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ASIA/MYANMAR - Urgent reform of the judicial and penal system: essential step in the rule of law

Yangon (Agenzia Fides) - Myanmar must eliminate from the justice and penal system practices such as illegal and arbitrary arrest, detention without trial, torture, forced confessions, processes behind closed doors, death penalty . It is necessary to promote fairness in the courts and in the application of justice: is the appeal launched by the Asian Legal Resource Centre (ALRC), study Center based in Hong Kong, which monitors the situation of justice in Asian countries. In a statement sent to Fides, the Center says that a judiciary system completely independent from political power is an essential step for democracy and the rule of law in Myanmar, in the new phase of openness and reforms that the country is experiencing.
The Center cites the case of Phyo Wai Aung, an activist sentenced to death on May 8, 2012 by a court in Yangon, for his alleged involvement in a bombing in 2010 that killed 10 people. His trial began on June 30, 2010, when Myanmar was still under the military junta and before the important social and political changes which occurred in the country. His case is exemplary because it shows the political control over the judiciary system and the authoritarian tendencies in the institutions of justice in Myanmar, where, according to the ALRC, the "court ends up persecuting rather than protecting citizens." Among the many violations of international law and, in the case of Phyo Wai Aung there is: the illegal arrest, illegal detention, torture (including burns to the genitals) to extort a confession. During detention, the man could not see his family or a lawyer. Moreover, the trial was brief, behind closed doors and based on fabricated evidence, as alleged phone calls between the accused and other men indicted. Other proofs, however, were not admitted during the trial, such as the testimony of a man who could provide an alibi for the accused. The Center also reports the "denial of the right to defense", as Phyo Wai Aung's lawyer had only six days to respond to all the arguments of the accusation. The Asian Legal Resource Center notes that - in response to changing conditions and emerging policy in the country - the judiciary, police, prosecutors and agencies that deal with the management of criminal cases, however, have not shown any change in their repressive attitude. "In the long run - concludes the Center - the elimination of authoritarian tendencies in these agencies and in the state apparatus may be the most difficult task." (PA) (Agenzia Fides 09/06/2012)

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