

## THE HISTORY OF NEGOTIATIONS SINCE START OF INSURRECTION

### U NU LAYS BARE PAST SECRETS TO PROVE FALSITY OF PRESENT REBEL "PEACE" CAMPAIGN

(From Our Staff Reporter)

A major policy speech concerning the Government's attitude towards negotiations with the Communist rebels was made by AFPFL President U Nu yesterday morning at the annual conference of the All-Burma Peasants' Organisation.

He spoke to an audience which filled the Premier's Press Conference Hall to overflowing, being made up of the ABPO delegates themselves, from 30 districts in the country, all the AFPFL MPs of both Houses, and 125 other observers.

All Cabinet Ministers in Rangoon were present as well.

Chairman of the gathering was Thakin Tin, Deputy Premier and President of the ABPO.

In a short speech, he said that this conference was a particularly important one, and that the address to be made by U Nu at the opening session, was of vital significance to the whole country.

In succeeding sessions, the delegates would discuss in detail certain outstanding issues: how to secure peace in the country, how to achieve the goal of a Socialist state, how to materialise the schemes for the welfare of the people, and how to build up a strong, clean peasants' organisation.

Thakin Tin stressed that there was little time to fulfil all these important tasks and that target dates must be fixed for their achievement.

U Nu's speech will be reproduced in full in tomorrow's issue of this paper.

ment. He reminded the ABPO leaders that they were the people who could change the Government's plans from paper schemes into concrete realities.

AFPFL President U Nu then took over to read a speech which ran into 29 type-written pages of Burmese.

U Nu's speech was a recital of the traitorous acts committed by the insurgents, and the acts of perfidy which accompanied every attempt of the Government to end the insurrection through negotiations.

Even before the insurrection began, U Nu said, he tried through Deputy Premier Bo Let Ya, to convene a round table conference so that all outstanding problems might be settled peacefully, but the Communists spurned the offer.

As soon as the Communists went underground, some of their leaders were released from jail and sent as emissaries to Thakin Than Tun. One of them, Bo Yan Aung, was demoted. Others double-crossed the Government.

But the Government did not give up. Before and after the 1st Burif and a substantial section of the 3rd Burif went underground, negotiations went on. In December 1948, Bo Ze Ya, Bo Ye Htut, Bo Thein Dan and Bo Thet Tun, were invited to return to Rangoon and the Government's peace terms offered. The rebel leaders promised to send a reply by March 15, 1949. The reply came on March 24, 1949: Thakin Nu would be arrested and arraigned before a People's Court.

Taking advantage of later negotiations with the Government, the rebels set up towns including

## Murdered By Man Next Door

(From Our Staff Reporter)

Two neighbours who could not live together in peace, got involved in a brawl over a trifle yesterday, which ended in the death of one of them and sent the other to hospital with serious wounds.

Thakin Tun Kyaing, 41, Joint Secretary of the Burma Democratic Party (Theinbyu North) was the next door neighbour of mohinga seller Ko Aye Pe in Mahamyint Street, Bahan.

The two were not on good terms because the mohinga seller did a great deal of frying in his kitchen, which annoyed Thakin Tun Kyaing, who complained that the smell made his child ill.

Early yesterday morning, Thakin Tun Kyaing was reading aloud the caption of a cartoon in the *Burma Star* when Ko Aye Pe next door took offence, saying that he was being indirectly insulted by the words.

He began to abuse Thakin Tun Kyaing who seized a dah and went out to settle the matter. Ko Aye Pe appeared with a sharp iron stake, and as Thakin Tun Kyaing attacked him, he plunged the stake into his chest.

Thakin Tun Kyaing fell dead on the spot, while Ko Aye Pe himself received severe cuts on the head, neck and hand.

He has been admitted into the RGH under police surveillance, and a case opened against him under 302.

## Katha NUF MP Boycotts Elen.

(From A Special Correspondent)

NUF candidate for the House of Nationalities in Katha, U Tun Khin, on September 17 told the Elections Officer that he had decided to "boycott" the elections in protest against the unfairness of the Government.

