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MYANMAR (BURMA)

NEW MARTIAL LAW PROVISIONS ALLOWING SUMMARY OR ARBITRARY EXECUTIONS AND RECENT DEATH SENTENCES IMPOSED UNDER THESE PROVISIONS

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Since January 1989, especially since March and again in June and July, the tempo of political arrests has accelerated in Myanmar as the main student groups and political parties have organized more frequent and larger gatherings at which opinions increasingly critical of the authorities have been voiced. In a document made public on 14 July 1989, Myanmar (Burma): Call for Dissemination and Enforcement of International Standards on the Use of Force, Amnesty International expressed the hope that martial law restrictions on civil liberties currently imposed by the armed forces in Myanmar would not be enforced through the deliberate killing of demonstrators, contrary to international standards on the use of force and the right to life.

On 17 and 18 July 1989 the martial law administration empowered the military to impose death sentences on political opponents, including people not accused of violence, through summary judicial procedures that fall short of international standards for fair trial and are contrary to the safeguards enshrined in the Myanmar Judicial Law. These deficiencies include allowing the death penalty for non-violent, not clearly criminal or else only minor offences, elimination of the right of appeal to a higher court and apparent curtailments of the right to a defence, particularly as regards the calling of defence witnesses.

The new martial law provisions could lead to arbitrary executions and Amnesty International has called on the authorities not to execute three political prisoners sentenced to death under them on 27 July 1989. The three are accused of involvement in a terrorist bombing. They have 30 days in which to ask the Myanmar armed forces Commander-in-Chief to review their sentences. Unless he orders their reprieve, they will be hanged.

This summarizes a 10-page document, Myanmar (Burma): New Martial Law Provisions Allowing Summary or Arbitrary Executions and Recent Death Sentences Imposed under these Provisions, AI Index: ASA 16/15/89), issued by Amnesty International in August, 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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MYANMAR (BURMA):

**NEW MARTIAL LAW PROVISIONS ALLOWING SUMMARY OR ARBITRARY EXECUTIONS
AND RECENT DEATH SENTENCES IMPOSED UNDER THESE PROVISIONS**

Introduction: Amnesty International's Concerns and Recommendations

Amnesty International is unconditionally opposed to the judicial death penalty, to summary or arbitrary executions and to extrajudicial executions, which the organization defines as deliberate killings by government forces acting outside the limits of the law. Amnesty International believes all executions are a violation of the rights to life and not to be subjected to cruel, inhuman or degrading punishment. The organization, basing itself on international standards, considers that the violation of the right to life is made even more serious when executions result from and are compounded by violations of other human rights, such as the right to a fair trial. The current martial law authorities in Myanmar have recently announced orders permitting such executions.

Amnesty International is concerned that on 17 and 18 July 1989 the martial law administration granted military authorities the power to impose death sentences on political opponents, including people who are not accused of violence, through summary judicial procedures that fall significantly short of international standards for fair trials and are also contrary to the safeguards set forth in the Myanmar Judicial Law. The shortcomings include imposing the death penalty for non-violent offences which are not recognizably criminal or which are minor, elimination of the right of appeal to a higher court and apparent limitations on opportunities for defence, particularly as regards opportunities for calling defence witnesses.

International standards bearing on the death penalty include the International Covenant on Civil and Political Rights and various resolutions and commentaries adopted by the United Nations General Assembly and other United Nations bodies. They stress that the death penalty may only be imposed for the most serious crimes and only after legal process which gives all possible safeguards to ensure a fair trial, among which are the right of the accused to appeal against the conviction and sentence and to adequate opportunities for defence, including the calling of defence witnesses. Amnesty International is concerned that the new martial law provisions in Myanmar could lead to arbitrary executions and has called on the authorities not to execute three political prisoners sentenced to death under them on 27 July 1989. They are Zaw Gyi, Nyi Nyi U and Moe Kyaw Thu and they are accused of involvement in a terrorist bombing. Their case is

described below. They have 30 days to ask the Myanmar armed forces Commander-in-Chief to review their sentences. It appears that unless he orders they not be executed, they will be hanged.

