Burma’s glorified Prime Minister Gen Khin Nyunt and the Home Minister along with a few others were sacked in a recent sudden purge. Many from the top Military Intelligence met with the same fate. In fact all Khin Nyunt loyalists have been swept away totally, 186. In appearance it is of course a big shake-up. There is rejoicing in the Burmese public that the spy-master has gone although, Sr. Gen Than Shwe, the prime enemy of pro-democracy opposition has consolidated his power. The fact is that both Khin Nyunt and Than Shwe are against restoration of Rule of Law and the differences between the two – euphemistically called “Power Struggle” - were only in approach to consolidation of military power. The former preferred a line to contain opposition and the latter advocated a line of stand-off. The event is nevertheless very significant. It showed that there are cracks in the facade of the invincible military domination. It is not the monolithic, granite like structure that it appears to be from the outside. The opposition failed to take advantage of this situation. In 1988, during Newin’s BSSP era, before the uprising took place, the Military Intelligence apparatus collapsed under the weight of its own contradictions and the ground swell of the coming storm. The militant student groups were able to take advantage of its disintegration and launch massive movement. There is no similarity between the two situations. But historic lessons are worth noting. From the events, the following insights emerge from the perspective of law. Although, the M.I has been dismantled structurally, it has been given a white wash and integrated into the army. The regional commanders will wield the intelligence and it will be more concentrated and consolidated power. More power is made absolute, more it will corrupt. “Absolute power corrupts absolutely.” In the structural integration there will not be transparency (it will be military secrecy) and accountability will simply vanish. The Regional Commanders will be fiefs like the days of monarchy and their removal will be at Head of State’s sweet will. The Head of the state remains a sword of Damocles over his subordinates. It is history that absolute power generates its own seeds of destruction. Immediately after the event, three press addresses were given. Reading between the lines some conclusions can be drawn.

1. Press interview by Gen Thura Shwe Man from SPDC.
   A. He assured about implementation of the Seven Steps Road Map regarding National Convention.
B. Policy will remain same towards armed groups.
C. No change in foreign policy, and
D. Cabinet ministers can be removed at any time because they are not elected but selected. (It is admission there is no law and they stay at the pleasure of the Head of the State).
E. Khin Nyunt violated Tamadaw discipline by his insubordination.

Has there been Court-martial or is it a case of finding scapegoats for Army misdeeds?

He said “Khin Nyunt is involved in bribery/corruption and is responsible. He committed certain acts which are not Legal and his family is involved in bribery and corruption.”

“Not only illegal but also involved bullying of ordinary citizen and traders.” They had to be taken action in accordance with civil and military laws.

Make it transparent,
1. To enable people understand the magnitude of the crime, the modus operandi has to be revealed
2. What actions - truth has to come out. What legal action, what charges have been framed - which court, all the details have to be given to lend creditability
18 personnel from military, 3 civil department given penalties - what penalties, who are the persons, which courts?

General Thura Shwe Man statement is defensive, full of generalizations. Its attempt to show that Junta has acted on rule of Law, it actually flouted the basics of Rule of Law. “The culture of immunity” which military intelligence has embedded in the system has not been revealed.

In concluding speech he stated, “Head of department and some deputy heads of departments at the office of the chief of Military Intelligence Head Quarter committed other important and unlawful acts”.

“Joint ventures between Tun Lin Yaung company and intelligence group have emerged”.

“The entrepreneur should inform the reason why they have donated, then unnecessary interrogation will not be conducted”. This amounts to getting statements on inducement and promise not to take action. This itself is illegal. Everything should be done in accordance to process of law. “They will be protected in accordance with the law NIB has been dissolved to deter bribery, corruption and influence by improper ways and intimidation by the state services personnel.”
2. Briefing by Prime Minister Lt. Gen. Soe Win

His address was targeted to the Entrepreneurs. Quote; “bribery and corruption should be greatly reduced” “Clean and dynamic state mechanism which does not oppress the people” has to be placed. The conclusion is that for decades unfettered and oppressive actions had taken place “Entrepreneurs are the economic power groups”. The Junta suddenly realizes the vital role the entrepreneurs play in development as well as in destabilizing the regime. “We must correct our previous misconduct and misbehavior” Entrepreneur also conduct business and full protection of the law as well as the Rule of Law will be given. A lready in the midst of political crisis, if economy is destabilized, there will be disaster for Junta. Hence woo the entrepreneur “At this time the hard work of the entrepreneurs are most crucial”.

“There should be equal profit sharing between the state and entrepreneurs”

The entrepreneurs are no fools. They know that they have no role in decision making. That economy and trade laws are all white wash, everything is decided under the counter. No law enables the aggrieved to go to court of law. Court also has been ripped of all powers to settle disputes between State and Entrepreneurs. Junta is now on horns of dilemma.

3. Briefing by Secretary (1) Lt. Gen. Thein Sain and Chairman of N.C convening commission

Seven steps future political programs will continue to implement the agenda step by step. It will resume with the coming of the open season. There was no mention of making the National Convention inclusive and the need for a congenial environment to make it a success. Even if the Junta moves in the way it plans, it cannot circumvent a referendum and general election on the basis of its constitution if the referendum votes for it. The two battle grounds will be real points of engagement between the polarized forces. Opposition has to make full preparation as other countries are showing and see that the Junta’s process boomerangs. The people will assert no matter what kind of fear or intimidation is let loose. Let not the election be stolen this time.

The simultaneous press briefs by three top of the Junta at the same time and same day are significant. This could have been done by one person. But as the issue was Rule of Law, - and it’s systematic and gross violation, there was a need for the new faces to give assurances. It started with the release of prisoners but mostly convicts. Only a few political prisoners have been released and that also not the prominent ones except Min Ko Naing. It appears like a limited amnesty covering criminals. The political process of peaceful transition is long way away.