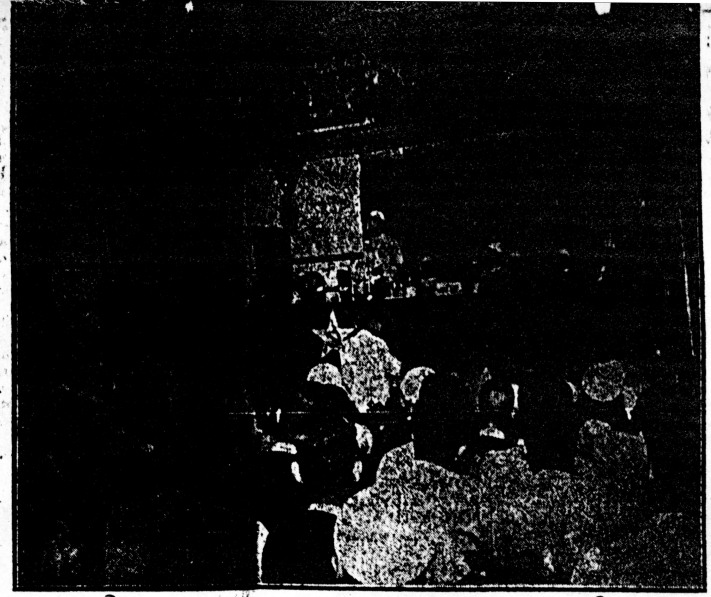
In his letter U Tun Khin stated that he had asked the Government many times to stop postponing the election, to withdraw its pocket armies and to release all those who had been illegally detained in connection with the election, but none of these wrongs had been righted up till now.

He claimed that first, the election had been postponed three times — from May 22 to June 19, then to September 19 and then to September 25. In addition, polling-booths had been frequently changed and shifted.

Worse still, he asserted, 36 people who had filed their names as his election workers and polling-booth agents, were in detention under Section 5.

There was no security for either the candidate or his helpers, and there was no possibility of their being a free and fair election.

Accordingly he has decided



PEASANT LEADERS: ABPO leaders from 30 districts in Burma, most of whom live along the very front-line of the insurrection, yesterday listened to a speech by U Nu telling them why the Government will not make peace with the rebels through negotiations. They are in Rangoon for their annual conference, which is being held in the Premier's Conference Hall.

## RUSU ELECN.—STRAIGHT FIGHT BETWEEN PROGRESSIVES, DSO

### COMMUNIST STUDENTS START UP POLITICAL MACHINE FOR SEP. 27

(From Our University Correspondent)

This year's RUSU elections, scheduled for September 27, will see for the first time in several years, a straight fight between the Progressives and the Democratic Students' Organisation.

The Communist Progressives have made the University Union such a tough political arena that neutral students who have in the past tried to fight the elections purely as students, have gradually given up and faded out of the picture.

Last year, the Progressives, as the Students' United Front, captured every seat in the Union Executive Committee. This year, there is every likelihood that they will repeat the same performance.

Their hold on the University, established now for two splendid years, is too strong to be easily dislodged.

This is because the Progressives are organized, not as a student group, but as a fanatical political party, with students devoting their whole time to organisational and propaganda activities.

With the announcement of the election date, the Students' United Front machine at once swung into action.

#### Taxis Allocated

A meeting of the SUF Council on September 20, laid down the main line of strategy for the coming fight, and allocated tasks among the SUF student workers.

The SUF's election tasks were divided into Organisation, Publicity and Fund Collecting.

It was decided to step up the drive for donations, with special emphasis on Opposition MPs, who could be expected to contribute to the cause, and to cyclostyle biographies of the three SUF candidates.

Hand-picked squads of student workers were formed for organisation in the various hostels.

Each of these squads will get a special briefing and pep-talk before it goes into action.

Special attention will be paid to the women's squads, for the SUF is afraid of the solidly anti-Communist vote in at least two women's hostels, and the tendency to vote against the Reds among neutral women students.

Meanwhile, the Front's propaganda campaign is already going well, though it will be greatly stepped up in the next few days.

Main line of attack against the DSOs now is to discredit their bid to get the 3F system modified.

## Rebels Get VDF Guns

(From Our Own Correspondent)

MONywa, September 14—People are running away from the rebels in Monywa district to places where there are Police or Army garrisons, following the seizure of village defence weapons by the rebels in several places.

The latest of these incidents occurred in Pyan-hle village, about six miles away from Yinnabin, on the night of September 9. About 30 PVO rebels led by Bo Kan Htun, attacked the village at midnight, and seized 15 rifles and 400 rounds of ammunition issued to the local defence force.

A similar incident took place last month when the PVOs seized seven guns and ammunition from the VDF of Kywe-ye village five miles north of Monywa.

## APT Mined

(From Our Staff Reporter)

The 31-Up which left for Moulmein yesterday morning, was halted between Htongyi and Kyauktan stations, when the APT escorting it was mined.

