

## A Trial in Myanmar - Documentation

**Wednesday, May 6, 2009** – New Light of Myanmar

### **Foreigner who secretly entered Daw Aung San Suu Kyi's house arrested**

YANGON, 6 May — Security personnel found a suspicious-looking foreigner swimming with the help of a 5-litre drinking water bottle in the Inya Lake near International Business Centre on Pyay Road here at 5.30 a.m today and investigated him for security reasons.

During the preliminary interrogation by security personnel, the man confessed of his own accord that he was an American citizen, by the name of Mr John Willian Yeattaw, holding the American passport (PP.No - 4397677222/ 28-4-2008), that he arrived on a tourist visa in Yangon on 2 May, that he stayed at Beauty Land Hotel (2), that he swam through the lake towards the compound of Daw Aung San Suu Kyi's house on 3 May night, that he secretly entered the house and stayed there, and that he left the house at night of 5 May. He was found and arrested by the security force while he was swimming back out of the lake.

A passport, a black haversack, a torch, a pair of folding pliers, a Cannon camera, two 100-US dollar notes and ninety-three 1000-kyat notes were also confiscated. Further investigation is being made to find out his motive for secretly entering the area that is out of bounds on security grounds.—*MNA*

**May 6, 2009, 16:36** - DPA

### **Man arrested for Myanmar swim**

Yangon - A US citizen was arrested on Wednesday for swimming in Yangon's Inya Lake, which rims many compounds of the politically famous or notorious, military sources said. Yettaw Gohn Yllian, 53, was detained by police early on Wednesday and questioned by the military's Special Branch after he was caught swimming in Inya Lake at 05:45, a military official who asked to remain anonymous confirmed. When asked by police why he was swimming in the lake, Yllian responded, "I felt very hot and wanted a swim". His bag, which he presumably left on the lake's shore while swimming, contained a small knife, camera, computer memory stick and flashlight, sources said. Yllian, who arrived in Yangon on a tourist visa on May 2, was taking his early morning dip in front of the government-owned International Business Centre, near former military strongman Ne Win's lakeside family compound. Other well-known residents on Inya Lake include democracy icon Aung San Suu Kyi, who has been under detention at her family compound for the past six years, and the US embassy.

**Thursday, May 7, 2009** - BBC News

### **Burma police enter Suu Kyi house**

Burmese police have entered the compound of detained opposition leader Aung San Suu Kyi, say reports.

It comes a day after a man carrying a US passport was found by security forces swimming away from the property across a lake.

**Friday, May 8, 2009, 3.37 p.m.**- Associades Press

### **Myanmar ignores US request to see detained citizen**

The U.S. Embassy in Myanmar said Friday the government has ignored its repeated requests for access to a detained American arrested for allegedly swimming to the lakeside home of detained Nobel laureate Aung San Suu Kyi and sneaking inside.

The man's motives remained unclear, and the embassy said it has not been able to confirm any

information since his Wednesday arrest was reported by state-controlled media, which identified him as "John Willian Yeattaw."

**Monday, May 11, 2009** - Associated Press

### **Doctor visits Myanmar's ailing Aung San Suu Kyi**

Myanmar's military rulers allowed a doctor to make a follow-up visit to detained opposition leader Aung San Suu Kyi on Monday after the 63-year-old Nobel Peace laureate was found last week to be suffering from dehydration and low blood pressure.

Officials from Suu Kyi's National League for Democracy party said Dr. Pyone Moe Ei was granted a medical visit Monday afternoon to her lakeside home, where she is under house arrest, and spent about five hours there. Suu Kyi's main doctor, Tin Myo Win, was detained for questioning by the authorities last Thursday after an American man was arrested for allegedly sneaking into her closely guarded home early last week. ..

[NLD spokesman] Nyan Win last week said Pyone Moe Ei reported that Suu Kyi had not eaten for three or four days.

Asked about Tin Myo Win, the spokesman said, "We still haven't heard anything about the doctor since Thursday and we are very much concerned." ...

She is not known to have had any serious medical problems since September 2003, when she was taken from detention to a private hospital for a week for a major operation that doctors said was a gynecological procedure. In November 2006 her doctor conducted an ultrasound examination at her request and announced that the results revealed no gynecological problems.

In June 2006, Suu Kyi suffered from a stomach illness but was treated at home.

She appeared weak after she conducted a monthlong protest against her poor living conditions in August 2008 by limiting her food intake, and afterward was given an intravenous drip to restore her strength. In October that year, Tin Myo Win brought an eye specialist and dentist to give her a checkup, but no problems were reported.

**May 11, 2009** - Zarni

**Unofficial translation of the complaint letter**, submitted by a Police official to the Officer-in-Charge of Bahan Township Police Station, where Daw Aung San Suu Kyi's residence is situated, dated May 11, 2009, filing a police case against Daw Aung San Suu Kyi and three. Daw Aung San Suu Kyi's primary physician, Dr. Tin Myo Win, was released today from detention. He was detained since May 6, 2009.

*The regime has revoked the attorney license of two lawyers, U Aung Thein and U Khin Maung Shein, who are members of Daw Aung San Suu Kyi's defense team. They were defense lawyers of democracy activists, including Min Ko Naing, Ko Ko Gyi and monk leader Ashin Gambira, during their trials in October and November 2008.*

To Officer-in-Charge Police Station, Bahan Township Date: May 11, 2009 Subject: Filing a case to take action (1) According to the Law Safeguarding the State from the Dangers of the Subversive Elements (the State Protection Act) Section 7<sup>1</sup>, the State has imposed restrictions and arrest, under the Section 10 (A)<sup>2</sup> of the State Protection Act upon Daw Aung San Suu

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<sup>1</sup> "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 tranquillity."

[[http://209.85.135.132/custom?q=cache:mfti-bldQSgJ:www.burmalibrary.org/docs6/State\\_Protection\\_Law%2Bamendment.pdf+State+Protection+Act&cd=6&hl=en&ct=clnk&client=google-coop-np](http://209.85.135.132/custom?q=cache:mfti-bldQSgJ:www.burmalibrary.org/docs6/State_Protection_Law%2Bamendment.pdf+State+Protection+Act&cd=6&hl=en&ct=clnk&client=google-coop-np)]

<sup>2</sup> Article 10

Kyi, and then continued to extend her restrictions, under the Section 10 (B)/11 of the said Law. (2)

While she was under the restrictions mentioned above, an American citizen Mr. John William Yattaw entered into her compound, which is the restricted area, on November 30, 2008, at night, through the west side of the resident next to the Inya Lake by swimming. At the entrance of the compound, he met with (Daw) Khin Khin Win (father's name U Tin Ohn) and Win Ma Ma (father's name U Nyan Lin) and left a book, entitled "Book of Mormon" in her compound with intention for her to read. Again, at the night of May 3, 2009, he entered her compound by swimming through the Inya Lake stealthily. This time, Daw Aung San Suu Kyi allowed him to stay at her residence until the night of May 5, 2009, spoke with him and provided him food and drinks. We found that (Daw) Khin Khin Win and Win Ma Ma also helped Daw Aung San Suu Kyi's treatment of Mr. Yattaw. (3) Hence, Daw Aung San Suu Kyi, who violated the restriction orders, should be charged under the Section 22<sup>1</sup> of the State Protection Act, and (Daw) Khin Khin Win and Win Ma Ma, who helped her violating the restrictions, should be charged under the Section 22/the Penal Code's Section 109. I hereby officially file a letter of complaint to take action them.

Zaw Min Aung  
Lt. Colonel, Police Special Branch

Notes:

Case: Lt. Colonel Zaw Min Aung V. four including Daw Aung San Suu Kyi, Case Number 47, 2009 (47/2009) Witnesses: 22 Court: Rangoon (Yangon) Northern District Court (Special Sitting) Chairman: Judge U Thaung Nyunt

Member: Judge U Nyi Nyi Soe (Rangoon Western District Court) Police Complaint: Pa 301/09 (Bahan)

Accused:

1. Daw Aung San Suu Kyi 2. Daw Khin Khin Win 3. Daw Win Ma Ma 4. Mr. John William Yattaw. In addition to the charges under the Section 22 of the State Protection Act and the Section 109 of the Penal Code<sup>2</sup>, Mr. John William Yattaw is also separately charged with

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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).

<sup>1</sup> 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 to a fine of up to 5,000 kyats, or to both.

<sup>2</sup> Der Penal Code geht zurück auf das Jahr 1861:

Section 28 of the Rangoon City Municipal Act and the Section 13 (1) of the Immigration Act. His additional cases are filed as "Case Number 49, 2009, (49/2009)".

**Tuesday, May 12, 2009** - Associated Press

**Detained American visited Suu Kyi before** - Grant Peck

An American accused of swimming across a lake to sneak into the home of detained Myanmar opposition leader Aung San Suu Kyi may have made another secret visit to her last year.

Authorities on Tuesday tightened security in the back of Suu Kyi's lakeside home. Workers rolled barbed wire along the water's edge, where a newly erected fence was built of tall wooden poles, according to witnesses who spoke on condition of anonymity for fear of reprisals.

Pro-democracy activists and diplomats in Yangon have voiced suspicions that the incident may have been concocted by the government. There has been no government comment beyond the original report in the state-run press.

Suu Kyi ... has recently been ill, suffering from dehydration and low blood pressure. Dr. Pyone Moe Ei was allowed to see her on Monday afternoon, and Nyan Win, a spokesman for Suu Kyi's party, said Tuesday that her medical condition had improved after the doctor administered an IV drip. Her usual doctor, Tin Myo Win, was detained last week for questioning after the swimming incident.

Her house is a restricted zone, she has no telephone, and she cannot be contacted for comment.

Myanmar's state-run newspapers reported last week that Yettaw swam about 1 1/4 miles (2 kilometers) on the night of May 3 to the lakeside home of the 63-year-old Suu Kyi and left the same way on the night of May 5, before being arrested the next morning.

The most surprising assertion on the tharkinwe.com Web site (seems to be close to the country's military-ruled government and hostile to Suu Kyi's democracy movement) was that Yettaw had confessed to swimming to Suu Kyi's house during his earlier visit to Myanmar in late 2008 and staying there for a longer period. It cited him saying he scouted his swimming route using the Google Earth web service.

The Web site's report also said on arrival last week at Suu Kyi's house, Yettaw first met her two female assistants a mother and daughter who are her sole allowed companions and told them he was tired and hungry after the swim and has diabetes. The two women, supporters of Suu Kyi's party, were said to have given him food.

"I'm not really concerned she could be penalized for this break-in because she didn't invite him in," said Nyan Win, adding that it was worrisome how easily the man accessed her home. "My main concern is her security."

Suu Kyi is not allowed visitors, aside from her doctor. On infrequent occasions, she is

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109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code of the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation – An act or offence is said to be committed in sequence of abetment, when it is committed in consequence of the instigation, or the pursuance of the conspiracy, or with the aid which constitutes the abetment.

*Illustrations*

a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A ghas betted the offence defined in section 161.

b) A instigates B to give false evidence. B in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

....

allowed out under tight guard to meet with fellow party leaders and visiting U.N. representatives.

**Wednesday, May 13, 2009 - Democratic Voice of Burma**

**Suu Kyi to face charges related to 'swimmer'** - Thet Aung Kyaw

Burmese opposition leader Aung San Suu Kyi has been ordered to appear in court this morning to face charges related to the US citizen who broke into her compound last week. The imprisoned opposition leader met with her lawyer yesterday afternoon at 4pm to discuss the unsuccessful appeal for her release, and the incident involving US citizen John William Yettaw.

Suu Kyi later asked lawyer Kyi Win to return to her compound, where she has been under house arrest for 13 of the last 19 years, and told him she had been ordered to appear in Rangoon's Insein prison court at nine o'clock this morning.