In its recent publication When the State Kills ... The death penalty and human rights, AI Index: ACT 51/07/89, Amnesty International has pointed out that the death penalty is all too frequently used as an instrument of political repression by rulers who execute their political rivals or try to use the threat of the death penalty to silence their opponents. The organization noted that this sometimes happens when the death penalty is used to consolidate power after coups and that when the death penalty is used as an instrument of political repression rulers often pass laws providing the death penalty sentence even for non-violent acts. This appears to be happening in Myanmar today.

Amnesty International recognizes that there are instances in which governments may reasonably restrict, the rights of peaceful assembly and freedom of expression. However, it considers that such restrictions cannot be used to detain and must never be used to execute people on account of their non-violent political opinions or activities. Amnesty International also does not question the right of governments to try people against whom there is credible evidence of involvement in violent attacks on security forces, government authorities or the population, or of involvement in other recognizably criminal acts. However, it considers that all such trials should conform to international standards for fairness. In no instance should anyone be executed for such acts, and particular not as a result of unfair trials.

Background

In 1988 Amnesty International repeatedly expressed concern at allegations that security forces in Myanmar deliberately killed several thousand demonstrators, including women and children, between March and September that year during a mass civil disobedience campaign in the capital, Yangon (formerly Rangoon), and other major towns throughout the country. These killings appear to have been a consequence of the failure of law enforcement officials to act with the restraint required in such situations by international standards, notably the United Nations Code of Conduct for Law Enforcement Officials.

The 1988 civil disobedience campaign was mostly led by students in Yangon and other towns. Before they launched their activities, the only significant organized opposition to the government had been armed insurgencies carried out by various ethnic minority and communist groups.

The students opposed the continuation of the one-party political system that had been instituted by the military following a coup in 1962, and demanded the formation of a civilian interim government to oversee multi-party democratic elections under what they considered free and fair conditions. Their activities helped spawn the formation of a variety of non-student political opposition groups calling for multi-party democracy. Since September 1988 these have been allowed to register as political parties so they can run in elections which the military authorities have promised for May 1990. Most of them and student groups that have continued to exist in the towns have advocated non-violent opposition to martial law restrictions on civil liberties imposed by the military authorities, including limitations on the rights of freedom of assembly and expression. Some of them have also advocated non-violent campaigning for the formation

of a civilian interim government to replace the existing government. They have expressed scepticism that the elections scheduled for May 1990 will be free and fair unless civil liberties are restored or an interim government is formed, or both.

In a document made public on 14 July 1989, "Myanmar (Burma): Call for Dissemination and Enforcement of International Standards on the Use of Force", AI Index ASA 16/05/89. Amnesty International expressed the hope that martial law restrictions on civil liberties currently imposed by the armed forces in Myanmar would not be enforced through the deliberate killing of demonstrators in defiance of the international standards on the use of force and the right to life. "The organization was concerned that renewed civil unrest in Myanmar could be accompanied by unlawful killings by security forces, and urged the authorities to take steps to prevent this from happening. The organization called on the Myanmar Government to make international standards fully known to all security forces that may become involved in dealing with demonstrations or civil unrest, and to ensure compliance with them. The organization referred in particular to Article 3 of the United Nations Code of Conduct for Law Enforcement Officials according to which such officials may use force only when strictly necessary and to the extent required for the performance of their duty, and that generally firearms should not be used except when suspected offenders offer armed resistance or otherwise jeopardize the lives of others, and when less extreme measures are not sufficient to restrain or apprehend them.

Amnesty International's call for government action to prevent further extrajudicial and other unlawful killings followed several communications to the Myanmar Government in which the organization expressed concern that various vaguely-worded laws and martial law announcements restricting the rights of freedom of assembly and expression have been increasingly used to detain people for their non-violent political beliefs or activities

There have been thousands of political arrests since 18 September 1988 when the armed forces overthrew a government backed by the civilian Dr Maung Maung and established the State Law and Order Restoration Council (SLORC) and declared martial law. Political arrests reportedly took place on a smaller scale in the remainder of 1988 and into early 1989. These arrests seem to have taken place when individuals or apparently ad hoc organizations set up by a few students and others resumed civil disobedience activities. For instance some organized small-scale anti-government activities, including peaceful demonstrations and dissemination of information critical of the authorities.

