PREFACE

An examination of the Burmese Judiciary is a suitable topic for analysis by jurists rather than by activists or political scientists. This article is an attempt to highlight the important role of judiciary with the current political background of Burma where the National League for Democracy (NLD) and a number of common people have started to apply the judicial system. For instance, by filing law suits against the military authorities for the release of Daw Aung San Suu Kyi and opening of NLD's offices, in order to protect the rights of individuals as well as a political party, in conjunction with the mass movement such as the signature campaign.

We expect that Burma's transition to democracy should be peaceful, systematic and non-violent while the fundamental rights and freedoms of all individual citizens are protected. To make this a reality, the rule of law must be preserved under the safeguard of an independent judiciary with the existence of fair and impartial trials. Burma inherited the Common Law system from the British. Her judicial system was relatively stronger than those practiced in the countries in Indochina and even in Thailand. In spite of the military rule in Burma for over four decades, a fundamental judicial mechanism remains unchanged and as such many proactive judicial procedures, that can be applied by the victims in seeking justice, still exist.

With this background scenario, it entails to encourage the efforts of local people and the various levels of democratic and ethnic leaders in making their efforts to take advantage of the worth of current judicial system while simultaneously criticizing its negative points. Such efforts of people in Burma and a close watch of the international community alike may facilitate the reformation of negative aspects of the current judiciary into positive ones as well as the laying down a proper foundation for future judicial system in Burma. To this end, Burma Lawyers' Council attempts to produce a Brief Analysis paper on judicial system in Burma.