According to Kyi Win, authorities deem the incident involving John William Yettaw, who was arrested last Wednesday after swimming across Inya Lake from Suu Kyi's compound, to be a breach of her house arrest conditions.

**Thursday, May 14, 2009 1:54 pm - Associated Press**

**Myanmar's Suu Kyi to be tried over U.S. intruder**

YANGON, Myanmar — Myanmar's pro-democracy leader Aung San Suu Kyi was taken by armed escort Thursday to a prison compound where she will be tried in connection with an American man's stealthy entry into her home last week, her lawyer said.

Lawyer Kyi Win said that Suu Kyi did not invite the man to her compound where she was under house arrest, and it was not immediately clear what accusation she faced. However, Myanmar exile groups said she was likely to be charged under a catchall public security law and could face a prison term of up to seven years.

Such a trial could justify another extension of Suu Kyi's yearslong detention, which officially ends May 27.

**May 14, 2009 01:41:00 GMT - BBC**

**Nyan Win, NLD spokesman said** the lawyer had told him the three would be taken to Insein prison near Rangoon later on Thursday to face the charges. "We think she will be charged under Article 22 of the state protection act. It [the government] is likely to accuse her that she violates the restrictions enforced under this law. We will definitely defend that she does not violate the restrictions," the NLD spokesman told the BBC's Burmese Service. "We heard, once she is formally charged she will not be sent back to her residence," he added. Earlier this month, Burma's (Myanmar) military government rejected Ms Suu Kyi's appeal to be freed, despite NLD claims that she was suffering from low blood pressure and dehydration. Her detention was extended last year in defiance of the junta's own legal limits, but is due to expire at the end of May. "Mr Yettaw has not been charged, nor have the Burmese authorities provided information on the next steps in this case," a US state department statement said.

**Monday, May 18, 2009 - New York Times**

**Pro-Democracy leader goes on trial in Myanmar** - Seth Mydans and Mark McDonald

Myanmar's pro-democracy leader, Daw Aung San Suu Kyi, went on trial Monday in a mostly procedural hearing as hundreds of police officers and army soldiers blocked crowds of protesters, according to reports from news agencies and opposition exile groups.

Several foreign diplomats were also prevented from entering the court where Mrs. Aung San Suu Kyi faced charges that could bring a prison term of up to five years, according to the reports. A United States Embassy official was allowed to enter because another defendant in the trial is an American man who swam across a lake early this month and spent a night in

Mrs. Aung San Suu Kyi's house.

Though the American, John Yettaw, apparently acted without her knowledge, his adventure led to charges that she violated the terms of the house arrest that has limited her outside contacts for 13 of the past 19 years.

**May 18, 2009 - Mikado**

**Burma's Aung San Suu Kyi refuses to take stand on trial**

Rangoon - Burmese democracy icon Aung San Suu Kyi on Monday refused to take the stand in a prison court that has accused her of breaking her detention terms by allowing a US national to swim to her home-cum-prison this month, sources said.

The first day of the trial, held amid tight security at a special court at Insein Prison, adjourned at 1:45 pm after hearing the testimony of one witness, officials said. It will resume on Tuesday at 10:30 am

The Nobel laureate reportedly refused at first to enter the court room or to acknowledge her case when the court abbreviated her name to Suu Kyi, leaving out the Aung San which is the name of her famous father, an independence hero.

"If you cannot call me by my right name, I will not move," she reportedly told the court.

Court officials then relented, using her full name, and she entered the court room.

Suu Kyi's lawyer Kyi Win asked that the trial be open to the public, but his request was rejected.

The defendants in the case include Suu Kyi; her two house helpers, Khin Khin Win and Win Ma Ma; and American John William Yettaw. US diplomats were allowed to attend the trial but journalists and the public were not admitted to the jail which was under tight security.

[...]

More than 100 members of the National League for Democracy (NLD), the opposition party led by Suu Kyi, gathered outside the prison in a show of support for their leader.

Authorities arrested several NLD members who tried to push through the barricades, witnesses said.

They were prevented from getting closer to the prison by hundreds of riot police, firefighters and civilian militia members guarding the jail, which is notorious for torturing political prisoners and for its poor health conditions, leading it to be dubbed "the HIV/Aids factory" by former inmates.

Suu Kyi, 63, would plead not guilty to the charges of breaking the terms of her house detention, which was due to expire May 27, Kyi Win said.

Authorities on Friday rejected a request for another prominent Myanmar lawyer, Aung Thein, to join Suu Kyi's defence team.

[...]

Prosecutors were expected to argue that Yettaw, a member of the Church of Jesus Christ of Latter-Day Saints, had first illegally entered Suu Kyi's house on November 30, when he passed the church's Book of Mormon to her servants for Suu Kyi to read.

Although Suu Kyi's doctor informed authorities of Yettaw's uninvited visit last year, no action was taken against the man and he was allowed another tourist visa to re-enter the country this month, sources said.

The junta's critics accused it of using Yettaw as a pretext to keep Suu Kyi in jail during a politically sensitive period leading up to a general election planned for next year. [

[...]

If found guilty of the latest charges, she was likely to be kept at a special guesthouse in Insein Prison.

**Tuesday, May 19, 2009** - Associated Press

**Lawyer: Myanmar may rush democracy leader's trial**

Myanmar's military regime appears to be rushing a trial of democracy leader Aung San Suu Kyi, one of her lawyers said Tuesday on the second day of proceedings seen as a pretext for the government to keep the Nobel laureate jailed through elections next year.

Five prosecution witnesses gave testimony Tuesday in the case, which accuses Suu Kyi of violating her house arrest after an American man swam to and entered her lakeside home without her permission.

...

The two companions and John W. Yettaw, 53, of Falcon, Missouri, are being tried with her. The offense is punishable by up to five years' imprisonment.

{...}

The witnesses who testified Tuesday included the two police officers who were said to have fished Yettaw out of Yangon's Inya Lake after he swam away from Suu Kyi's residence, said Nyan Win, a spokesman for Suu Kyi's National League for Democracy party and one of four lawyers representing her at the trial.

Yettaw's family has described him as an as well-intentioned admirer of Suu Kyi who merely wanted to interview her, unaware of the problems his actions could trigger. Her supporters have expressed anger at him for getting her into trouble.

...]

The prosecution has scheduled 22 witnesses for the trial, prompting Nyan Win to say earlier that the proceedings could last three months.

"Now it is very clear that they are trying to speed up the trial," he told reporters Tuesday at party headquarters. "If it goes on at this rate, it could even be over by next week."

Nyan Win said he did not know why authorities might be speeding up the trial, which few expect to go in Suu Kyi's favor. ... U.S. State Department spokesman Ian Kelly said the charges against Suu Kyi were "unjustified" and called for her unconditional release and that of more than 2,100 other political prisoners.

**May 19, 2009** – New Light of Myanmar

**American citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win, Ma Win Ma Ma brought to trial**

NAY PYI TAW, 18 May—Restrictions were imposed on Daw Aung San Suu Kyi of No (54/56), University Avenue, Shwetaungkya (1) Ward, Bahan Township, Yangon, by issuing the restriction order against her fundamental rights under section-7 of the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts, the arrest order under section-10 (A) and the prohibition order under section-10 (B)/11 and the continued prohibition order under section-13/14.

Amid such restrictions imposed on her, an American citizen by the name of Mr John William Yettaw on the night of 30 November 2008 swam across Inya lake to the back of the compound of Daw Aung San Suu Kyi's house, met with Daw Khin Khin Win and Ma Win Ma Ma at the gate and left a book titled 'Book of Mormon' in the house compound for Daw Aung San Suu Kyi to read. Likewise, on the night of 3 May 2009, he secretly entered the compound of Daw Aung San Suu Kyi's house by swimming across Inya Lake. She received Mr John William Yettaw and served him with meals. He was allowed to stay there up to the night of 5 May. Daw Khin Khin Win and Ma Win Ma Ma also helped her with her act. In connection with the case, mPolice Lt-Col Zaw Min Aung acting as a plaintiff filed law suits against Daw Aung San Suu Kyi under section- 22 of the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts; against Daw Khin Khin Win, Ma Win Ma Ma and Mr John William Yettaw under section-22 of that law and section-109; and

against Mr John William Yettaw, who violated the prescribed rules and regulations although he arrived on a tourist visa, under section-13(1) of the Immigration Act (Emergency Provisions) at Bahan Township Police Station in accord with (Pa) 301/2009 and (Pa) 302/2009.

Likewise, Executive Officer of Mayangon Township Development Affairs Committee U Aung Naing Htoo filed a lawsuit against Mr John Willian Yettaw under section-28 of Yangon City Development Committee Law for breaching the restriction on swimming in Inya Lake imposed according to the YCDC Water Supply and Sanitation Rules (40) at Yangon North District Court.

District Judges U Thaung Nyunt and U Nyi Nyi Soe sitting at Yangon North District Court on 14 May heard the cases filed by Bahan Township Police Force and a case filed by the Executive Officer of Mayangon Township Development Affairs Committee under Criminal Case Nos 47/2009, 48/2009 and 49/ 2009. On that day, Yangon North District Law Officer U Myint Kyaing presented the arguments related to the cases to the court. After hearing the cases presented by the law officer, the district court adjourned the cases until 18 May after informing the defendants that they may defend through their lawyers.

Today, the defendants appeared in the court, and Advocates U Kyi Win, U Nyan Win and U Hla Myo Myint who are defending Daw Aung San Suu Kyi, Advocates Daw Khin Htay Kywe, U Hla Myo Myint and U Nyan Win who are defending Daw Khin Khin Win, Advocates Daw Khin Htay Kywe and U Hla Myo Myint who are defending Ma Win Ma Ma, and HGP U Khin Maung Oo who is defending Mr John Willian Yettaw presented their legal documents. The court continued hearing the cases until 3 pm, during which a prosecution witness appears for each case .—*MNA*

**Wednesday, May 20, 2009 - Reuters**

Suu Kyi stands trial in infamous Myanmar court - Aung Hla Tun

Aung San Suu Kyi sat confidently in the prison courtroom, listening over the din of a clacking typewriter and noisy ceiling fans.

The 63-year-old Nobel Peace laureate, charged with breaking the terms of her house arrest, was unmoved as the police investigator spoke.

"She asked why I had come. I showed her the warrant and a picture of John Yettaw," Captain Tin Zaw Tun said, recalling his search of Suu Kyi's lakeside home after an American intruder was arrested for spending two days there.

In a rare concession from Myanmar's military regime after days of international outrage, some 30 diplomats and 10 Burmese journalists were allowed to watch the 45-minute hearing in Yangon's notorious Insein Central Prison.

Despite spending more than 13 of the past 19 years in detention, it is the first time Suu Kyi has faced the special court which has played a key role in the generals' suppression of dissent over the years.

Hers is the latest in a string of trials critics say are intended to eliminate political opposition ahead of elections in 2010....

At Wednesday's hearing, the visitors stood up when Suu Kyi, dressed in a pink blouse and maroon longhi, or sarong, entered the packed courtroom.

Several female police officers also jumped to their feet at the sight of Suu Kyi. After a minute, they sheepishly looked at each other and sat down.

Suu Kyi spoke with her lawyers before the presiding judge, U Thaung Nyunt, and another judge took their seats in antique wooden chairs placed on a one-foot high platform.

Suu Kyi and two female assistants, who were also charged last Thursday, sat in plastic chairs facing the judges.

Nearby, a male court clerk tapped furiously on an aging typewriter as the police captain gave his testimony.

At times, he was drowned out by the busy typist, the ceiling fans and occasional barking dog outside.

