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Contents

- News »
- News Briefs »
- Alert Burma »
- Ed/Op »
- Photo Gallery »
- Interview »
- Letter to Editor »
- Mizzima Forum »
- Mizzima Radio »

ARCHIVES

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Mizzima

- Media in Burma »
- About Mizzima »
- Mizzima Ethics »
- Friends of Mizzima »

Affiliation »

Activities

- Programs »
- Mizzima Activities »
- Art Exhibitions »
- Music Album »

Research »

Other

- Mizzima' Donors »
- Network Links »

Burmese junta seeks constitutional amnesty

Mizzima News
April 18, 2008

New Delhi - A major flaw that the Burmese military junta's draft constitution has is a clause that grants amnesty to all military officers for crimes they have committed, a group of Burmese and international lawyers said.

The junta, in Chapter 14 of its draft constitution, provides immunity to all military officials from being tried and prosecuted, which groups including the Burma Lawyers Council, Global Justice Centre and Burma Justice Committee said is totally against international law.

Article 445 of the junta's draft constitution states that, "No legal action shall be taken against those (either individuals or groups who are members of SLORC and SPDC) who officially carried out their duties according to their responsibilities."

Aung Htoo, General Secretary of the BLC said, "This is an attempt to constitutionally grant amnesty for all the crimes they have committed and is totally against any international law."

The BLC, GJC and BJC in a statement said, the junta by seeking amnesty is recognizing the serious crimes that it has and is committing.

"The regime cannot, however, simply give itself immunity as it is seeking to do... This immunity is invalid under international law and cannot be accepted by the international community," the groups said.

"The rule of law must replace military might. This constitution and its illegal amnesty provision cannot bring sustainable peace to Burma," said the group.

The groups also called on the UN Security Council to create an Independent Commission of Inquiry to investigate the crimes and see to criminal accountability of those members of the military regime who have committed international crimes.

Sappho Dias, Chairman of Burma Justice Committee said they have begun a move to push the UN to impose criminal sanctions against Burma's ruling generals.

"We are trying to get the UN to try to impose criminal sanctions against the Burmese generals and international communities should support this move," Dias said.

Besides the amnesty provision, the junta's draft constitution, which it seeks to approve through a referendum on May 10, has also come under attack by critics for providing immense power to the military, also known

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as 'Tatmadaw.'

According to the draft charter, the Tatmadaw members, with the direct appointment of the Military Chief, will automatically lay claim to 25 per cent of parliamentary seats in both the houses.

Critics said this provision is the junta's effort to ensure that the military will play a leading role in Burma's future politics.

In a bid to guarantee that any future government cannot easily amend the junta's constitution, the junta has made the amending procedure extremely rigid.

Under Chapter 12 of the draft constitution, the junta has made it clear that any bill for amendment will need 20 per cent support by legislatures before it can be accepted as a bill.

And it says that at least 75 per cent of the legislature must endorse the bill before it can be introduced to the people in a referendum.

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