



(C.5)

September Uprising

Background

As a result of the economic and social crisis in Burma, on April 22, 2007, Ko Kyaw Htin and Ko Thein Aung Myit, leaders of Myanmar Development Committee (MDC), and Ko Thein Myit Htun, Ko Aye Lwin, Ko Myit Sein, Ko Then Zaw Myit and Ko Tin Maung Gyi, members of the National League for Democracy (NLD), were holding posters and demonstrating in front of the Sanpyazail Market in Thain Gam Jun Township. They had five demands for the military regime:

- (1) to decrease the price of the food
- (2) to provide electricity 24 hours a day
- (3) to reduce unemployment
- (4) to defend and protect the youth of good families
- (5) to grant the rights to free trade

On September 5, 2007, four Pakoku religious monasteries comprising around 600 monks marched through the city reciting “Free from violating each other” and praying for the well-being of others by peacefully walking on the roads. The next day, two monks were beaten under the orders of Union Solidarity and Development Association (USDA) Secretary Ko Hla Win and Ko Kin Mg Win from Swanarshin.

The monks had four demands for the SPDC:

- (1) to apologize to the monks from Pakoku until they are forgiven
- (2) to decrease the price of food and petrol
- (3) to release political prisoners, including Daw Aung San Suu Kyi
- (4) to seek national reconciliation with democratic activists in order to solve the country’s crisis

After the 1988 uprising, the military regime learned that the people had great respect for the monks in Burma. So they know how to divide the monks to prevent unity and they issued many statements restricting monk activities, such as a monk curfew and an order that the monks can only involve themselves in religion. According to a USDA central order to crack down on the September 2007 assembly, the regime provided a short training, cell phones, weapons and



money to the USDA members, soldiers and Swam A'Sain. The military regime had already planned to defend against the boycott by prohibiting the monks from accepting alms of food in town in early September in Irrawaddy Division. There was also an announcement that public service personnel had to arrive at the office before 9:00 a.m. and they could not go outside without permission.

On September 24, 2007, the Ministry of Religion requested the monks' leaders to release guidelines to control the monks because the SPDC believed that the monks were destroying the religion. According to that request, the monks' leaders released Guideline No. 93, which stated that monks have to obey previous Guidelines Nos. 65 (regarding monks who commit crimes), 81 (monks have to live in their monasteries as required by their leaders), 83 (monks cannot be involved in political parties) and 85 (monks cannot go outside without wearing their robes). If they did not, the government would respond according to the civilian law, not just religious law. At the same time the regime released a curfew law for the public.

During the demonstrations

On September 26 – 29, the soldiers dispersed the monks and public assembly while wearing police uniforms and using tear gas, fire hoses, sticks, smoke bombs and tanks. The regime used excessive force to take action against the peaceful assembly in several places in Rangoon, Sit Twain, Mandalay and other places. To block the news inside the country, the regime cut down phone lines, closed the internet cafes in Rangoon, denied immigration visas to foreigners and reduced Myanmar Teleport (formerly Bagan Cyber Tech) internet speed service, which is controlled by the government.

On September 27, the government released the news on TV that nine people died.

On September 28, the government started arresting people and monks separately. The mortuary general hospital in Rangoon was guarded by firefighters and tanks.

On September 29, the military soldiers shot at the marchers, including students, in front of Merchants' Hotel in Rangoon. They also arrested demonstrators in their homes at night.

On October 5, the government released news stating that they detained 533 monks in order to divide the real monks from the impostor monks. After their interrogations, they released 398 monks.



After the uprising

The regime ordered a curfew on September 18 and withdrew it on October 20. After that, they started arresting monks and people involved in the uprising. If they could not arrest the activists, they arrested their relatives or family member and held them as hostages.

The regime has forced monks to exchange their robes for normal clothes. This is impolite and against Buddhist principles. The officers at the prisons treat the monks and other prisoners the same, including the types and times of meals. At night, the monks cannot practice their religious meditation and they even have to sleep in a small empty place that is pointing towards the officer's feet.

Analysis

The SPDC had established rules for monks and different rules for civilians. Sometimes, the SPDC would specify that a violation by the monks of a monk rule would result in prosecution under civilian laws. During the September demonstrations, the monks did not violate the monk rules or any rule that made them liable under civilian laws, and so the regime did not have the authority to take action against them under civilian laws or procedures.

Furthermore, under the law, the regime also did not have the power to crackdown on the civilian demonstrations. The law does not permit cracking down on a peaceful demonstration. According to Criminal Procedure Section 141, the government can only stop an assembly when people are violating existing laws.

The SPDC announced that the monks had violated Order 2/1998, which prohibited the monks from creating problems during demonstrations or organizing meeting and gathering places for demonstrators. As a result, on September 25, 2007, the SPDC issued Order 1/2007 for the monks. This Order references Criminal Procedure Section 144, which empowers a magistrate to issue a temporary emergency order if someone is likely to cause dangers, such as injury, danger to human life, health or safety, or disturbance of the public tranquility. Order 1/2007 does not apply to the case of the September demonstrations. The SPDC wrongly used it to arrest monks and others.

According to the 1945 Police Act, Section 46(2), if the police think that the demonstration will breach the peace and security of the public, they have to order the persons who lead the demonstration to obtain a license. Police Act Section (31) then provides that there can be a peaceful demonstration. To



exercise this right in an orderly fashion, the application should be submitted to the police station and the government has to inform the police that they are responsible for helping prevent a disruption to the public traffic and traveling in public areas. The application to provide licenses to demonstrate should not be delayed. The police can stop the assembly if the demonstrators violate the license rules. If the SPDC respect the rule of law in the country, they have the responsibility to follow the existing law regarding the treatment of the assembly. According to Criminal Procedure Section 130(2), when the army takes action to crackdown or arrest an assembly, they must not use excessive force to destroy public property or cause serious harm to people.

According to the Criminal Procedure Section 127, magistrates or police officers not below the rank of sub-inspector have the power to order the dispersal of unlawful assemblies or assemblies of five or more persons who are likely to cause a disturbance. The demonstrators did not violate any laws and were not likely to cause a disturbance. They were demonstrating peacefully. The SPDC ordered their soldiers to disperse the crowds with guns, teargas and batons – thus, they had no respect for the law.

The objective of the army is to protect the country from war or external aggression, while the police have to maintain the security inside the country. The Burma police are responsible for recognizing cognizable offences; they cannot arrest people for no good reason. The law does not allow it. According to a Special Law, officers of the customs and immigration agencies of can arrest people. According to criminal procedure, they have to submit the case to the court within 24 hours of the arrest. Normally, the police can arrest without a warrant for cognizable offences for which the punishment is more than 3 years imprisonment. The procedures provide how the police must take action in cases for which the potential sentence is less than 3 years. According to Criminal Procedure Section (202-(i)), for complaints of cognizable offences, the complaint has to be submitted directly to the magistrate and if the court refers the case to the police station, the police have the power to investigate or question the offenders. This means that in these cases, the police need authority to investigate and cannot question someone for no reason. Generally, police can arrest people for cognizable offenses (crimes that can be punished by over 3 years' imprisonment) without a warrant. However, according to Criminal Procedure Section 62, the police have to report every arrest made without a warrant to the court. There were several people arrested by the police who did not have an opportunity to go to the court first, but instead went directly to the prisons.

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