Yettaw, the 53-year old American accused of using homemade flippers to swim across Yangon's Inya Lake to Suu Kyi's home, sat alone.

Dressed in a white shirt and khaki trousers, he appeared nervous at times. His motives remain unclear and he did not speak during the hearing.

Suu Kyi was also silent as she listened to the judge and prosecution witness.

When the hearing ended, she turned to the diplomats and journalists seated two rows behind her.

"Thank you for coming and for your support," she said, smiling.

A few minutes later, a female police officer whispered something to her.

"I'm sorry I can't meet you one by one," Suu Kyi said. "I hope to meet you in better days."

She was escorted out of the courtroom and driven back to her guesthouse in the prison compound.

The trial resumes on Thursday.

(Writing by Darren Schuettler; Editing by Paul Tait)

**May 20, 2009 - Irrawaddy**

**Thirty diplomats, ten reporters attend Suu Kyi Trial - Saw Yan Niang**

Thirty diplomats and 10 journalists were allowed to attend the third day of Aung San Suu Kyi's trial in Rangoon's Insein Prison on Wednesday.

Suu Kyi thanked them for coming and for their support, the journalists reported. Three of the diplomats were allowed to meet Suu Kyi briefly at the

conclusion of Wednesday's proceedings. The three were the Ambassador of Singapore, who is doyen of the diplomatic corps in Burma, and senior Russian and Thai diplomats.

[...]

Britain's ambassador, Mark Canning, said the court displayed all the customary legal "paraphernalia," but he doubted whether Suu Kyi would receive a fair trial. "I think this is a story where the conclusion is already scripted," he told the BBC.

Canning, who did not meet Suu Kyi, said: "She was composed, upright, crackling with energy.very much in charge of her defense team."

One journalist said Suu Kyi had appeared "as calm as ever."

One prosecution witness, a police official, gave evidence on Wednesday. Two women were asked by the prosecution to display some religious robes allegedly left at Suu Kyi's house by the American, John William Yettaw, who is accused of illegally staying in her home.

Five Burmese journalists working for foreign news agencies, including AFP and Reuters, and five who work for local journals and magazines-Myanmar Times, Snap Shot, The Yangon Times, Popular Journal and Weekly Eleven-were permitted to attend the trial.

The five local journalists, chosen by the Burmese authorities, work for publications that have a close working relationship with the Information Ministry.

**Thursday, May 21, 2009 - Reuters**

**Intruder had "vision" Suu Kyi In danger**

The American man at the centre of the trial against Myanmar opposition leader Aung San Suu Kyi swam to her house after having a vision that her life was in danger, Suu Kyi's lawyers said Thursday.

Diplomats were again barred from the court inside the notorious Insein prison Thursday, a day after the junta opened the trial for the first time since it began Monday.

...

Thursday's session heard the first hint of a motive for John Yettaw's bizarre actions two weeks ago ...

Nyan Win, a spokesman for Suu Kyi's party and a member of her defence team, said Thursday Yettaw had made the comments Tuesday as the court heard testimony from a police officer who had questioned the American.

Nyan Win said Yettaw told his lawyer to ask the officer: "Do you remember that I told you at the interrogation that I had a vision that her life would be in danger?."

"I had come to Myanmar to warn Myanmar authorities and Daw Aung San Suu Kyi against that danger," Nyan Win quoted the 53-year-old American as saying. The court refused to allow Yettaw's lawyers to ask the officer the question.

[...]

Thursday, the court was shown a two-hour video taken by Yettaw inside thhome, Nyan Win said. At one point, Yettaw turned the camera on himself.

"I have now arrived in Aung San Suu Kyi's house in Myanmar. I asked her permission to take her picture, but she refused," Nyan Win quoted Yettawas saying.

"She looks frightened and I am sorry about this."

The Missouri resident is charged with immigration violations, entering a restricted area and violating a security law guarding the state from "those desiring to cause subversive acts."

[...]

#### LEFT GIFTS

Despite the tight security at her home, authorities say Yettaw, who according to media reports suffers from asthma, swam across Inya Lake and sneaked inside the lakeside compound.

Police said Suu Kyi and her companions violated the terms of her house arrest by allowing him to stay there for two days.

Her lawyers say she told him to leave but he refused, and Suu Kyi did not report him for fear he would get into trouble.

At Wednesday's hearing, police captain Tin Zaw Tun said he found several items left at Suu Kyi's home as gifts by Yettaw, who had first tried to meet her on November 30 but she refused.

The items included two black chadors, the robes worn by Muslim women in public, two black scarves, two long skirts, swimming goggles and some books, the captain said in a report by the state-owned New Light of Myanmar.

(Writing by Darren Schuettler; Editing by Alan Raybould and Paul Tait)

**May 21, 2009 19:47, 2009 - Mikado**

#### **Court fixes next hearing on May 22**

The special court in Insein prison has fixed the next hearing of Daw Aung San Suu Kyi's case on May 22, the fifth continuous day since the trial began on Monday.

Nyan Win, one of Daw Aung San Suu Kyi's defense lawyer, said, Thursday's court hearing was longer than usual as the court showed the video clip produced by the witness, which was found in the possession of John William Yettaw.

**Friday, May 22, 2009 - New Light of Myanmar**

**Hearing on lawsuit against Daw Aung San Suu Kyi, Daw Khin Khin Win, MaWin, Ma Ma and American Citizen Mr John William Yettaw continues forfourth day**

Criminal Case No. 47/2009 filed against Daw Aung San Suu Kyi, Daw KhinKhin Win, Ma Win Ma Ma and American citizen Mr. John William Yettaw wenton for the fourth day at the court of Yangon North District today.

When he was asked by U Nyan Win, lawyer of Daw Aung San Suu Kyi, Prosecution witness Police Captain Tin Zaw Tun said he arrived at theresidence of Daw Aung San Suu Kyi at 7.20

am on 7 May to seize the items left there by Mr. John William Yettaw and to investigate the entry of Mr. John William Yettaw. During his search of the residence, he was not disturbed by Daw Aung San Suu Kyi, Daw Khin Khin Win and Daw Win Ma Ma, he said. He asked Daw Khin Khin Win and Daw Win Ma Ma to wear chadors and took photos of Daw Khin Khin Win and Daw Win Ma Ma, he answered.

Asked by U Hla Myo Myint, lawyer of Daw Khin Khin Win and Daw Win Ma Ma, Police Captain Tin Zaw Tun answered that if Bahan Township Police Station provided security to the residence under restriction order evidence (b-2), separate units would take responsibility for main security duty.

In response to the question of Mr. John William Yettaw's lawyer U Khin Maung Oo, Police Captain Tin Zaw Tun said that the reason he could say that two sets of clothes were the chadors for Muslim women was that they were usually worn by Muslim women; and that Daw Aung San Suu Kyi said the chadors were just given to her as a present.

In his statement, prosecution witness U Zaw Tin from Criminal Case No. 47/2009 said that he is serving as Chairman of Ngahtetkyi Ward Peace and Development Council in Bahan Township; that he was summoned to the township PDC office at 5 a.m. on 7 May and met with Police Capt Tin Zaw Tun; that at about 5.30 a.m. Police Capt Tin Zaw Tun took him together with Kyaikkahsan Ward PDC Chairman U Khin Nyunt to Daw Aung San Suu Kyi's house on University Avenue; that when they got permission to enter the house, they entered it; that when the police captain showed a photo and asked Daw Aung San Suu Kyi if she knew the man in the photo, she replied she did; that Daw Aung San Suu Kyi then asked a young woman to bring the items the foreigner left; that besides, Daw Aung San Suu Kyi said there was a Dhamma book he left and she went upstairs to bring it; that these seized objects were all listed in their presence and altogether there were 23 items; and that she also showed them the room the foreigner stayed in.

In his statement, prosecution witness Manager U Kyaw Thu of Beauty Land Hotel said that the hotel address was No. (188/192), 33rd Street, Kyauktada Township; that Mr. John William Yettaw put up at the hotel two times - one time from 7 November to 3 December 2008 and the other on 2 May 2009; that he stayed there only for one day and paid for the room for five days; that at about 10 p.m. on 3 May he said that he was going to spend the night at his friend's house and left the room key; that he did not come back to the hotel on 4 and 5 May; that at about 10 a.m. on 6 May, Police Captain Sa Kyaw Win and witnesses Ward PDC Chairman U Myo Thein and head of hundred houses U Htay Oo arrived at the hotel and the hotel room Mr. John William Yettaw stayed in was shown to them; that some clothes and a big bag were found on the wardrobe in the room; that there were altogether 61 items including the items in the bag; that he signed the search form as the one who handed over the seized objects; that Police Captain Sa Kyaw Win and police members went back to the hotel at 6.20 p.m. the same day and asked permission to search again the room that Mr. John William Yettaw had stayed in; that together with Chairman of Ward Peace and Development Council U Myo Thein and Head of 100-house U Htay Oo, he took them to that room; that they went back there to check three 100-dollar notes in the cover of telephone directory as said by Mr. John William Yettaw; that he signed the search form in the presence of the witnesses as the one who handed the dollar notes.

In questioning another prosecution witness U Khin Nyunt, Chairman of Kyaikkasan Ward PDC in Bahan Township, he said that he went to the residence of Daw Aung San Suu Kyi together with Head of Bahan Township Police Force Police Captain Tin Zaw Tun and U Zaw Tin at about 5.30 a.m. on 7 May; that they got permission to enter the house at 7.20 a.m.; that when the police captain asked Daw Aung San Suu Kyi whether she knew the man in the photo showing her a photo and a paper she replied that she knew him; that Daw Aung San Suu Kyi replied in the affirmative when the police captain asked her if there were some objects the foreigner left; that Daw Aung San Suu Kyi handed the items the foreigner left;

they listed them in the search form and confiscated them; that there were 23 items; that some of the 23 seized items as far as he remembered were two black chadors usually worn by Muslim women, two skirts, two scarves, three pairs of sun glasses; one red torch light; that she was responsible for those things and signed in the search form; that, when Police Captain Tin Zaw Tun asked whose those things were, Daw Aung San Suu Kyi said that they were given to her as presents; that, at the request of Police Captain Than Soe, they went to Daw Aung San Suu Kyi's house at twelve noon on 12 May; that they got permission to enter the compound of the house at about 1 p.m. that they happened to see Daw Win Ma Ma coming out of the house, carrying a pillow, a pillowcase, a white plate, a spoon and fork, two paso (sarongs), a T-shirt and a large towel; that Daw Aung San Suu Kyi handed over those things, saying they were the things the foreigner used during his stay at her house.

Then prosecution witness Police Major Aung Htut Kyaw was examined. He stated that he was in charge of the computer section of overseas division; that Police Captain Maung Maung Myint handed over to him the things said to be Mr John William Yettaw's, that they were a Canon camera and six memory cards, that there were 331 photos and one video file filmed by Mr John William Yettaw himself in Daw Aung San Suu Kyi's house; that the video file and photos showed flippers, different stages of using flippers, Mr John William Yettaw trying them on, Mr John William Yettaw in disguise, the downstairs sitting-room of the house and pictures there, and his photos taken by himself on his arrival at Daw Aung San Suu Kyi's house at night. Police Major Aung Htut Kyaw showed the photos with the help of a computer. In the video file, Mr John William Yettaw said that he was in Daw Aung San Suu Kyi's house and asked for her permission to take her photos and to upload them on YouTube website; that he thought she refused because she was frightened; that he had caused her a lot of trouble on 30 November 2008; that he left his family behind; that he believed God was with him and protect him; that he admired Daw Aung San Suu Kyi; that he did not blame her for not allowing him to take her photos; that she would have to face lots of hardships in future; that he prayed that he might be able to help her; that he spent the previous night at the house; that today was 6 May; that he had been hoping the whole night to go back to Thailand; that he felt delighted and proud of staying there.