Since January 1989 and especially since March and again in June and July, the tempo of arrests has increased as the main student groups and political parties organized more frequent and larger gatherings at which opinions increasingly critical of the authorities were voiced. Those arrested included leaders of the most important student groups and political parties, such as the All-Burma Federation of Student Unions (ABFSU), the Democratic Party for a New Society (DPNS) and the National League for Democracy (NLD).

There have also been official and unofficial reports of continued arrests of people suspected of connections with armed insurgent groups. These groups have now been joined by some students who have fled the towns because they feared arrest or decided that it was necessary to use force of arms to compel the military authorities to step aside and allow free and

fair elections. One such organization the All Burma Student Democratic Federation (ABSDF). It is an umbrella group which administers students along the Myanmar-Thailand border and which is formally allied with several veteran insurgent groups, such as the Karen National Union (KNU).

Restrictions on Civil Liberties

Current martial law restrictions on civil liberties in Myanmar include SLORC Order Number 2/88, issued the day of the coup. It declares:

"Congregating, walking, marching in procession, chanting slogans, delivering speeches, agitating and creating disturbances on the streets by a group of more than five people is banned regardless of whether the act is with the intention of creating disturbances or committing a crime or not."

The authorities have also declared that some gatherings organized or sponsored by political parties have been contrary to martial law Notification Number 8/88, issued on 10 October 1988. This warned political parties against making speeches and engaging in organizational activities deemed to create "misunderstanding between the people and the Defence Forces" or to divide and undermine "the unity of the Defence forces". It declared that organizational activities, speeches, propaganda and subversive literature aimed at dividing the Defence Forces are prohibited, and proclaimed that "effective action will be taken if this prohibition is violated."

People accused of acting contrary to Order Number 2/88 and Notification Number 8/88 may apparently be detained under various laws promulgated before the assumption of power by the SLORC. These include the Emergency Provisions Act of 1950, the State Protection Law of 1975, and the Law for the Registration of Printers and Publishers of 1962 and directives related to it.

According to an article published on 31 January 1989 in the official Working People's Daily, the Emergency Provisions Act allows for prosecution of anyone who "spreads a false news item or a rumour to excite disaffection", to make someone "disloyal to the State" or to "disrupt the discharge of duties" by official personnel; who 'does an act with intent to cause alarm among the people', who "commits an offence with the intent to cause disintegration of the moral character of the people using methods that cause harm to the security, the law and order and rehabilitation of the State"; or who "commits an offence that harms in one way or another the ... morale" of official personnel or incites them "to go against the rules and regulations, to be disloyal, to stage a revolt or to discard duties".

On 6 June 1989, Major General Phone Myint, the Minister of Home and Religious Affairs, issued a directive drawing attention to Regulations Number 18 and 19 of the Law for the Registration of Printers and Publishers. These require that all publications specify the name and registration number of their printer and the location of their press, and that all periodicals specify the name of their editor. The major general also drew attention to a 1977 directive modifying the 1962 law to require the submission of "all manuscripts", except "periodicals which are published regularly", to the authorities "for approval before printing and publishing them". On 9 June 1989 an official of the Ministry of Home and Religious Affairs said that because the 1962 Law did not mention political

parties, "publications related to elections that are published by parties - such as objectives and platforms of the parties, biographical data of their candidates and election campaign materials" could be "exempted" from its provisions, but he declared that political parties nevertheless had "to submit drafts of the printed material they want to publish for approval before they are distributed", and that "in distributing", they had "to observe Regulations Number 18 and 19". On 14 June 1989, Director General of the national police, Colonel Thura Pe Aung, declared that "all publications and documents - whether they be handwritten, printed, or typed - aimed at educating the people through wide dissemination must be submitted for approval to the authorities concerned". On 27 June 1989 Brigadier General Khin Nyunt, Secretary-1 of the SLORC, announced that: "Legal organizations that have registered" and "that wish to print and publish documents, books and printed material, will have to register with the Ministry of Home and Religious Affairs and apply for exemption in accordance with the 1962 Printers and Publishers Law." He said that after obtaining the exemption, they could "print and publish any document, book and printed material on the condition that they do not contain material that":

"Opposes the SLORC, the regional LORCs at different levels, or the government:

"Insults, slanders or attempts to divide the Defence Forces,

"Instigates actions that affects law and order and peace and tranquility; or

"Contradicts the orders that have been issued whenever necessary."

