Previous one-year detention order of Daw Aung San Suu Kyi under State Protection Law expired on November 27, 2005. Suu Kyi has spent 10 of the past 16 years in detention in house arrest. She was last taken into custody on May 30, 2003 after her motorcade was attacked by a pro-junta group with a gathered mob as she was making a political tour of northern Burma. She was held first by the military and later transferred to house arrest after undergoing an operation at a hospital in Rangoon.

Important legal issues arise out of the detention. The initial arrest was by the military which was absolutely illegal. To legalize the process of arrest, she was transferred to police custody and served the detention order- The Depayin event which was the cause of her arrest provides no ground of arrest even under the State Protection Law under which she is presently kept under detention. The Depayin event was State sponsored terrorism against peaceful tour movement of a respected and well honored citizen. She was the victim of terrorism and she was fortunate not to be killed although that was the motive behind the attacks. Instead of a probe/judicial inquiry as to what happened, who was the aggressor, the SPDC passed an order that she was a danger to the peace and stability of State and hence deserves to be detained.

Secondly question arises? Why the extension? During her confinement, nothing untoward had happened to justify the extension. No extension can be given merely on suspicion unless fresh evidence emerges to justify extension.

Thirdly, she is under virtual solitary confinement at her residence, being allowed no outside visitors and no telephone contact. Even in prison, periodical visitors are permitted to see and talk to their relatives. Although in appearance, it is less severe than imprisonment, in reality it is revolting. It is degrading human dignity and inhuman. Even solitary confinement in prison under the jail manual has led
down restrictions. The present confinement of Daw Aung San Kyi is a mental cruelty and is torture under law. It cannot be for indefinite period which may result in life long confinement. Generals may rethink the matter in the light of Buddhism which they practise and in the context of human rights which has world wide support.