National League for Democracy
No. (97/B), West Shwegondine Road
Bahan, Rangoon

Statement No. 16 (1/99)

1. The unlawful measures being taken against U Than Tun, a member of the central executive Committee of the National League for Democracy, a legally registered and legally constituted organisation are herewith published.

2. To enable it to participate in the national political affairs and having its chief objective to obtain democracy and human rights, the National League for Democracy was lawfully registered as a political party in conformity with the pertaining law and the rules on the 27 September 1988.

3. The Political Parties Registration Law Chapter 1, Section 2(a) states that " A political party refers to an organisation that accepts and practices genuine multi-party democratic principles" which is clearly what the League is practising.

4. Because the NLD was not implicated in the prohibitions contained in Chapter 2, Section 3 of the Political Parties Registration Law, it remains as a lawfully constituted political party today.

5. Because the provision contained in Chapter 3 of the Political Parties Registration Law are not applicable to the NLD, it was qualified to participate in the May 1990 multi-party free and fair general elections. Besides it was qualified to participate in the elections because there was no contravention of the provisions of Chapter 2, Section 4.

6. (1) The NLD obtained 395 seats our of the 485 seats in the " free and fair" multi-party general elections. In accordance with the democratic principle that sovereign power dwells with the people, they demonstrated their will by voting overwhelmingly for the NLD and thus transferred that sovereign power to their representatives who became parliamentarians-elect. The authorities have acknowledged this fact. A publication y the multi-party general elections commission giving particulars of successful elected persons and constituencies has been made.

(2) For example, with reference to U THan Tun, there was a categorical publication by the Elections Commission (Notification No 609 dated 6 June 1990) made in accordance with the provisions of section 41, sub-section (d) of the Pyithu Hluttaw Elections Law, declaring U Than Tun to be the Pyithu Hluttaw representative for Mandalay Division, Taungtha Township, Constituency No 2. U Than Tun is the lawful Pyithu

Hluttaw representative. No one can deny this fact. The authorities are daily proclaiming "rule of law" which follows that U Than Tun is a Pyithu Hluttaw representative by virtue of the law.

(3) Nine years ago , out of 4 candidates in a constituency comprising 63115 constituents, 47343 votes were cast in U Than Tun's favour of which 43749 were valid, which in percentage terms works out to 70.38%.

7. Besides being a man of good repute and character who had the confidence of the vast majority to have so overwhelmingly, he had worked assiduously and consciously himself for independence of the country. However, the newspapers that are solely run by the authorities welding power published a news item with the headline that " Over fifty six thousand constituents submit a record with their signatures withdrawing support and confidence in U Than Tun, Hluttaw representative for Taungtha, Constituency No 2 ". NO one knows under whose orders and how a meeting was organised on 15 December 1998 in the administrative units of Weilaung, Yonesigyi and Phettaw in the Taungtha township, U Than Tun's native place.

8. These actions have no legal status whatsoever because:-

(a) Paragraph 1(b) of Order 2/88 dated 18/9/88 issued by the State Law and Order Restoration Council, now the State Peace and Development Council which is still in force today reads "xxx no gathering of more than five persons is permitted on the roads xxxx" How could so many people meet as stated above?

(b) Also " with the purpose of causing a disturbance or for the commission of an offence" are included in there. The organising of a meeting of those villagers could be for the purpose of causing a disturbance because a confrontation could have taken place between those for and against him.

(c) It is not possible for any meeting of more than five persons to take place without the permission of the authorities. While granting permission for a gathering that is likely to cause a disturbance of the peace, the authorities have never granted the NLD permission for rallies which in no way could lead to a disturbance of the peace.

(d) The power-wielding authorities have defamed a lawfully elected and declared people's representative in publishing that he "had lost confidence and support".

(e) Those persons against whom action for defamation can be taken are:-
(1) Chairman and members of the administrative unit of Weilaung namely, U Min Lwin, (Retired HIgh School Principle), U Hla Ngwe (Owner of motor works), U Paw (Retired Primary School Principle), Daw Htay Htay Aung, Daw Ye Ye Aye (Masters of Ceremony), U Kyaw Aung (cultivatoe of Kaing

village and so-called representative of voters), U Kan Htein, a farmer who handed in the no confidence document with signatures, and Towhship Judge U Min Naing who also holds the position of member of the Taungtha Township Elections COmmission, the recipient of the document.
(Note- The Elections Commission was created only for the purpose of holding elections which was nine years ago. The duties of that commission have long been completed.)

(2) chairman and members of the administrative unit of Yonesigyi namely U Htet San (owner of motor works), cultivators U Htoon Aye and U Zaw Myint, Daw Aung May Kyi and Daw Khin THin Swe (Masters of ceremony), cultivator U Htein Win of Yonedigyi village who presented the record for the removal of the legally elected representative of the people and the recipient U Hla Tin of the Election Commission branch.
(3) Chairman and members of the administrative unit of Phettaw namely, cultivators U Khet Yin, U Thein Tun, U Ngwe Paw and masters of ceremony Daw WIn Win and Daw Mu Mu Than, cultivator U Myint Thein(Phayahla village) who spoke and explained why the legally elected representatives should not be given recognition, cultivator U Ohn Thaung (Chonegyi village) who handed in the document and the recipient of the document U Tin Thein, Joint Secretary of the Branch of the Elections Commission.

9. The above activities amount to an abrogation of the Political Parties Registration Law, the Pyithu Hluttaw Law, and Order 2/88 made by SLORC now SPDC by power-weilding authorities.
10. The above lawless, unjust, inappropriate activities are condemned and objected to in the strongest terms by the National League for Democracy and demand that the statements be immediately withdrawn.
11. It can be said that power-wielding authorities are acting in a very partial manner. Instead of safeguarding the people and acting within the law, which is their duty, they are crushing the majority which is very degrading. Those who are exercising power in a country should not be engaged in degrading activities. They should be taking measures that are noble and good. They should not be engaged in breaking the laws they make.

12. The measures that ate being taken against U Than Tun, a member of the Central Executive Committee of the National League for Democracy and a People's Hluttaw representative in consonance with the law are:-
(1) Violation of the Election Law.
(2) Disrespect to the authorities who facilitated the holding of elections.
(3) Lowering the prestige of other voters.
(4) Lowering the prestige of the elections.
(5) Abolition of accruement from the elections.
(6) Creating fear in the minds of innocent and simple people while using them as chopping blocks through illegal measures of power-wielding authorities.

(7) Using every device to get the legally constituted NLD Pyithu Hluttaw representatives recognised by law to relinquish their positions.

13. We remind those persons who are operating illegally against U Than Tun to be mindful of the provisions of Chapter 2 and Chapter 3, Section 4a of the Justice Law promulgated by the State Law and Order Restoration Council, now State Peace and Development Council.

Central Executive Committee
National League for Democracy

29 January 1999