The proceedings were adjourned until 10 a.m. on 22 May to examine the rest of prosecution witnesses. - MNA

**May 22, 2009, 8.57 - Bangkok Post (AFP)**

### **Aung San Suu Kyi proclaims her innocence**

Burma democracy leader Aung San Suu Kyi proclaimed her innocence in front of a prison tribunal Friday as the prosecution wrapped up its case on the fifth day of her trial.

Myanmar democracy leader Aung San Suu Kyi, seen here in 1999, has proclaimed her innocence in front of a prison tribunal.

The opposition leader, who is charged with breaching the terms of her house arrest after an American man swam in homemade flippers to her lakeside home, responded to the judge who asked if she was guilty of the charge.

"I have no guilt as I didn't commit any crime," her lawyer and spokesman Nyan Win reported Aung San Suu Kyi as saying.

He said the prosecution then closed its case after hearing from 23 witnesses, most of them policemen. The defence was due to begin on Monday after a weekend recess, Nyan Win said. He said Aung San Suu Kyi privately told her defence team that she blamed a failure of security at her compound for the visit by John Yettaw, who is also on trial along with the two female aides who live with her.

Yettaw turned up at the crumbling lakeside compound earlier this month and stayed two days with the three women after complaining of feeling unwell.

"She accepted this person for two reasons -- the first is humanitarian and the second is that politically she doesn't want to cause difficulties for any other people," he said.

Yettaw, 53, was described as "a fool" and "an adventurer" by another of Aung San Suu Kyi's lawyers, Kyi Win, ahead of the trial.

The American, who according to a police report first visited Aung San Suu Kyi's house on November 30 and left a book entitled "Book of Mormon" but did not meet her, also pleaded his innocence on Friday, according to the lawyer.

"He (Yettaw) told the judge 'I had a dream that Aung San Suu Kyi would be assassinated so I came to warn her, so I am not guilty'," Nyan Win said.

Yettaw also defended himself on a charge of illegally swimming in the lake to reach Aung San Suu Kyi's home.

"I can't walk on the water so I swam'," Nyan Win quoted Yettaw as saying.

Burma's junta earlier Friday went on the diplomatic offensive over the trial, blaming "anti-government elements" for Yettaw's visit and alleging he was a "secret agent or her boyfriend". The rare comments followed widespread international condemnation of the trial and after UN Secretary-General Ban Ki-Moon said Wednesday that he would visit Burma "as soon as possible" to discuss the case with leader Than Shwe.

The New Light of Burma reported Foreign Minister Nyan Win as telling his Japanese counterpart Hirofumi Nakasone in a phone call on Monday that the bizarre incident had been set up by anti-junta forces.

"Minister U Nyan Win expressed his opinion that... it was likely that this incident was timely trumped up, to intensify international pressure on Burma, by internal and external anti-government elements," the New Light said.

The paper said the minister believed the controversy had been timed to coincide with a review of policy towards Burma, notably by the United States, while the government was attempting to "build (an) improved relationship with countries all over the world", the paper said.

Meanwhile, Burma's consul general in Hong Kong also pointed an accusatory finger at the defendants, suggesting in an online posting that Yettaw knew Aung San Suu Kyi as a "secret agent or her boyfriend."

A Western diplomat in Yangon, who would not be named, said the state media report "seems to reveal some kind of disarray and embarrassment" and said the government was reacting to events on a day-to-day basis with no clear strategy.

The trial was opened for one day on Wednesday to diplomats and a few journalists, but returned to a closed-door session on Thursday.

[...]

**Tuesday, May 26, 2009 17:54 - Mikado**

### **Aung San Suu Kyi and her guests**

Wearing a purple coloured dress, Daw Aung San Suu Kyi arrived in court at about 12:55 p.m. (local time) on Tuesday.

As she walked in, her lawyer Nyan Win handed her a note. She then wore her spectacles and read through it. After reading it, she greeted diplomats, who had come to hear her testimony in court.

Foreign diplomats and other invited guests stood up as a sign of respect to Daw Aung San Suu Kyi, as she walked into the court and took a seat.

Security officials in the court urged the people to take their seat, but the invited guests stood until Daw Aung San Suu Kyi sat down.

The court convened at 1:05 p.m. (local time).

**May 26, 2009 18:10 (Mikado)**

### **Daw Aung San Suu Kyi's cross-examination**

Burmese opposition leader Daw Aung San Suu Kyi on Tuesday looked a little weak, but otherwise appeared fine. She spoke to the audience before and after today's hearing but since her voice was low the only words that could be heard were reportedly, "Thank you for your concern," and "I am happy to see you."

[...]

The trial began at 1:05 p.m. (local time) and concluded at 2:00 p.m. (local time). One of her lawyers, Nyan Win, apparently complained to the judges that he had not had adequate opportunities to meet with his client. But his complaint drew no reply from the judicial panel. As the proceeding began the judge read out questions to Daw Aung San Suu Kyi, who generally answered in one or two sentences.

She was first asked whether she knew about the restriction order on herself and her two live-in aides, to which she answered she only knew of the restrictions on her.

When asked of whether she knew about a November 30, 2008, incident in which American John Yettaw reportedly made his first visit to her house, she said she had heard about it but did not see him.

Asked of whether she knew about his subsequent intrusion on the night of May 3, 2009, she replied she knew about it only in the morning at around 5 a.m. (local time), adding that it was Khin Khin Win, one of her live-in aides, who informed her.

Asked whether she knew Yettaw prior to his visit, Daw Aung San Suu Kyi said she only learned of him and his identity when he was found in her home.

She was then asked whether she reported to the police when Yettaw left the premises on May 5 at about 11:45 p.m. She replied, "No."

Next asked whether she had spoken to Yettaw, she responded, "Yes."

She was then questioned as to whether she knew of Yettaw's return path following his visit. She replied that she knew he headed toward the lake but that since it was dark she could not say for sure what route he took.

The judge then asked whether Yettaw had left items, including a Mormon book, at her home on purpose or had forgotten them. She replied she did not know whether he had forgotten them or deliberately left them behind.

She was then asked whether she had provided food and accommodation to Yettaw. She said she had afforded him temporary refuge.

Asked whether she knew about Yettaw taking photos and video, she replied that she only knew of the photos and videos when they were presented in the court.

The judge then asked of the situation of the security personnel at her home. She replied that there were no security guards inside her compound, but did not know the situation outside her compound.

**May 26, 2009 19:04 (Mikado)**

#### **Interview with Nyan Win, one of Daw Aung San Suu Kyi's defence lawyers**

"Burmese military authorities announced this morning the removal of Article 10 (b), which kept Aung San Suu Kyi under house arrest. So, there is no more house arrests. The fallout of the removal is that she is no longer restricted to the State Protection Law."

"According to her testimony, she said she was imprisoned. And along with her two friends, they did not receive protection according to the law. As she had been imprisoned for a long time, Daw Aung San Suu Kyi said her political conviction does not allow her to push another person into danger and in trouble. That is the reason she had not informed the police about Yettaw's visit."

**May 26, Guardian (UK)**

#### **Aung San Suu Kyi tells Burmese court she did not break terms of house arrest**

Aung San Suu Kyi, the Burmese opposition leader, told a court today that she had no prior

knowledge of an American man's plan to visit her home in Rangoon and had not broken the terms of her house arrest.

[...]

"I didn't know about [the visit] immediately. I was informed about it at 5am. My assistant told me that a man had arrived," she told the court, according to reports.

Asked whether she reported his visit immediately to authorities, she answered: "No, I did not." Suu Kyi said she gave Yettaw "temporary shelter" and that he left just before midnight on the same day.

A small number of diplomats and Burmese journalists were allowed into the court today to see proceedings on the seventh day of the trial, most of which has been conducted behind closed doors.

"Thank you for your concern and support. It is always good to see people from the outside world," Suu Kyi said as she was escorted out of the court by four policewomen following testimony that lasted just 25 minutes.

Mark Canning, the British ambassador to Burma, told the Guardian that Suu Kyi looked "composed and confident", and had suggested that some of the questions directed at her should instead be asked of Yettaw, seated just a few metres away.

...

Four witnesses are expected to testify in Suu Kyi's defence, including Win Tin, Burma's longest serving political prisoner until his release last year, and Tin Oo, the vice-chairman of Suu Kyi's National League for Democracy (NLD), who has been under house arrest since 2003.

Suu Kyi pleaded not guilty to the charges last week, but observers believe she will be found guilty ...

**May 26, 2009 - Agence France Presse**

**Suu Kyi to call detained deputy as witness: lawyer**

Lawyers for Myanmar pro-democracy icon Aung San Suu Kyi said they will call the detained deputy leader of her opposition political party as a witness at her trial.

Tin Oo, the vice chairman of the National League for Democracy (NLD), has been under house arrest since he was arrested with Aung San Suu Kyi after an attack on their motorcade during a political tour in 2003.

Party spokesman Nyan Win, who is also part of the legal team, said Tin Oo was one of four witnesses on a list that would be submitted on Tuesday to the court at the Insein prison near Yangon.

Asked whether he thought the ruling junta would allow Tin Oo to testify, Nyan Win told AFP: "They have to. Otherwise it will be one-sided."

The other witnesses are Win Tin, Myanmar's longest-serving political prisoner until his release last September, a lawyer named Kyi Win – not Aung San Suu Kyi's main defence lawyer, who has the same name – and another lawyer called Khin Moe Moe, he said.

[...]

**Wednesday, May 27, 2009 - New Light of Myanmar**

Trial against American citizen Mr. John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma continues for seventh day

Trial against American citizen Mr. John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma continued at the court of Yangon

North District for seventh day today.

Yangon North District Court examined defendant Daw Aung San Suu Kyi in connection with the Criminal Case No. 47/2009 filed against her. Following are questions and answers when

Daw Aung San Suu Kyi was examined.

Q : Do Daw Khin Khin Win and Daw Win Ma Ma (a) Ange Lay stay with Daw Aung San Suu Kyi?

A : Yes, in my home.

Q : Are the restriction order, prohibition order and the order for extension of the prohibition order issued?

A : Yes, the orders are issued to me.

Q : Did American citizen Mr. John William Yettaw come to your home on 30 November, 2008? A : I was told about his arrival, but I didn't see him.

Q : Did American citizen Mr. John William Yettaw intruded into your house compound swimming across the Inya Lake on 3 May night.

A : As for as I understand, he arrived at my home in the morning of 4 May.

Q : What time did he arrive at your home?

A : I don't know. I was reported on his arrival about 5 am:

Q : Who reported to you?

A : Daw Khin Khin Win reported to me that a person was in my home.

Q : Who was that person?

A : I didn't know who was that person then, but I knew him later on.

Q : Is that person American citizen Mr. John William Yettaw?

A : Yes.

Q : Did you report to the authority concerned on his arrival at your home?

A : No.

Q : Is it true that you received Mr John William Yettaw, gave food to him and arranged accomodation for him?

A : I permitted him to take shelter at my home temporarily.

Q : Did you provide food and talk to Mr. John William Yettaw and accept letters and gifts from him?

A : I talked to Mr. John William Yettaw. I am not sure whether letters and items remained or were left by Mr. John William Yettaw. Only Mr. John William Yettaw himself knows that matter.

Q : Which date and time did Mr. John William Yettaw leave your home?

A : Mr. John William Yettaw left my home between 11.45 pm and mid-night on 5 May.

Q : Which way did Mr. John William Yettaw take when he left your home?

A : I only knew that Mr. John William Yettaw went to the lake. Because of the darkness, I don't know which way he took.

