and order and territorial peace and
tranquility. This is to place before the people the violations of the provisions of law which the authorities themselves are now committing.

Central Executive Committee
National League for Democracy

Rangoon
3 October, 1998