He added that legally-registered political organizations which had obtained exemption "may print and publish without prior approval documents, books and printed material that clarify the policy, stand programmes, organizational methods and discipline of their parties and that boost their chances of winning the election."

Those accused of violating the Emergency Provisions Act and Law for the Registration of Printers and Publishers must apparently be charged and brought to trial.

On 26 September 1988 the SLORC promulgated a Judicial Law reestablishing courts (which had been abolished on 18 September) and defining the principles on which judicial proceedings should be based. The law proclaimed that "judicial proceedings shall be independent and in accordance with the law" and also "contribute to the restoration of peace and tranquility and law and order". It said that "judicial proceedings shall permit the right to argue one's case and the right to make legal appeals", and that "judicial proceedings shall be in public except in cases where legally prohibited". It included provision for the formation of a Supreme Court.

Martial Law Orders Numbers 1/89 and 2/89

However, on 17 and 18 July 1989 the SLORC announced martial law Orders Numbers 1/89 and 2/89 which bestowed authority on the Military Commanders in Yangon and in the Central and Northwest Military Commands to conduct summary trials. The orders said that "in order to make the work aimed at

enforcing security, law and order ... more effective", these commanders could "conduct trials of and sentence those found committing offences either in law courts formed under existing laws or by established military tribunals", and that those who opposed martial law authority by "violation or defiance of the orders issued by the SLORC, the government or [military] commanders" could only be tried by military tribunals. Order 2/89 said that "regardless of the provisions under existing laws" those found guilty of such offences must receive one of three sentences: "(a) the death sentence; (b) life imprisonment; or (c) a jail term of not less than three years with hard labour". It made no mention of any rights of the accused to defence, but said military tribunals conducting summary trials could 'waive unnecessary witnesses', "indict an offender without hearing prosecution witnesses", and "reject the recalling of witnesses who have already testified". It added that 'the decisions and judgements passed by a military tribunal shall be final'. There is no right of judicial appeal, although military commanders have to approve death sentences and life imprisonment sentences. For those sentenced to death, life imprisonment or more than three years' imprisonment the only other recourse is to ask the army Commander-in-chief to review their cases. The army Commander-in-Chief is currently General Saw Maung, the Chairman of the SLORC.

On 22 July the official radio announced that the Commander of the Yangon Military Command, who is also a member of the SLORC, had exercised the judicial authority bestowed on him by Order Number 1/89 and established five military tribunals. Each tribunal was chaired by an active duty army or airforce lieutenant colonel or navy commander, assisted by two junior officers from the army, air force or navy.

The promulgation of these two martial law orders came after recent official statements emphasizing the freedom of action the authorities believe they have under a martial law administration. On 7 April 1989 a military spokesman declared that under such a regime, a "military commander has the right to apply the military regulations from the battlefield in resorting to maximum power to restore stability". On 29 June 1989, the official newspaper The Working People's Daily reportedly reiterated that military officials have absolute freedom of action in coping with emergency situations in the same way as a "field commander has in the battlefield". It reportedly said that under a "martial law regime" a military official need not be accountable to any higher authority for official acts, whether to his superior officers, the government, or the country's basic law or constitution.

International Standards and United Nations Recommendations

In a resolution on arbitrary and summary executions adopted in December 1980, the United Nations General Assembly urged Member States "to respect as a minimum standard the content of the provisions of Articles 6, 14 and 15 of the International Covenant on Civil and Political Rights (ICCPR) and, where necessary, review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for those accused in capital cases." It also urged Member States: "to provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated". The United Nations Special Rapporteur on summary or arbitrary executions has declared that executions carried out by summary procedures that deny the right of judicial appeal or omit other safeguards contained in the Covenant constitute "the arbitrary deprivation of life".

Article 6 of the ICCPR proclaims that "every human being has the right to life" and "no one shall be arbitrarily deprived of his life". It says that "in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime" and "can only be carried out pursuant to a final judgement rendered by a competent court". It adds that "anyone sentenced to death shall have the right to seek pardon or commutation of the death sentence", and that "sentence of death shall not be imposed [on] ... persons below eighteen years of age."