Q: Did Police Captain Tin Zaw Tun come and confiscate the things Mr. John William Yettaw had left at the residence of Daw Aung San Suu Kyi?

A: Yes, Police Captain Tin Zaw Tun came and confiscated the things Mr. John William Yettaw had left.

Q: Were there members of security force at the surrounding of the residence while Mr. John William Yettaw was at the residence of Daw Aung San Suu Kyi?

A: They were not in the compound. I don't know whether they were out of the compound or not.

Q: Did American citizen Mr. John William Yettaw take photos and shoot video in the house of Daw Aung San Suu Kyi?

A: I don't know whether he took photos and shot video while I was at my house. I only learnt that he took photos and shot video when I appeared incourt.

Q: Do Daw Aung San Suu Kyi know the facts prescribed in restriction order, prohibition order and order for extension of the prohibition order.

A: Yes, I know the facts written in the orders.

Next, prosecution witness Investigating Officer Police Captain Than Soe of Special Branch who remained to be examined in connection with the Criminal Case No 48/ 2009 filed against Mr. John William Yettaw was examined. He said that on 11 May he got the case of Bahan Police Station, (Pa) 302/09 under section 13 (1) of Immigration Act (Emergency Provisions) to examine; that he questioned prosecution witnesses the same day; that on 12 May he continued to question the prosecution witnesses and received the search forms handed over by Police Captain Maung Maung Myint and Police Captain Tin Zaw Tun; that he got the sample of Mr. John William Yettaw's writing in connection with the case and sent it together with Mr. John William Yettaw's writing confiscated at the house of Daw Aung San Suu Kyi to the Criminal Investigation Department in order to examine whether they were written by same person; that Mr. John William Yettaw was questioned the same day; that prosecution witnesses were examined on 13 May; that he presented two search forms handed over by Police Captain Sa Kyaw Win; that on 14 May Mr. John William Yettaw was arrested according to Case No 264/09 of Bahan Police Station and filed against him under section 13 (1) of Immigration Act (Emergency Provisions) at Yangon North District Court. The proceedings are adjourned until 10 a.m. on 27 May.

**May 27, 2009 - Zarni**

**NLD Headquarters - Statement 14/05/09**

The following is the complete statement which Daw ASSK submitted to the court in defense of herself against the criminal charges based on the Criminal Act 256.

- 1). Regarding the case against Daw Aung San Suu Kyi, who is now being accused of having violated the State Protection Act against Subversive Elements Paragraph #22, and the accomplices Daw Khin Khin Win (Father - U Tin Ohn), Ma Win Ma Ma (Father - U Nyan Linn), and Mr John William Yettaw - three of whom are charged in accordance with the aforementioned Para #22 and Criminal Code 109 - is the case filed on 11 May 2009 by Police Lt-Colonel Zaw Min Aung of Police Special Branch (Information Division of the Police Department, Home Ministry).
- 2). From my co-habitant Daw Khin Khin Win, I learned indirectly about the fact that Mr John William Yettaw entered my residential compound on 30 November 2008. On 4 December 2008, I reported to the authorities through my physician Dr Tin Myo Win when he came for my (routine) medical check-up. The authorities did not bother to make any inquiry whatsoever about this report with us. Nor was I aware that they took any action at all about this incident. I was never told to report immediately such intrusion to my residential compound to the authorities in the event these things happen. Only in the morning of 4 May 2009, did I discover Mr John William Yettaw arrived at my house. I told him to leave. He told me that because it was already morning and that he would be caught leaving the house in broad day light and said he would leave at night. By the evening he pleaded with me to allow an overnight stay because of his health condition.
- 3). At present many a dissident colleagues of mine are serving lengthy prison terms, enjoying neither the protection of the law nor humane leniency (on the part of the military rulers). Based on my personal political conviction that I must not put anyone in a situation where they will be arrested or detained, I gave him only temporary refuge.
- 4). It matters not to me, who the intruder is or what the purpose of intrusion. I acted based on my political conviction. It was my intention to inform the authorities through Dr Tin Myo Win on 7 May 2009 when he was scheduled to arrive for medical check-up. However, on 7 May 2009 only members of the police security arrived, and Dr Tin Myo Win was barred from

entering my house.

5). When I reported to the authorities about the 30 Nov 2008 incident (the first intrusion by JWYettaw) I was motivated with the desire to reduce and limit the harm - to both the intruder and the members of the SPDC security unit at my compound - that might result from such reporting. Because the SPDC authorities (in spite of being informed about this) did not object, criticize, or take any other action against the first intrusion, I was under the impression that the authorities agreed with my handling of the incident (not to blow the incident out of proportion).

I wish to categorically object and refute one statement made by a prosecution witness during the cross-examination. The witness in question claimed that the security of my residential compound was the joint responsibility between the SPDC and myself. This is absolutely untrue.

6). I am being charged with the State Protection Act against Subversive Elements #22 for having allegedly violated the restrictions and limitations contained therein.

A). It is more than obvious that I violated none of the restrictions or limitations, based on the statements/answers made by the prosecution witnesses.

B). The prosecution claimed my original restrictions (or curtailment of citizens' right) were based on 1974 Burma Socialist Programme Party Constitution. However, this 1974 Constitution was null, void and dead on the very day the Armed Forces staged the coup in 1988. No legality could be extracted out of this dead constitution, and restrictions placed on me are illegal.

7). The primary and root cause of the current incident is the breach of security or neglect of security duties by the authorities, and yet no action has been taken against those in charge of my security. Therefore, subjecting me to this trial (against this backdrop) is an act of whimsical and biased prosecution against me.

8). I submit that I am NOT guilty of the crime that the prosecution has accused me of committing."

**Thursday, May 28, Financial Times (UK)**

**Burmese court rejects Suu Kyi witnesses - Tim Johnston**

Lawyers for Aung San Suu Kyi, the detained Burmese opposition leader, expect to make their closing arguments in her trial on Monday, with the verdict to be announced shortly afterwards.

On Thursday, Kyi Win, a jurist and member of Mrs Suu Kyi's National League for Democracy argued that the charges against her had been mistakenly applied. He was the only one of the four defence witnesses proposed by Mrs Suu Kyi's team that the court allowed to take the stand.

...

She told the court that she gave Mr Yettaw "temporary shelter" because he was exhausted and hungry after the swim and because she did not want to create trouble for him or for the security detail which is supposed to guard her house.

[...]

If he [Mr. Yettaw] is convicted, Mr Yettaw could be sentenced to up to seven years in prison.

**May 28, 2009 19:07 - Mikado**

**Interview with Ohn Kyaing (NLD Information department)**

"U Kyi Win testified for about two hours. It took quite a long time because there were a lot of cross questioning. According to U Nyan Win, who was briefing reporters, there are two points in U Kyi Win's testimony."

"The first point is, the prosecution insisted that the restriction imposed on Daw Aung San Suu Kyi refers to the restrictions of the fundamental rights, as defined in the 1974 constitution. They tried to prove their point. And the defence witness Kyi Win said, if it is true that Daw Aung San Suu Kyi had restrictions imposed based on the 1974 constitution, then the case is wrong because the constitution is legally not effective anymore."

"The 1974 constitution is no longer effective because Senior General Than Shwe in his Military-day speech in 1991, clearly said that the 1974 constitution is no more effective. So, the 1974 constitution is no more legal."

"The second point is that according to Daw Aung San Suu Kyi's restriction law, she is not allowed to contact anyone outside. The law specifically used the term 'Outside'. In this case Daw Aung San Suu Kyi has not made any contacts with the outside, world but it is Yettaw who came by his own will. He crossed the security and came in his own way. So, to speak in legal terms, Daw Aung San Suu Kyi has not committed or violated the restriction law and she is innocent. The responsibility lies only with the person who has come in. In the law it states 'Aung San Suu Kyi, who had restrictions imposed on her cannot contact anyone outside', if we are to define word by word it would divert the essence. But the prosecution lawyers argued on his point. But Kyi Win made his point clear and strong."

"The court has announced June 1, as the final date for the submission of appeals by the lawyers."

"We are sure that we will win the case legally. But we don't know because since the very beginning, the law has not been able to stop them. Aung San Suu Kyi in her statement yesterday had also said that she is innocent. It is the security guards that are responsible."

**Friday, May 29, 2009 - Irrawaddy**

**"We are facing a crisis of constitution," Suu Kyi tells lawyer - Min Lwin**

Speaking to The Irrawaddy on Thursday, defense lawyer Nyan Win said that Burmese pro-democracy icon Aung San Suu Kyi privately told him that the charges against her are invalid as she was charged under the 1975 State Security law, which was annulled by the 2008 constitution.

"We are facing a crisis of constitution, not a constitutional crisis," she reportedly told him on Thursday.

The lawyer said that Suu Kyi was referring to a 1975 law enacted under the 1974 constitution, which became invalidated when the military seized power in 1988. In addition, under the junta's "seven-step road map," the country approved a new constitution in May 2008 by national referendum, which would also invalidate the 1975 act.

Defense witness Kyi Win (no relation to Suu Kyi's lawyer Kyi Win) echoed Suu Kyi's sentiments in the courtroom on Thursday, testifying that if the 1974 constitution was still in effect, then the existing constitution was "null and void," according to a report in the state-run The New Light of Myanmar on Friday.

Kyi Win testified on the ninth day of Suu Kyi's trial on Thursday. He was the sole witness that the defense team was allowed to call; however, three other defense witnesses were denied the opportunity to testify, although the court gave no reason for their disqualification.

Kyi Win also questioned the junta's claims that Suu Kyi was responsible for the intruder in her compound on May 3-5, according to The New Light of Myanmar.

Although misleading, it is believed the state-run newspaper was attempting to translate Kyi Win's testimony to read that if the State employed guards around Suu Kyi's property, then the security of the house was its responsibility, not Suu Kyi's.

Although the official version of Kyi Win's statement reads otherwise, it is believed he said that the Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts has already been invalidated.

Meanwhile, on Thursday afternoon after court proceedings, Rangoon Northern District Court

authorities escorted defendant John William Yettaw to Suu Kyi's lakeside residence to describe how he had entered and left the compound on May 3-5, Burma's state-run media reported on Friday.

On the ninth day of the trial, Yettaw reportedly testified to the court that he entered Suu Kyi's compound in the morning on May 4 and he left just before midnight on May 5, and that he had undertaken to go to the Nobel Peace Prize laureate's house of his own accord.

Speaking to The Irrawaddy on Friday, Nyan Win said Suu Kyi's defense team had not been informed that court authorities intended to take the American intruder to the lakeside compound.

"The government has just done whatever they wanted," he said. "In fact, if they want to do something regarding the trial, they must inform us."

Yettaw reportedly confessed to the court that he accepted that he had broken Burmese immigration law and the law of Rangoon City Development Committee by secretly entering Suu Kyi's residence at night without asking permission, even though he knew that the house was guarded by security members, the New Light of Myanmar reported.

**May 29, 2009 - Mizzima**

**Yettaw's testimony throws a wrench into junta's plans** - Nem Davies

Yesterday's state-run media, weary of potential implications, omitted some facts revealed during the court testimony on Wednesday of American John William Yettaw, who disclosed that he encountered security personnel while trying to sneak into Daw Aung San Suu Kyi's residence.

At Wednesday's hearing, Yettaw testified that he met with armed security personnel upon leaving her house after his first visit, in November of last year, with the security detachment aiming their guns at him and asking, "What are you doing here?" Apart from that, he reportedly faced no trouble and harassment by security deployed at Suu Kyi's compound and managed to leave the area, according to his testimony.

Then, in his second visit, he again testified he encountered five security personnel while trying to sneak into her house by swimming across Inya Lake. On this occasion security personnel threw some stones at him but did not do anything to block his entry.

