



၄၂၀။ တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်သည် အရေးပေါ်အခြေအနေကြေညာထားစဉ် ကာလအတွင်း လိုအပ်သည့်နယ်မြေဒေသတွင် နိုင်ငံသားများ၏ မူလအခွင့်အရေးတစ်ရပ်ရပ်ကို ဖြစ်စေ၊ တစ်ရပ်ထက်ပို၍ဖြစ်စေ လိုအပ်သလိုကန့်သတ်နိုင်သည် သို့မဟုတ် ရပ်ဆိုင်းထား နိုင်သည်။

၄၂၁။ နိုင်ငံတော်သမ္မတသည် -
(က) ပုဂံမ ၄၁၇ နှင့် ၄၁၈ အရ အရေးပေါ်အခြေအနေကြေညာ၍ တပ်မတော် ကာကွယ်ရေးဦးစီးချုပ်အား နိုင်ငံတော်အာဏာ လွှဲအပ်ဆောင်ရွက်စေသည့် ကိစ္စကို ပြည်ထောင်စုလွှတ်တော် ပုံမှန်အစည်းအဝေး ကျင်းပချိန်ဖြစ်လျှင် ယင်းအစည်းအဝေးသို့ဖြစ်စေ၊ ပြည်ထောင်စုလွှတ်တော် ပုံမှန်အစည်းအဝေး ကျင်းပချိန်မဟုတ်လျှင် ပြည်ထောင်စုလွှတ်တော် အရေးပေါ်အစည်းအဝေး ခေါ်ယူစေ၍ဖြစ်စေ အစီရင်ခံတင်ပြရမည်။
(ခ) တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်က ၎င်းအားပေးအပ်ထားသည့်တာဝန်ကို ပြီးမြောက်အောင် ဆောင်ရွက်ခြင်းမပြုနိုင်သေးသဖြင့် သတ်မှတ်အချိန်ကာလ တိုးမြှင့်ပေးရန် အကျိုးအကြောင်းဖော်ပြလျက် တင်ပြလာပါက အမျိုးသား ကာကွယ်ရေးနှင့် လုံခြုံရေးကောင်စီနှင့် ညှိနှိုင်းပြီး သာမန်အားဖြင့် တစ်ကြိမ်လျှင် ခြောက်လအထိ နှစ်ကြိမ်တိုးမြှင့်ပေးနိုင်သည်။ ယင်းသို့ တိုးမြှင့်ပေးသည့်ကိစ္စကို ပြည်ထောင်စုလွှတ်တော် အရေးပေါ်အစည်းအဝေး ခေါ်ယူစေ၍ အစီရင်ခံ တင်ပြရမည်။

၄၂၂။ နိုင်ငံတော်သမ္မတသည် တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်က ၎င်းအားပေးအပ်ထား သည့်တာဝန်ကို ပြီးမြောက်အောင်ဆောင်ရွက်ပြီးနောက် တင်ပြလာသည့်အခါ ပြည်ထောင်စု လွှတ်တော် သက်တမ်းမကုန်ဆုံးသေးပါက ပြည်ထောင်စုလွှတ်တော် အရေးပေါ်အစည်းအဝေး ခေါ်ယူစေ၍ အစီရင်ခံတင်ပြပြီးသည့်နေ့မှစ၍ဖြစ်စေ၊ ပြည်ထောင်စုလွှတ်တော်သက်တမ်း ကုန်ဆုံးပြီးဖြစ်ပါက တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ထံမှ တင်ပြချက်လက်ခံရရှိသည့် နေ့မှစ၍ ဖြစ်စေ ပုဂံမ ၄၁၈ အရ တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်အား နိုင်ငံတော်အာဏာ လွှဲအပ် ဆောင်ရွက်စေခဲ့သည့်အမိန့်ကို အမျိုးသားကာကွယ်ရေးနှင့်လုံခြုံရေးကောင်စီနှင့်ညှိနှိုင်းပြီး ပယ်ဖျက်ကြောင်း ကြေညာရမည်။

420. The Commander-in-Chief of the Defence Services may, during the duration of the declaration of a state of emergency, restrict or suspend as required, one or more fundamental rights of the citizens in the required area.

