

Home Affairs Minister replies to question on “Amnesty”

NAY PYI TAW, 22 March - U Sai Hla Kyaw of Langkho Constituency asked at today's regular session of Pyithu Hluttaw how amnesty will be granted to Shan nationals U Sae Htin, U Kun Tun Oo, U Sai Nyunt Lwin and other jailed persons without exception in this auspicious transition to multi-party democratic Republic of the Union of Myanmar as in other global nations granting pardons to prisoners on historic days, like the days on which old system was successfully replaced with a new one.

Regarding the query, Minister for Home Affairs U Maung Oo answered that Section 16 of 2008 Constitution of the Republic of the Union of Myanmar says “The Head of the Union and the Head of Executive of the Union is the President” and, regarding pardons to prisoners, Section 204 of the Constitution states as follow:-

“The President has:

(a) the power to grant a pardon;

(b) the power to grant amnesty in accord with the recommendation of the National Defence and Security Council.”

Article 401 (1) of Criminal Act regarding the power of the President to grant pardon to prisoners goes as follows:-

“401 (1).When any person has been sentenced to punishment for an offence, the President of the Union may at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.”

Granting amnesty to prisoners is not the concern of the Hluttaw or Judiciary but for the Head of Executive President of the Union, done with detail analysis of situations of the country.

In granting pardon to prisoners by the President, it is done with recommendation of the National Defence and Security Council in order to avert losses of the country.

Now, the time is of the first regular session of Pyidaungsu Hluttaw to form new administration; although the President had been elected, he is not at the Office yet; and the National Defence and Security Council which will provide recommendation to the President has not been formed.

These are matters to be dealt with in time of the new administration.

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