

STATE PROTECTION LAW

Pyithu Hluttaw Law No. 3, 1975

PREAMBLE

The People's Assembly enacts the following Law in order to prevent the infringement of the sovereignty and security of the Union of Burma against any threat to the peace of the people, and against the threat of those desiring to cause subversive acts causing the destruction of the country, without impeding citizens' fundamental rights.

CHAPTER 1

Article 1

This Law shall be called the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts.

Article 2

"Commit", in the context of this Law, is to perform or about to perform, or to abet, or to assist in, any act that either directly or indirectly, in any manner, threatens any provision under Article 7 of this Law;

"Central Board", in the context of this Law, is the Board organized under Article 8 of this Law;

"Person Against Whom Action Is Taken", in the context of this Law, is any person whose fundamental rights are being restricted by any provision under this Law, or any person who is under arrest and detained following such restriction.

CHAPTER 2

Article 3

In order to be able to protect in advance against threats to the sovereignty and security of the State and the peace of the people, the State Council

(a) may declare a State of Emergency for any territory in the country;

(b) may, if necessary, restrict any citizen's fundamental rights in any territory in the Union of Burma.

Article 4

The declaration of the State of Emergency under Article 3 shall not exceed sixty days. The State Council shall submit and seek approval at the next session of the People's Assembly for any prolongation. If there is no such session within the next sixty days, an emergency People's Assembly session shall be held and approval secured. If the Assembly's approval cannot be secured, the State of Emergency ceases to be in force from the day it is not approved. Any measures officially implemented prior to the expiration of the State of Emergency shall be lawful.

Article 5

Immediately following the withdrawal of the declaration of the State of Emergency, restrictions mentioned under Article 3(b) shall cease to be in force.

Article 6

If the declaration of the State of Emergency mentioned under Article 3(b) is withdrawn within sixty days, the State Council shall submit and secure approval of its activities at the next session of the People's Assembly. If the Assembly's approval cannot be secured, the declaration of the State of Emergency shall cease to be in force from the day it is not approved. Any measures officially implemented prior to the annulment of the declaration shall be lawful.

CHAPTER 3

Article 7

The Cabinet is authorized to pass an order, as may be necessary, restricting any fundamental right of any person suspected of having committed or believed to be about to commit, any act which endangers the sovereignty and security of the state or public peace and tranquility.

Article 8

For the implementation of the authorization mentioned under Article 7, the Cabinet may form a Central Board on its behalf, chaired by the Minister of Home and Religious Affairs. The Minister of Defense and the Minister of Foreign Affairs shall be members of the Central Board.

Article 9

In restricting fundamental rights of citizens, the following principles shall be strictly adhered to:

- (a) The restriction order shall be laid down by the Central Board only;
- (b) Only necessary restriction of fundamental rights shall be decided;
- (c) The duration of such restriction shall be kept to a minimum;
- (d) In addition to regular review of the restriction order, earlier review of the order may be done as necessary;
- (e) If sufficient facts for filing a lawsuit have been gathered, the person against whom action is taken shall be handed over to the judicial authorities immediately;
- (f) The person against whom action is taken shall enjoy the fundamental rights as provided in the Constitution, in so far as these rights have not been restricted;
- (g) When any threat as described in Article 7 has ceased to exist, the restriction order shall be annulled immediately;
- (h) Any person detained under this Law shall, after being released, not again be arrested and imprisoned on the same charges.

CHAPTER 4

Article 10

The Central Board, in the protection of the State against dangers, has the right to implement the following measures through restrictive order:

(a) A person against whom action is taken can be detained for a period of up to ninety days. This can be extended to a period not exceeding one hundred and eighty days;

(b) If necessary, the movements of a person against whom action is taken can be restricted for a period of up to one year.

Article 11

The Central Board can implement the restrictions as described under Article 10(b) as follows:

(a) Designation of the territory to which the movements of the person against whom action is taken can be restricted;

(b) Designation of the place where the person against whom action is taken shall reside;

(c) Denial, as may be necessary, of travel;

(d) Denial of possession or use of specific materials.

Article 12

The Central Board shall obtain the approval of the Cabinet prior to the detention of a person against whom action is taken, in case such detention is considered necessary for a period longer than stipulated under Article 10(a).

Article 13

The Central Board shall obtain the prior approval of the Cabinet in case it is considered necessary to extend the restrictions mentioned under Article 10(b).

Article 14

The Cabinet may grant prior approval to continue the detention or restriction of rights of a person against whom action is taken for a period from one hundred and eighty days up to three years.

Article 15

The Central Board may, in case measures are necessary to arrest or detain a person or to restrict a person's rights, direct any Public Service to carry out such measures accordingly.

CHAPTER 5

Article 16

The Cabinet or the Central Board can review and implement, as may be necessary, any order for restriction, arrest, detention, or denial of rights:

- (a) There will be at least one regular review every sixty days;
- (b) Restriction orders may be altered or annulled if necessary;
- (c) Arrest and detention orders may be altered or annulled if necessary;
- (d) Denial orders may be altered or annulled if necessary.

CHAPTER 6

Article 17

The Central Board shall compile a regular report about its activities every ninety days.

Article 18

If necessary, the Cabinet can use the report mentioned in Article 17 to alter or annul any orders passed by the Central Board regarding restriction, arrest, detention, or denial of any rights of citizens.

CHAPTER 7

Article 19

Any person against whom action is taken has the right of appeal while action is being taken.

Article 20

Appeal can be made to the Cabinet regarding orders regulating restriction, arrest, detention or denial of rights laid down by the Central Board under this Law. The Cabinet can annul, alter or approve the order as may be necessary.

Article 21

If the Central Board considers it necessary to extend any orders passed under this Law with prior permission from the Cabinet, an appeal can be sent to the Council of People's Justices. The Council may alter, annul or approve the order as may be necessary.

CHAPTER 8

Article 22

Any person against whom action is taken, who opposes, resists or disobeys any order passed under this Law shall be liable to imprisonment for a period of up to three years, or a fine of up to five thousand kyats, or to both.

Article 23

Any provision under Article 7 shall be implemented only according to this Law.

Article 24

For the purpose of effective and successful implementation of the provisions contained in this Law, the Cabinet may issue notifications, orders, directives and procedures as may be necessary.

AMENDMENTS

[SLORC] Law No 11/91 of Aug. 9, 1991, the Law Amending the Law Safeguarding the State from the Danger of Subversive Elements, provides :

"2. The expression `not exceeding one hundred and eighty days at a time, up to a total of 3 years' contained in section 14...shall be substituted by the expression `not exceeding one year at a time, up to a total of 5 years.'

"3. The expression `under this Law' contained in section 19...shall be substituted by the expression `under any order of the Central Body.'

"4. Section 21...shall be deleted."

(Source, "The Working People's Daily", 10 August 1991)