However, yesterday's state-run media failed to report any of these proceedings.

In his testimony, Yettaw repeatedly justified entry into the house because "God sent him here to convey a message of imminent danger to the life of Daw Suu unleashed by a terrorist outfit."

The court's reported earlier plan of handing down a verdict today, Friday, was jeopardized by Yettaw's testimony, a leading police officer told Mizzima.

The court instead fixed the date for final arguments for Monday, June 1, said Kyi Win, who testified yesterday as the sole defense witness.

As with all but two days of the trial, Wednesday being the 8th day of the proceedings, the court was closed for Yettaw's testimony to journalists, the diplomatic community and other interested parties not directly involved in the case.

On a day when Aung San Suu Kyi's presence was not required at the court, Yettaw's testimony on Wednesday lasted approximately three hours with the judges also hearing for about half an hour from Suu Kyi's two live-in colleagues, Khin Khin Win and Win Ma Ma, who are also being charged.

Security remains tight around Insein Prison, where the court is convening, and Insein Market. Civilian organizations loyal to the junta can be seen monitoring those who come to the venue in vigil or out of keen interest in the proceedings.

**May 29, 2009** - Reuters

**Myanmar's Suu Kyi ill, court delays trial** - Aung Hla Tun

Yangon - The party of Myanmar opposition leader Aung San Suu Kyi expressed "grave concern" on Friday for her health while she is in prison facing charges that carry a jail term of up to five years.

"It is learnt that Daw Aung San Suu Kyi has not been able to sleep well at night because she gets cramps in her legs day after day," the National League for Democracy (NLD) said. Nyan Win, one of Suu Kyi's lawyers, said the court decided to delay final arguments in the case until June 5. The final hearing was to be held on Monday.

"They did not give us a reason," he told Reuters.

The 63-year-old Suu Kyi was moved from her home to a guest house in Yangon's notorious Insein Central Prison on May 14 to face charges of violating her house arrest. Only days earlier, she had been treated for low blood pressure and dehydration.

The NLD said she "is in desperate need of proper medical treatment and we are very much concerned about her health."

Suu Kyi has spent more than 13 of the past 19 years in some form of detention, and activists fear for her health if she is convicted, as is widely expected.

She faces a three to five year prison term if found guilty of breaking the terms of her house arrest by allowing an American intruder to stay for two days after he swam to her home on May 4.

The case has been condemned by the West as a "show trial" to keep Suu Kyi detained during the regime's promised elections next year, dismissed by critics as a ploy to entrench nearly a half century of military rule.

Myanmar's Southeast Asian neighbors have warned the trial threatened the military government's "honor and credibility," but rejected calls for tough action against the ruling generals.

The regime lashed out at its critics on Thursday, accusing them of meddling in its affairs and denying the prosecution of Suu Kyi was a political or human rights issue.

[...]

**May 29, 2009** - Agence France Presse

**Party 'very concerned' for health of Myanmar's Suu Kyi**

The party of Myanmar pro-democracy leader Aung San Suu Kyi said Friday it was "very concerned" for the health of the Nobel Laureate while she is in jail facing trial.

The 63-year-old had suffered a series of health scares in recent months before she was charged with breaching her house arrest in early May over an incident in which an American man swam to her lakeside home.

"We are very much concerned for her health situation. Because of frequent leg cramps at night she has to walk around," Nyan Win, a spokesman for her National League for Democracy (NLD), told AFP.

"The chief of the (prison) medical team is also trying to find out the reason. Aung San Suu Kyi has said that the chief of the medical team is taking care of her," he added.

Myanmar's state-controlled media reported last week that medical specialists had visited her at Yangon's notorious Insein Prison and she was receiving daily health care at the jail.

Nyan Win also said that final arguments in the internationally condemned trial had been pushed back from Monday until Friday. Aung San Suu Kyi faces five years if convicted.

"The court informed her main lawyer Kyi Win this evening about the postponement of the final arguments until June 5. We don't know the reason," Nyan Win said.

He said that he would go to Insein Prison on Saturday to meet Aung San Suu Kyi after her legal team applied to the court to be able to consult with her.

"We hope we will be allowed to see her," he said.

[...]

She was twice placed on an intravenous drip at her house earlier this month because she could not eat, had low blood pressure and was dehydrated. Doctors also administered a drip last year.

In November 2006, Aung San Suu Kyi had an ultrasound, which is used to screen for a variety of ailments including heart and gynaecological problems, and was given a clean bill of health by her personal physician.

**Tuesday, June 2, 2009 - Agence France Presse**

### **Suu Kyi lawyers challenge witness ban at Myanmar trial**

Lawyers for Myanmar pro-democracy leader Aung San Suu Kyi said Tuesday they had asked a court to overturn an earlier ban that prevented three defence witnesses from testifying at her trial.

Myanmar's military junta has charged the Nobel laureate with breaching the terms of her house arrest after an American man, John Yettaw, swam uninvited to her lakeside home in May, leaving her facing up to five years in jail.

Judges at the closed court in Yangon's Insein prison last month refused to allow three people including two members of her party from testifying at the trial, in which final arguments are due Friday.

"We have filed a revision order to the court today and they will hear it this afternoon. We want to call the other three witnesses," Kyi Win, her main lawyer, told AFP.

"The prosecution had 14 witnesses and we had only one so far. If you look at the numbers it is one-sided, and that is why we have made this application," he added.

The three barred witnesses were Tin Oo, a journalist who was Myanmar's longest serving prisoner until his release in September; Win Tin, the detained deputy chief of her National League for Democracy, and lawyer Khin Moe Moe.

"Tin Oo is a very important defence witness because he was a witness to the Depayin incident," Kyi Win said, referring to a deadly attack on Aung San Suu Kyi's motorcade by a pro-junta mob in May 2003.

Aung San Suu Kyi and Win Tin have both been detained ever since the attack.

Her legal team has questioned the basis of the laws under which she was held under house arrest for the past six years -- the detention order was lifted last week -- and argued that the charges against her are invalid.

She remains in prison awaiting the verdict.

...

**June 2, Agence France Presse**

US intruder to Suu Kyi home acted alone: lawyer

A US man who swam to the home of Aung San Suu Kyi was not paid by or taking orders from any outside organisation, his lawyer said ahead of final arguments in the trial of Myanmar's democracy icon.

Myanmar's military regime has expressed scepticism over John Yettaw's explanation for his visit to the Nobel laureate's lakeside home, with one official suggesting that the American was a "secret agent or her boyfriend."

But lawyer Khin Maung Oo said the devout Mormon was a "sincere and pious" person who believed God had told him to warn Aung San Suu Kyi and the government after he had a vision that she would be assassinated.

"There is no issue of him acting on someone's instruction to him or that some organisation provided money to him to do so," Khin Maung Oo said of his client, who like Aung San Suu Kyi faces up to five years in jail.

"As far as I know, he's a very sincere and pious person. He cooperated with the court. He answered the same during the interrogation and at the trial," he told AFP.

The lawyer added that photos taken by the American in Aung San Suu Kyi's house -- which the prosecution have focused on during the trial -- were "just to show his daughter, not for publicity or not to communicate to anyone."

Hearings in the mostly closed trial of Aung San Suu Kyi and Yettaw have been adjourned until Friday when lawyers will present their closing arguments. The trial has drawn international condemnation.

[...]

The country's deputy defence minister, Major General Aye Myint, said Sunday that Aung San Suu Kyi had deliberately covered up the visit.

Khin Maung Oo said Yettaw's story about his reasons for his bizarre night-time swim across Yangon's Inya Lake on May 4 had been consistent both under interrogation and when his client testified last week.

"He did not deny entering (the house). He said he came here on God's mission to warn Senior General Than Shwe (the leader of Myanmar's ruling junta) and Daw Aung San Suu Kyi," he said.

"He said he came to warn that she could be assassinated by some terrorists. He said he had his vision in the state of trance. If he had failed to do so, Aung San Suu Kyi could be lost and the government will also lose dignity."

Khin also said his 53-year-old client was a Vietnam War veteran who has post-traumatic stress syndrome, diabetes and heart disease.

Aung San Suu Kyi has branded the trial as biased and said that she allowed Yettaw to have "temporary shelter" for a night. She blamed Myanmar authorities for the intrusion, saying they failed to provide proper security.

[...]

**Wednesday, June 3** - Agence France Presse

### **Myanmar court to consider Suu Kyi witnesses**

The trial of Myanmar opposition leader Aung San Suu Kyi was delayed again on Wednesday after a court in the army-ruled country agreed to hear an appeal of an earlier decision barring three of her defence witnesses.

The Nobel laureate's trial on charges she violated her house arrest was to have final arguments on Friday, paving the way for a widely expected guilty verdict and a prison sentence of up to five years.

But the final hearing was postponed after the Yangon Division Court agreed on Wednesday to hear an appeal to include testimony from the rejected defence witnesses, her lawyer Nyan Win said.

"The final argument scheduled for June 5 has been adjourned until a later date," he told Reuters after the appeal hearing.

**Friday, June 5, 2009** - Associated Presse

### **Suu Kyi's trial delayed a week**

The trial of Burma's opposition leader Aung San Suu Kyi for allegedly violating conditions of her house arrest was delayed for a week over efforts to reinstate three defense witnesses, one of her lawyers said Friday.

Suu Kyi's trial was adjourned until June 12 while a higher court hears a request by her attorneys to reinstate the defense witnesses who were earlier barred from testifying at her trial, lawyer Nyan Win said. The decision on those witnesses was expected later Friday.

The lower District Court earlier disqualified all but one defense witness-legal expert Kyi Win. Those rejected were all members of Suu Kyi's National League for Democracy party.

They include prominent journalist and former political prisoner Win Tin, the party's vice chairman Tin Oo, currently under house arrest, and lawyer Khin Moe Moe.

"The next session will be coming (next) Friday, but there won't be final arguments that day," Nyan Win said.  
[...]

**Tuesday, June 9, 2009 - Financial Times (UK)**

**Burmese court admits defence witness in Suu Kyi trial - Tim Johnston**

In a rare legal victory for government opponents, a court in Burma has partially granted an appeal by the defence team representing Nobel Laureate Aung San Suu Kyi to readmit a barred defence witness, but observers say the legal wrangling is unlikely to have a significant effect on the outcome.

Mrs Suu Kyi's defence team had asked the appeals court to reinstate three barred witnesses. The court said that Khin Moe Moe, a lawyer, would be allowed to give evidence, but upheld the bans on Tin Oo, the deputy leader of Mrs Suu Kyi's National League for Democracy, and Win Tin, who was Burma's longest serving political prisoner until he was released last year. Mrs Suu Kyi's lawyers said they would re-appeal the decision.

"We will go to a higher court for the other two witnesses," said Nyan Win, a member of her defence team.

[...]

Observers say the fact that the appeal was allowed, let alone partially granted, was an indication that pressure from overseas is having an effect.

In a country where most opposition activists are denied access to lawyers, let alone the right to appeal, the delicacy with Mrs Suu Kyi's case is being handled stands out, but few observers believe it is likely to change the outcome.

"I think they are slowing the pace down because they were genuinely taken aback but the international outcry," said Mr Canning. "What you are seeing is a back peddling, but its not going to change the outcome," he said by telephone from Rangoon.

[...]

**Wednesday, June 10, 2009 - Agence France Presse**

**Myanmar's Suu Kyi meets lawyers in prison**

Myanmar pro-democracy icon Aung San Suu Kyi has met with her defence lawyers in jail, an official said, as her legal team vowed to push ahead with an appeal to allow more witnesses at her trial.

An appeal court in the military-ruled nation on Tuesday allowed her to call a second witness at her closed prison trial -- a legal expert has already given evidence -- but upheld a ban on testimony by two key members of her party.