421. The President :
(a) shall submit the matter of transferring the sovereign power to the Commander-in-Chief of the Defence Services, after declaring a state of emergency under Sections 417 and 418, to a regular session of the Pyidaungsu Hluttaw if it is in session, or to an emergency session of the Pyidaungsu Hluttaw by summoning it, if it is not in regular session;
(b) may, if the Commander-in-Chief of the Defence Services submits the extension of the prescribed duration by giving reasons why he has not yet been able to accomplish the duties assigned to him, and after co-ordinating with the National Defence and Security Council, normally permit two extensions of the prescribed duration for a term of six months for each extension. The matter relating to the extension shall be reported to the emergency session of the Pyidaungsu Hluttaw by summoning it.

422. The President shall, on submission of a report that the Commander-in-Chief of the Defence Services has accomplished the duties assigned, declare the annulment of the ordinance transferring the sovereign power to the Commander-in-Chief of the Defence Services under Section 418, after co-ordinating with the National Defence and Security Council, on the day of submission of the report by convening an emergency session of the Pyidaungsu Hluttaw if the term of the Pyidaungsu Hluttaw has not expired, or on the day that the submission of the report of the Commander-in-Chief of the Defence Services is received if that term of the Pyidaungsu Hluttaw has expired.

U Naing Naing aka Saw Naing Naing, Page 169 (Article 420)

Arrested in 1990 for 8 years and 3 months as a result of his activities with the National League for Democracy led by Aung San Suu Kyi, of which he became a member after participating in the 1988 Uprising.
Arrested again in 2000, for 9 years, for his activities as a leading member of the NLD and for issuing the NLD member's statement. This statement asked for the release of members who were under house arrest and for urgent tripartite dialogue between the Government, NLD and Ethnic groups. It also denounced the unlawful action of the State Peace and Development Council.

PAGE 169 OF THE 2008 CONSTITUTION ARTICLE 420. The Commander-in-Chief of the Defence Services may, during a state of emergency, restrict or suspend one or more fundamental rights, such as the right to assembly, the right to life and the right not to be tortured...

NAME OF POLITICAL PRISONER: U Naing Naing aka Saw Naing Naing

GENDER: Male ETHNICITY: Kayin RELIGION: Buddhism DATE OF BIRTH: 3.4.1942 Age 72 EDUCATION: BA in Political Sciences, Modern History and Psychology and Post-Graduate Diploma in Management and Administration, Yangon. OCCUPATION BEFORE PRISON: Government Trade Corporation Manager from 1967-1983 and resigned from his job in 1983. He then worked as a consultant. OCCUPATION AFTER PRISON: National League for Democracy Member of Parliament (NLD MP).

FIRST TIME IN PRISON

ARRESTED on October 1990, for 8 years and 3 months as a result of his activities with the NLD, of which he became a member after participating in the 1988 Uprising.

SECOND TIME IN PRISON

ARRESTED on September 2000, for 9 years, for his activities as a leading member of the Supporting Committee to the NLD youth led by Aung San Suu Kyi, and for issuing the NLD member's statement. The statement asked for the release of Daw Aung San Suu Kyi and other Central Executive Committee members who were under house arrest, for the Head Quarters and (Yangon) Division Branch to be allowed to reopen. The statement also called for urgent tripartite dialogue between the Government, NLD and Ethnic groups, and denounced the unlawful action of the State Peace and Development Council. They printed the statement on a computer and sent it to the Voice of America through the US Embassy.

OTHER: Insein Prison was built in 1865, with walls of brick covered by cement. Today, you may see the bricks where the cement has fallen.

When in Insein Prison, the families of the prisoners can visit twice a month, once a fortnight, stay for 10 minutes and bring essential food and medicines for them to have until the next visit. Dry food such as cakes, dried fried fish with curry, dried pork, noodles, as they can get boiled water.

Due to inadequate healthcare provision in Burma's prisons, political prisoners rely on their family members to bring them medicines and other essential items. The military regime has prevented the International Committee of the Red Cross from conducting prison visits since November 2005. For some time on May 2009, U Saw Naing Naing and another 4 including U Soe Han were held in punishment cells (military dog cells) and banned from receiving family visits. U Naing Naing was suffering from a hernia and also hypertension. U Soe Han had eye problems. Their families were banned from visiting, and were unable to provide them with essential medicines, nor food.

WISHES FOR 2015: He wants long term, real democracy, not only for 2015.