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Myanmar: Death Penalty by Military Tribunal Contravenes International Law

The Anti-Death Penalty Asia Network (ADPAN) strongly condemns the imposition of the death penalty by the military tribunal in Myanmar.

Civilians should not be made to stand trial by a military tribunal. A trial by a military tribunal at this juncture reeks of political interference by the military junta which usurped the democratic government of Myanmar earlier in the year. The imposition of the death penalty by a military tribunal can only be interpreted as further attempts to intimidate and cow political opponents to the junta.

There are grave concerns that the military tribunal does not observe internationally recognized fair trial processes. Apart from trials shrouded in secrecy, there are no avenues for those sentenced to appeal the decision to an appropriate judicial body. The only avenue for appeal is through Senior General, Min Aung Hlaing via the prison with no avenue for legal intervention by lawyers. The onerous conditions and limited avenues for appeal cast further doubt on the legitimacy of the legal process adopted by the military junta.

Under international law, the death penalty can only be imposed for the most serious crime and the right to a fair trial must be observed. In this instance, the 65 individuals sentenced have been denied the right to a fair trial and there are substantial doubts on the legitimacy of the charges levelled against them. If any crime was committed by any of the individuals, they should be trialled by a civilian court not a military tribunal.

ADPAN condemns these sentences and demands immediate retrial for those sentenced by a competent and legitimate civilian court hearing, conducted in accordance with international fair trial standards. In addition, ADPAN also calls for the allegations of extrajudicial killing involving State security apparatuses by an independent and impartial tribunal. State sanctioned killing and the imposition of the death penalty by the military junta in Myanmar must be halted immediately.

For and on behalf of ADPAN (Anti-Death Penalty Asia Network)

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ADPAN

ADPAN is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from approximately 22 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman and degrading punishment and that the death penalty should be entirely abolished internationally.