Her lawyers went to visit her at the Insein Prison in Yangon on Wednesday, a Myanmar official said on condition of anonymity, without giving further details about the meeting.

...

Nyan Win, a spokesman for Aung San Suu Kyi's National League for Democracy (NLD) and a member of her legal team, said before the visit that they would now try to get the remaining two witnesses at the trial.

They are Win Tin, a dissident journalist who was Myanmar's longest serving prisoner until his release in September, and Tin Oo, the detained deputy leader of the NLD.

"We will submit application to the high court tomorrow," Nyan Win said.

So far only one legal expert, Kyi Win, has testified on behalf of Aung San Suu Kyi. The prosecution has called 14 witnesses, most of them policemen.

Her trial is due to resume on Friday for a procedural hearing.

Aung San Suu Kyi's lawyers had initially accused the ruling junta of trying to push through to a widely expected guilty verdict, but diplomats said the regime now wanted to buy time to defuse the storm of protest over the trial.

US President Barack Obama has described the court proceedings as a "show trial" while Myanmar's usually reticent Asian neighbours have expressed strong concerns.  
[...]

**June 10, 2009 - Reuters**

**Suu Kyi trial clouds Myanmar cyclone aid effort**

Myanmar's trial of opposition leader Aung San Suu Kyi will hurt international efforts to help the army-ruled country's recovery from the devastation of Cyclone Nargis, donors said on Wednesday.

[...]

**June 10, 2009 - New Light of Myanmar**

**Judgment delivered on statements by both sides as to dismissing three witnesses nominated by the accused**

After hearing the statements presented on 5 June by both sides on criminal amendment case 437/2009 submitted for some amendments to Yangon North District Court's judgement of dismissing the three witnesses nominated by Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma in the lawsuit 47/2009 filed against Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma, Yangon Division Court delivered a judgement on the case today.

The district court refused to summon three of the four witnesses nominated by the accused. Yangon Division Court confirmed the decree delivered by the district court as there is no need to argue about the nomination of witnesses U Win Tin and U Tin Oo regarding the character. Moreover, the reason "the advocates defending the accused, in connection with witness Daw Khin Moe Moe nominated in line with legal affairs, have the rights to argue with legal facts" given by the district court is correct. However, Yangon Division Court issued an order for the district court to summon and examine legal expert Daw Khin Moe Moe as a defence witness in order to hear the case more thoroughly.

**Thursday, June 11, 2009 -United Press International**

**Suu Kyi trial may last two more weeks**

Myanmar opposition leader Aung San Suu Kyi's lawyers will ask the Supreme Court to reinstate both her witnesses at her trial, her party said.

Only one witness has been allowed by the prosecution at her trial, which is expected to last another two weeks, CNN reported.

Suu Kyi, who has already spent 13 of the past 19 years under house arrest, is on trial in the military junta-ruled country, formerly called Burma, on charges of violating her confinement.

A pending Supreme Court petition will prevent the trial court from making its ruling, Suu Kyi's spokesman was quoted as saying.

[...]

Closing arguments at the trial are set for Friday, and if convicted, Suu Kyi could receive a sentence of up to five years in prison, the report said.

**June 11, 2009 - Associated Press**

**Lawyers for Myanmar's Suu Kyi file witness appeal**

Lawyers for jailed opposition leader Aung San Suu Kyi filed an appeal Thursday to Myanmar's High Court to reinstate two key defense witnesses in a case that could put her in prison for five years.

Suu Kyi gave her legal team instructions to pursue a second appeal during a 90-minute

meeting Wednesday at Insein Prison, where she is being held while on trial on charges of violating the terms of her house arrest, lawyer Nyan Win said. The charges stem from the surprise visit of an American man who swam across a lake to her house.

The District Court trying Suu Kyi allowed only one of four defense witnesses to take the stand. On appeal, the Yangon Divisional Court on Tuesday ruled that a second witness could be heard. Two senior members of Suu Kyi's National League for Democracy party remain barred from giving testimony.

Suu Kyi "told us to see it through to the end as the ruling is legally wrong," Nyan Win said. The Nobel Peace Prize laureate also told her lawyers that she believes the case against her is "politically motivated" but that this wouldn't stop her from continuing her fight for democracy, he said.

"She said she is engaged in politics due to her political belief and commitment," Nyan Win said. "She would not be doing politics if she were afraid of the consequences."

The High Court initially set a hearing for June 17 to decide whether to allow the second appeal but later said no date had been decided, Nyan Win said.

He also accused the government of trying to pressure Suu Kyi's defense team, saying that the wife of lawyer Hla Myo Myint who worked as a civil servant was suddenly dismissed from her job Tuesday.

"No reason or explanation was given for the dismissal. This clearly shows that there is no rule of law," Nyan Win said. The dismissal could not immediately be confirmed because government offices are not allowed to speak to the media.

Suu Kyi is charged with violating terms of her house arrest because an uninvited American man swam secretly to her closely guarded lakeside home last month and stayed two days. If convicted, she faces up to five years in prison.

It is widely expected that Suu Kyi, 63, will be found guilty because courts in Myanmar are known for handing out harsh sentences to political dissidents.

The hearing has drawn outrage from the international community and Suu Kyi's local supporters, who say the military government is using the bizarre incident as an excuse to keep the pro-democracy leader detained through next year's elections.

[...]

Nyan Win said Tuesday that he did not expect a verdict for at least two more weeks.

[...]

**June 11, 2009 - Democratic Voice of Burma (radio)**

**Youths in Zigon, Pegu Division, are starting a T-shirt campaign for the release of National League for Democracy (NLD) leader Daw Aung San Suu Kyi**

- Ko Nay Htoo

Wearing white T-shirts emblazoned with a dove and the word "Free" written in red paint in front and "Peace" at the back, several youths and members of the NLD Women Wing went around Zigon town to display their beliefs.

**Friday, June 12, 2009 - Mizzima News**

**Appeal cases of Zargana and Zaw Thet Htwe admitted - Phanida**

The appeal cases of famous comedian and film director Zargana a.k.a. Thura and Sports Journal editor Zaw Thet Htwe has been admitted by the High Court. Zargana and Zaw Thet Htwe are serving 35 and 11 years in prison respectively. Their lawyers filed the appeal case for the second time and the High Court admitted it on June 3. ...

**June 12, 2009** - New Light of Myanmar

**NAY PYI TAW, 12 June** - The cases filed against US citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma under Criminal Case 47/2009, 48/2009 and 49/2009 were heard at Yangon North District Court this morning.

**Defence witness Daw Khin Moe Moe to appear for case** against US citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win, Ma Win Ma Ma. The cases were put off to 10 am on 26 June for Yangon North District Court to question defence witness Daw Khin Moe Moe for Criminal Case 47/2009 to be heard under the order dated 9 June of Criminal Amendment No. 437/2009 of Yangon Division Court.

**Wednesday, June 17, 2009** - Associated Press

**Myanmar court allows Suu Kyi final witness appeal**

Myanmar's highest court said Wednesday it will allow a final appeal by opposition leader Aung San Suu Kyi's defense lawyers for the reinstatement of two key witnesses at her trial, her lawyer said.

**Thursday, June 18, 2009** - New Light of Myanmar

**Myanmar Human Rights Group issues statement**

NAY PYI TAW - The statement is as follows:

1. Myanmar authorities have been putting American citizen Mr. John William Yettaw, Daw Aung San Suu Kyi and her two aides on trial for their offences in accordance with international standards and domestic laws.
2. While doing as such, it is regretful to learn that five UN human rights Special Rapporteurs issued a statement misleadingly on 16 June 2009.

**Wednesday, June 24, 2009** - Agence France Presse

**Suu Kyi lawyers urge court to allow witnesses.**

"We gave our arguments to the Supreme Court for about one hour today. They could make a decision any time, we have to wait and check the court list every day," NLD spokesman and defence lawyer Nyan Win said. The two barred witnesses are Win Tin, a journalist who was Myanmar's longest-serving political prisoner until his release in September, and detained deputy NLD leader Tin Oo.

**Thursday, June 25, 2009 17:51** - Mizzima

**Burma's Chief of Police, Khin Yi, on Thursday accused opposition leader Aung San Suu Kyi for having not adequately informed police of the details of the first visit by American John William Yettaw in November 2008.**

As Aung San Suu Kyi only informed the authorities of the visit four days after the event on December 4, 2008, it was difficult for authorities to trace the incident and thus hampered attempts to uncover the truth.

Khin Yi said the government believes that Yettaw's visit was pre-planned by a group working behind the scenes, but failed to identify the group, saying only that authorities are still working on the case.

**Friday, June 26, 2009** - Mizzima

**Court adjourns Suu Kyi's trial to July 3**

The special court in Insein Prison on Friday adjourned the hearing of the testimony of a second defense witness in the trial against opposition leader Aung San Suu Kyi to July 3rd, as the country's High Court has yet to rule on an appeal to allow the remaining two defense witnesses.

**Monday, June 29, 2009 - Mikado**

**High Court rejects appeal over Suu Kyi's defense witnesses**

Nyan Win said the High Court had rejected a final appeal for the reinstatement of the remaining two defense witnesses, Tin Oo and Win Tin, who were earlier disqualified by a lower court in Insein prison. "The High Court announced the rejection at 10:00 a.m. today,"

**Tuesday, June 30, 2009 - Mizzima News**

**NLD urges Ban to meet Aung San Suu Kyi - Salai Pi Pi**

The United Nations General Secretary Ban Ki-moon was urged on Tuesday by the National League for Democracy to meet detained party leader Aung San Suu Kyi during his proposed two-day visit to Burma from July 3 to 4.

Nyan Win, NLD spokesperson said his party welcomed Ban's visit but would like to urge him to persuade the Burmese junta for a meeting with Aung San Suu Kyi in order to make his trip fruitful.

[...]

The UN chief, currently on a tour of Japan, will be on a two-day visit to Burma in an attempt to address the political imbroglio in the country and to free Aung San Suu Kyi, said Michele Montas, Ban Ki-moon's spokesperson on Monday.

**Thursday, July 2, 2009 - Irrawaddy**

**UN's Ban to meet Suu Kyi party members: spokesman**

UN Secretary General Ban Ki-moon is to meet senior members of the party of Aung San Suu Kyi when he visits Myanmar this week but has no plans yet to see the opposition leader, a party spokesman said. ...

**Friday, July 3, 2009 - Mizzima**

**Aung San Suu Kyi's trial postponed to July 10**

The court overseeing the trial of Burmese pro-democracy leader Aung San Suu Kyi on Friday adjourned the hearing of testimony from a second defense witness, setting the date for the reconvening of proceedings for July 10.

Nyan Win on Friday said: "The court postponed the trial and set July 10 as the new date to hear testimony, as the original court [lower court] has not yet received the case file from the High Court."

The latest delay in the trial of Aung San Suu Kyi comes as United Nations Secretary-General Ban Ki-moon arrived in Burma on Friday for a two-day visit in order to address the country's political deadlock.

**Saturday, July 11, 2009 – Associated Press**

**Last Witness Testifies in Suu Kyi Trial**

RANGOON — Testimony wrapped up Friday in the trial of Burma's jailed opposition leader Aung San Suu Kyi as the last defense witness argued that she is innocent because the military government charged her under a constitution abolished two decades ago.

Friday's court session came a week after the regime's top general rebuffed a personal appeal by UN Secretary-General Ban Ki-moon to release the 64-year-old Nobel Peace Prize laureate.

[...]

On Friday, defense witness Khin Moe Moe, a lawyer and a member of Suu Kyi's National League for Democracy party, argued during 3 1/2 hours of cross-examination that the 1974 constitution under which Suu Kyi was being tried had been abolished in 1988.