In its general comment on Article 6 of the ICCPR, adopted on 27 July 1982, the United Nations Human Rights Committee declared that the right to life "is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation". It said that states parties to this international human rights standard are obliged to limit its use to the "most serious crimes", and that this expression "must be read restrictively to mean that the death penalty should be a quite exceptional measure". It added that in any case of the imposition of the death penalty, the procedural guarantees prescribed in the ICCPR "must be observed, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for defence, and the right to review by a higher tribunal." It continued: "These rights are applicable in addition to the particular right to seek pardon or commutation of the sentence."

Here the Human Rights Committee is referring to the standards and safeguards contained in Articles 14 and 15 of the ICCPR. Article 14 states, inter alia, that:

"1.... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law

"2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

"3. everyone shall be entitled to the following minimum guarantees ...;

... to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

... to examine, or have examined, witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

... not to be compelled to testify against himself or to confess guilt."

5. Everyone ... shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

Article 15 of the ICCPR declares that "no one shall be held guilty of any criminal offence on account of any act . . which did not constitute a criminal offence ... at the time it was committed", and adds that "nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed."

In its May 1984 resolution entitled "Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty", the United Nations Economic and Social Council declared that in countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences." It continued: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." It added. "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial at least equal to those contained in Article Fourteen of the ICCPR, including the right . to adequate legal assistance at all stages of the proceedings."

The First Death Sentences Under the Summary Procedures

On 27 July 1989 the official radio announced that three people, Zaw Gyi, Nyi Nyi U and Moe Kyaw Thu. had been sentenced to death by a military tribunal operating according to the martial law provisions allowing summary procedures. They had been arrested on 17 July, the day that martial law Order Number 1/89 was promulgated. Their trial was apparently the first one under the new procedures. One of those condemned, Moe Kyaw Thu, is only 17 years old. Their arrest followed official reports of two bomb explosions in Yangon or its suburbs. The first occurred on 7 July, when a parcel bomb killed two people and seriously wounded a third that day at the home of an employee of the Syriam oil refinery near Yangon. In a broadcast that day. the official radio said the bomb was delivered by a youth aged 17 or 18, who it described as an "unscrupulous person". The second explosion was on 10 July. The official radio said it went off near the lift by the main entrance of the Yangon city hall, killing three people and wounding four. The broadcast said the "explosives" were "planted by unscrupulous people", and a policeman was among those wounded.

According to the official radio broadcast announcing the death sentences, the military tribunal trying the case met at Insein prison. Myanmar's main detention centre, in a single morning session at which it examined the prosecution evidence. The broadcast made no mention of any examination of defence evidence. It said the three were convicted of premeditated murder using an explosive device and violation of the 1908 Explosives Act.

The detention of the three was announced on the day of their arrest at a press conference by SLORC Secretary 1 Brigadier General Khin Nyunt. He said that 18 people had been detained in connection with the 7 July explosion at Syriam Oil Refinery, and that the National Investigation Bureau had identified another suspect whom it considered "the main person

responsible" for it and the 10 July explosion at Yangon City Hall. He named four of those arrested as Zaw Gyi alias Than Zaw alias Nwe Thagi; Nyi Nyi U, Moe Kyaw Thu and Dr Tun Lu alias Tin Thein alias Thurein. He named the suspect still at large as Moe Thiha alias Aung Naing.

According to Brigadier General Khin Nyunt, Moe Thiha "was at one time a zone level organization officer of the Yangon Division office of the NLD", who had "gone underground in April 1989". He said he had "consulted" Zaw Gyi, "a member of the youth wing of the NLD in Syriam" and Nyi Nyi U, who he said was also an NLD member, "about his plan to go underground", but they had "declined to join him". He said Moe Thiha had gone to an area controlled by the insurgent Karen National Union (KNU), where he allegedly "underwent training in explosives", and then returned to Yangon at an unspecified time in June with at least one explosive device.

Brigadier General Khin Nyunt alleged that meanwhile, in May, "a person responsible for underground contacts" had come from ABSDF areas to Yangon and "contacted some political parties". He said that during such contacts, "disturbances inside the country and sabotage missions were discussed".

He said that on 3 July Moe Thiha met and turned over "a very powerful time bomb" to Zaw Gyi, who by this time had "formed an underground organization called the Three S's - Special Selected Supply", which Zaw Gyi allegedly headed. According to the brigadier general, this organization's 16 members included Dr Tun Lu, who was described as "an NLD member in charge of organization in Syriam", and that all of them had been detained. He said: "They carried out the explosion as members of the youth wing of the NLD."

