Attorney General or Prosecutor General
(Burma)?


The Law journal issued by the Attorney General’s office, Myanmar is first of its kind. It says that it has been launched since January 1999 as a biyearly journal. Never before the Attorney General’s office had published any Journal simply because the State publishes Burma Law Reports (BLR) once in a year. The tradition has been to keep a distance from the Executive. BLR contains the leading decided cases by the Supreme and it provides guide to the evolution of Law. However this Report has reduced itself as a propaganda tool of the ruling Junta and it cites cases selected under the scrutiny of the Home Ministry. The present Journal is toward the same object namely consolidation of its power base. The Journal is priced K 200 and 2000 copies are printed. The Editorial Board is composed of persons working in the office of the Attorney General. There is not a single Lawyer who is in legal practice. In fact the name Attorney General is a misnomer stolen from parliamentary lexicon. Its proper name should be the Prosecutor General.

The Journal is not independent. In fact the Rangoon lawyers used to publish their Law Journal even under military rule. But subsequent to 8.8.88 it had to be stopped as the Junta enforced the Press Act. There is no Ministry of Justice or Ministry of Law. In Burma the Attorney General is directly under the Home Ministry.

The objective of the Journal is to make the legal community aware of all the laws of the country, and also laws outside the country and the legal system. It has complied all the Laws, Orders, Notifications, Rules since 1988. It has also published the Laws from 1955 to 1961 of the parliamen-
tary regime updated in the issue under review, the Burmese section ten articles and in the English section nine articles have been published. That appears to be fine. But when you look at the contents. The articles published to say the least are poor in quality and they defeat the objective proclaimed. In our later issue an in-depth analysis will be given. For want of space the review is confined to the article named “The role of the Attorney General’s Office regarding legal rights of the Child in Myanmar” as this is more in line with the article “Anti - Human Trafficking Law in Burma” published in this journal. The article in Attorney General’s office journal states that on 14 July 1933 the Child: Law was promulgated and became the law of the land. It totally suppresses the reservations and the Reports of CRC 1995 which the SPDC submitted to UNCRC. The article states that under S.3 of the Attorney General Law it files appeal or revision to the Supreme Court From 3-7-92 unto 30-6-99, a total of 1792 cases have already been adjudicated. The types of cases are murder, culpable homicide, rape, theft, hurt, prostitution, etc.. Nothing is revealed about the facts of the cases so that readers can understand the socio-economic causes of the crimes. It includes a period of 7 years and yet no analysis as mandated under the Child Convention was given. The trafficking of child, use of child solders and child forced labor, nothing appears in the article. Its bombastic claim “that active participation has been made for the ratification of an international convention, promulgation of the national law and future enhancement of child protection” can easily be proved false from the Report SPDC submitted to UNCRC in June 2002 All its failures it has euphemistically named as “constraints”. It is really sad that the Office of Attorney General which has been entrusted with overseeing the noble duty of the welfare of the child, has abused the trust. The child issue, hundreds of them homeless, migrating to neighboring countries, victims of human trafficking, has become a grave national issue drawing international attention. And yet the Honorable Attorney General says everything is fine. Buddha smiles and the Journal gathers dust in the waste paper baskets of offices in Burma.
AN APPEAL

“Legal Issues In Burma Journal”

Since its inception in 1994, the journal has become a forum for analysis and competing legal views on current situation in Burma. Its articles have been cited in some lively essays written by prominent authors. Focussing exclusively on rule of law and democracy in Burma, the journal monitors and analyses democratic regimes and movements in countries around the world, relevant to Burma’s democratic transition. Each issue features a blend of analysis on ethnicity, constitutional dilemmas, democratic transitions migrant workers, and civil society. Also various laws and its court decisions by which the ruling junta has entrenched itself in power. Contributions have included Burma experts, activists and commentators.

Donating to BLC Publication Fund

Why BLC needs your support?

The Journal “Legal Issues” on Burma (ISSN 1513-9174) is a tri-yearly publication without subscription. It has relied for its budgetary expenses entirely on the magnanimous funding from Friedrich Naumann Stiftung (F.N.S.). Altogether 12 issues have been published, every issue with 500 copies. Free distribution has been made to activists, nonprofit making organizations. Individuals, institutions, Embassies and academics. For future needs of the publication external support is essential. Democratic transition has thrown many challenges to all those who are committed to restoration of Rule of Law in Burma. It is necessary to broaden the spectrum of academics who have been in good grace contributing to our journal participation of professionals to improve its quality and output are also necessary. The ruling junta has been bringing out two legal journals Bi-yearly under the office of the Supreme Court and the Attorney General respectively. Only recently a few copies have crossed the iron curtain and reached us. The materials and legal issues contained therein have to be confronted and exposed. This needs information collection, research and writing. Our journal hopefully can become the voice of good governance in Burma.

The journal encourages the reproduction of articles and other materials in its pages. It is the organ of BLC, a private non-profit making body of lawyers living in exile. Its main objective is to promote legal awareness in the democratic transition of Burma. The views expressed in the journal are those of its authors. This is an appeal for generous donation to the above fund.

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TO
Thein Oo
Chairman
Burma Lawyers’ Council

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