"I have known her (Suu Kyi) for 20 years and based on that and legal points, I made my testimony. She violated no laws," Khin Moe Moe told reporters. She said Suu Kyi looked "healthy and alert."

"The prosecution was on the defensive. We are satisfied with the testimony," said Nyan Win, Suu Kyi's lawyer.

The nearly seven-hour session ended with the court setting July 24 for final arguments in the case, said Nyan Win. He said the verdict could be expected in the early part of August.

Security was tight around Insein prison—where Suu Kyi is being held and the trial is ongoing—with roads blocked with barbed wire barricades manned by police. Truckloads of riot police were also deployed around the prison.

About 100 Suu Kyi supporters gathered Friday, as they have during earlier court sessions, to give her support, sitting and standing as close as they could to the prison gates.

[...]

Suu Kyi's lawyer Nyan Win said he was preparing his final arguments for the trial and planned to meet Suu Kyi on Wednesday to prepare the final version.

**Friday, July 24, 2009 – Associated Press**

### **Aung San Suu Kyi's Trial Adjourned to Monday**

RANGOON — Burma's pro-democracy leader Aung San Suu Kyi was "absolutely dissatisfied" that her trial was adjourned Friday because it will give the prosecution more time to prepare its case, her lawyer said.

Suu Kyi's trial was postponed until Monday after her defense gave a 30-page closing statement, said one of her lawyers, Nyan Win.

[...]

Nyan Win said that to ensure fairness, the usual practice is for courts to allow both parties to give their closing arguments on the same day.

On Monday, Suu Kyi's two female companions, who are also on trial, will give their statements, and the lawyer for American John William Yettaw, who is charged with trespassing, is to present his argument.

The verdicts are expected sometime next month.

One diplomat attending the trial, speaking on condition of anonymity citing protocol, said Suu Kyi looked all right in court. "She was well and in good spirits. She was seen joking with her lawyers," the diplomat said.

The defense has not contested the facts of the case but argues that the relevant law has been misapplied by the authorities and that Suu Kyi was charged under a constitution abolished two decades ago. They also assert that the security guards who ensure Suu Kyi remained inside her compound should be held responsible for any intrusion on her property.

[...]

Diplomats from Britain, France, Germany, Norway and Italy who had earlier requested access were allowed into the courtroom for Friday's session, a diplomat said on condition of anonymity citing protocol. It was the third time during the mostly closed-door trial that such access has been granted.

....

At an Asia-Pacific security forum on Thursday, US Secretary of State Hillary Clinton offered Burma the prospect of better relations with the United States, but said that depended in part on the fate of Suu Kyi.

Burmese state media rejected the criticism on Thursday, accusing those calling for Suu Kyi's release of "interference."

"Demanding release of Daw Suu Kyi means showing reckless disregard for the law," said the editorial in the English-language New Light of Myanmar, the military junta's mouthpiece.

"Daw" is a term of respect in Burma.

**July 27, 2009** - tic Voice of Burma  
**Suu Kyi trial again suspended** - Htet Aung Kyaw

The trial of Burma's Aung San Suu Kyi has been suspended for a second time in recent days and will resume tomorrow after the prosecution again failed to wrap up their statement. The trial was expected to finish on Friday last week, but the hearing lasted only two and a half hours and didn't allow the prosecution enough time to deliver their statement. Six diplomats, including US and UK officials attended today's hearing, as they had been allowed on Friday.

A lawyer for Suu Kyi, Nyan Win, said that today's hearing started at 10am and ran through to 5pm.

"After the lunch break government prosecutors began presenting their statement and they didn't finish until the trial time was over at 5pm so the court decided to extend the hearing to tomorrow," he said.

The court heard statements from both Suu Kyi's lawyers and lawyer for John Pettaw, whose intrusion into her compound in May triggered charges that he had breached conditions of her house arrest.

Suu Kyi will be asked to arrive back at the courtroom at 10am tomorrow for what is hoped to be the final day of the trial.

It is unclear however when a verdict will be given, although Nyan Win told Reuters that it could take up to two or three weeks.

It is widely expected that she will be found guilty, and her lawyer said that his client was "preparing for the worst".

[...]

The defence has only been allowed to put forward two witnesses, while the prosecution has heard from nine in total.

**Tuesday, July 28, 2009** - Agence France Presse  
**Suu Kyi verdict set for Friday in Myanmar** - Hla Hla Htay

A court in military-ruled Myanmar will deliver its verdict in the trial of Aung San Suu Kyi on Friday in a case that could see the pro-democracy leader jailed for up to five years, her lawyer said.

[...]

"The verdict will be given this coming Friday. We are hoping for the best but preparing for the worst," defence lawyer Nyan Win told AFP Tuesday after the trial wrapped up with a final reply by Suu Kyi's legal team.

Judges Thaung Nyunt and Nyi Nyi Soe indicated to the court at the notorious Insein prison in Yangon, where Suu Kyi is being held, that sentencing was expected on the same day, Nyan Win said.

"We have a good chance according to the law, but we cannot know what the court will decide because this is a political case," said Nyan Win, who is also the spokesman for Suu Kyi's National League for Democracy.

"If she is released unconditionally she will be home on that day – if not, the sentence will be together with the verdict."

The verdict is widely expected to be a guilty one given the previous form of Myanmar's courts, which have handed down heavy sentences to dozens of dissidents over the past year. But the Suu Kyi case has been repeatedly delayed since it started on May 18 amid signs that the regime is trying to quell the storm of international outrage over its treatment of the opposition leader.

[...]

Diplomats from Thailand, Japan, Singapore and the United States attended Tuesday's hearing,

a Myanmar official said on condition of anonymity. Most of the trial has taken place behind closed doors.

[...]

The court made the announcement about the verdict after hearing final comments by lawyers for Suu Kyi, her two female aides and US national John Yettaw, in response to closing statements delivered by prosecutors on Monday.

All face similar sentences.

Her lawyers say that she was not responsible for the intrusion by Yettaw - who has said that he was inspired by a divine vision that she would be assassinated -- and that she was charged under outdated laws.

[...]

**Tuesday, July 28, 2009 – New Light of Myanmar**

**Pleas of lawyers defending the accused heard in cases against US citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma**  
YANGON, 28 July-Criminal Cases Nos 47/2009, 48/2009, 49/2009 against US citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma were heard at Yangon North District Court at 10 am today.

The court heard the arguments of the lawyers defending Daw Aung San Suu Kyi, Daw Khin Khin Win and Ma Win Ma Ma and Mr John William Yettaw in Criminal Case No 47/2009. It pronounced an order rejecting the lawyers' application for submission of the Ministry of Foreign Affairs' response to the queries raised by the Working Group on Arbitrary Detention in the United Nations and for questioning the presenter as a court witness under Article (540) of Penal Code of Criminal Procedure.

The order says that Daw Aung San Suu Kyi is put on trial under Article (22) of the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts; that Article (22) is that any person placed under restriction will face a legal punishment if he opposes, breaches or fails to obey the restriction order or prohibition order; that nothing is arguable regarding the restriction order, prohibition order and extended prohibition order put on Daw Aung San Suu Kyi; that the plaintiffs submit restriction order as evidence (b), prohibition order, as evidence (b-1) and extended prohibition order, as evidence (b-2); and that Daw Aung San Suu Kyi's Advocate U Kyi Win submitted an appeal against the said restriction order, prohibition order and extended prohibition order to the Government Office of the Union of Myanmar, however the appeal was rejected because of lack of sound evidences.

It says that the Government Office sent a forwarding letter on rejection of the appeal dated 30 April 2009; that Daw Aung San Suu Kyi knows that restriction order, prohibition order and extended prohibition order have been issued and they are still in force; and that in the case, plaintiffs and their witnesses and the accused and their witnesses have been questioned.

It is found that the statements and arguments and the evidences provided by both sides do not support or reflect the reasons enumerated in the application; that the context of the case is to find out whether the accused opposes, breaches or fails to obey the restriction order or prohibition order; and that so an order is pronounced to reject Daw Aung San Suu Kyi's lawyers' application for submission in the court under Article 540 (Part II) of Penal Code of Criminal Procedure, deducing that there is no reason to take the application into consideration.

Final arguments of Lawyer U Khin Maung Oo defending Mr John William Yettaw and final statements of the deputy district law officer for the plaintiffs in Criminal Cases Nos 48/2009 and 49/2009 were heard.

The court fixed the 31st of July to pronounce the final order for Criminal Cases Nos 47/2009, 48/2009 and 49/2009.

**Thursday, July 30, 2009** - Associated Press

**Myanmar's Suu Kyi braces for worst ahead of ruling**

Nobel Peace Prize laureate Aung San Suu Kyi is bracing for Friday's ruling in Myanmar on whether she violated the terms of her house arrest by harboring an American, a decision that could send the frail icon of democracy to prison for up to five years.

The 64-year-old opposition leader was described by her lawyer Nyan Win as "physically and mentally fine, and very alert" Thursday. But he said she was also preparing for the worst, gathering medicine and several spy novels and biographies should she be given a lengthy prison term.

"She is getting ready for any result," Nyan Win said. "She is preparing for the worst."

[...]

She is widely expected to be convicted, although there has been speculation she may stay under house arrest rather than serve time in jail. Suu Kyi has been in detention for 14 of the last 20 years, since leading a pro-democracy uprising in 1988 that was crushed by Myanmar's military junta.

[...].

If convicted, the charismatic mother of two will return to a lonely life, her days filled with meditation, reading books and getting the occasional censored letters. Knowing she could be put behind bars, Suu Kyi provided her lawyers with a list of requested items, which they were able to bring her, Nyan Win said.

"She is collecting some medicine and many books in English, French and Burmese," he said. Suu Kyi's lawyers have not contested the basic facts of the case but argued that the law used by authorities against her is invalid because it applies to a constitution abolished two decades ago. They also say that government security guards stationed outside Suu Kyi's compound should be held responsible for any intrusion.

**July 30, 2009** - Agence France Presse

**Myanmar warns against protests ahead of Suu Kyi verdict**

Military-ruled Myanmar's state media on Thursday warned citizens against inciting protests as democracy leader Aung San Suu Kyi began stockpiling supplies ahead of a possible five-year jail term.

[...]

The New Light of Myanmar newspaper published a comment piece Thursday cautioning against anti-government factions and saying that "we have to ward off subversive elements and disruptions".

"Look out if some arouse the people to take to the streets to come to power. In reality they are anti-democracy elements, not pro-democracy activists," the English-language article said.

"They don't believe in democracy, and they don't acknowledge the people's reasoning power."

**Friday, July 31, 2009** – CBC

**Burma court's Suu Kyi verdict delayed**

The delivery of the verdict in the trial of Burmese opposition leader Aung San Suu Kyi has been delayed to allow the court more time to consider the case, officials said.

The verdict in the trial of the Nobel Peace Prize laureate was expected to be delivered on Friday. But the court was adjourned until Aug. 11, lawyers told The Associated Press.

Judge Thaung Nyunt told court the trial was being adjourned "to consider some legal issues concerning the case," said defence lawyer Nyan Win.

The judge did not elaborate but some diplomats who have observed the proceedings told Reuters the delay appears to be related to a clause in the now-defunct 1974 constitution.

Win expressed optimism the delay may indicate that the court is examining whether there has been some misinterpretation of the law related to the charges against Suu Kyi.

[...]

During the trial, Suu Kyi's defence team did not contest the facts of the case but argued that the law used by authorities against her is invalid because it applies to a constitution abolished two decades ago. They also say that government security guards stationed outside Suu Kyi's compound should be held responsible for any intrusion.

[...]