Still according to Brigadier General Khin Nyunt, after receiving the device from Moe Thiha, Zaw Gyi took the bomb to a meeting with Nyi Nyi U at the Yangon Division office of the NLD, where they went "under the pretext of printing documents". Moe Kyaw Thu is said to have carried the bomb to the Syriam Oil Refinery by Moe Kyaw Thu. The bomb is said to have been set to explode at the same time as an NLD-sponsored public gathering was scheduled to take place on 7 July, and that it was intended that it would explode in such a manner as to cause secondary explosions that would destroy the refinery.

Brigadier General Khin Nyunt alleged that Moe Thiha was also responsible for planning the explosion at Yangon City Hall, but that it was "likely that another team" carried out this bombing. He said that "work is underway to expose the other team".

Moe Thiha has given interviews to the foreign news media denying he or the three young NLD activists named by the authorities were responsible for the explosion. The interviews were apparently given along the Thailand-Myanmar border. Moe Thiha said that he participated in the 1988 mass civil disobedience campaign. He said he joined the NLD in November 1988 and became an organizer for its youth wing and confirmed that he left Yangon in early April 1989 after a wave of political arrests in March. He, however, denied the authorities' allegations that upon arrival in the border area he underwent training in explosives with the KNU and that he returned to Yangon in June with at least one explosive device. He claimed that he had remained in the border area since his arrival, and had not been involved in the armed activities of either the ABSDF or the KNU. He said he had been

"writing pro-democracy poems and prose for student publications", "taking part in the production of democracy songs for distribution", and attending a "jungle university" for students who have left the towns.

Moe Thiha and student groups in the border area reportedly denied the authorities' accusations that Zaw Gyi, Nyi Nyi U and Moe Kyaw Thu formed an underground organization called "Special Selected Supply" to carry out the bombing. They claim that the group which carried out the bombing was in fact called "the Three Fs", from its initials FFF, standing for Fight for Freedom. They reportedly describe this group as "an obscure organization" operating independently of the NLD, the KNU or the ABSDF. They said that Zaw Gyi participated in the civil disobedience campaign in 1988, and that his sister was killed by security forces who opened fire on demonstrators protesting the military takeover on 18 September. They confirmed that he, Nyi Nyi U and Moe Kyaw Thu were active in the organization of NLD youth activities in Syriam.

On 18 July 1989 NLD General Secretary Aung San Suu Kyi responded to the authorities' allegations about her party's involvement in the bombing incidents. She reportedly said that acts of terrorism were "entirely against the principles of our party", adding that the NLD accepted "the possibility" that those detained "could well be NLD members who have taken to such acts", but that the party condemned the bombings "very, very strongly", and that if those arrested were found guilty they would be expelled from the party. Aung San Suu Kyi and party Chairman Tin U were placed under house arrest on 20 July, at the same time that several other members of the NLD Executive Committee were detained and taken to Insein prison. On the basis of all the available evidence, Amnesty International believes they are held for their non-violent political activities and beliefs.

Amnesty International is unable to evaluate the allegations and denials related to the involvement of Zaw Nyi, Nyi Nyi U and Moe Kyaw Thu in the bombing incident of 7 July, but is unconditionally opposed to their execution. It has appealed to Yangon Division Military Commander Brigadier General Myo Nyunt and SLORC Chairman General Saw Maung that they not be executed, and that their right to appeal to a higher court against their conviction be immediately restored. The three have 30 days to ask the Commander-in-Chief of the Armed Forces, General Saw Maung, to commute their death sentence.

At the same time, Amnesty International urgently calls on the authorities not to execute anyone else in Myanmar, whether by summary or other procedures.

In this regard, the organization takes this opportunity to welcome the SLORC's announcement on 20 July 1989 of martial law Order Number 4/89, which among other things commuted to life imprisonment the death sentences of all people "legally tried for an offence on and prior to" the coup of 18 September 1988. It is pleased to learn from an official broadcast the next day that this resulted in the commutation of the death sentences imposed on 155 people, including 12 women condemned for crimes committed before the coup. The organization urges that this positive step towards safeguarding the right to life in Myanmar will not be reversed by executions of anyone arrested since the coup for whatever reason.