The engine, which struck the mine near M/S 31/5/8 went off the tracks, and the rebels immediately opened fire. The engagement lasted about an hour.

defend the students' cause over the 3F system.

A particularly scathing attack was made on the DSOs because of the meetings which have been taking place recently in various quarters of the city, at which parents of University students have declared their support for the DSOs' 3F modification plan and have condemned unrest in the University.

The Progressives say that the DSOs show their true colours at such meetings when leaders of the organisation have stated that students become 3Fs because they are lazy and careless. Yet in the University, the DSOs try to sing a different tune to gain support.

Yesterday new Progressive posters hailed the victory of the "neutrals" in the Moulmein

## Helicopters For BAF Here

(From Our Staff Reporter)

Among the cargo which arrived aboard the *Eisha Maru* from Tokyo yesterday were 32 crates consigned to the Burma Air Force.

The crates contain all the component parts of three Kawasaki-Bell helicopters manufactured by the Nippon Kikai Boeki Kaisha Ltd. of Tokyo, ordered by the BAF six months ago.

The three machines, which are of the G2 Model, are specially suited for military use. This model has seats for three but it can also accommodate a stretcher for the sick or wounded. Its approximate cost is K 2,00,000 (2 lakhs).

Although manufactured in Japan, the essential parts come from the Bell Aircraft Corporation of USA, where this machine is also in use.

Accompanying the consignment are four Japanese technicians who will assemble the machines at the BAF hangar at Hmawbi, but the BAF already has personnel trained in Japan and Thailand to operate and service them.

These three machines are the first of six ordered by the BAF through Bo Let Ya Ltd. of Rangoon. They will be Burma's first helicopters and it is reported that their use will not be confined to military tasks alone.

## Burma Police On Alert For Phizo, Naga Rebel Leader

(From Our Staff Reporter)

Following news of the Government of India's empowering their Special DSP of Naga Hills District of Assam, to arrest A. Z. Phizo, the Naga "hostile" who has been leading a faction of Indian Nagas into a "Free Nagaland" rebellion, Burma's Detective Department and the North Chindwin Police have been alerted to look out for the pseudo Naga chieftain.

Known also as Zap Phizo, he learnt his English in an American Mission School in Jorhat, Assam, and came to Burma some years before the last war. His record in Burma however was not a palatable one.

Posing as an evangelist, he made friends with the Karens of Yonagyaung and swindled them as well as an American Driller out of some Rs. 30,000 between the years 1935 and 1938. Acting as a banking agent, he gave out loans from the Driller's money to the Karens, and collected back for his own use. When he finally disappeared from the Oilfields, the Karens had to pay the sum all over again as a result of Court decrees

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## Mens Rea, Ex'neous To Determination Of Statutory Offence

(From Our Staff Reporter)

The doctrine of *mens rea* is not a necessary ingredient for the determination of a statutory offence under Section 4 (1) (d) of the Suppression of Corruption Act. This ruling was enunciated recently by Chief Justice U Chan Tun Aung and Mr. Justice San Maung sitting as the First Bench of the High Court when the question was referred for a decision.

The case in respect of which the question arose was that of U Nyo who has appealed against his conviction for an alleged offence of criminal misconduct in the discharge of official duty. The question was however answered by the High Court without reference to the facts and circumstances of U Nyo's case so as not to prejudice his appeal and also because it related to a somewhat general issue.

Examining the history of this English Common Law doctrine of *mens rea*, the High Court observed that it seems to have originated under social conditions prevailing in ancient times when there were no positive legislative enactments or statutes; or in other words when the modern doctrine of absolute and literal authority of statutes was not quite firmly established. Therefore, moral reprobation or approbation based upon subjective ethical standards was then a condition of criminal liability but when *mens rea* had to be appraised in the light of statutory definition of any offence it was found to be rather incongruous and was examined in many English cases. From the decisions in these cases, the High Court remarked, it was noticeable that whenever the offence charged is serious, despite specific statutory definition given therefor, the *mens rea* was often invoked in determining the guilt of the accused; whereas when the offence was not serious literal interpretation was made of the statute defining the offence and *mens rea* was ruled out. However, it was also found that when statutes began to take the place of

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**U Nu's Speech :**

(Continued from page 1)

- Myingyan, Pakokku, Thayet, Henzada and Tharrawaddy.
- The following defected to, or were overpowered by them:
1. The whole of 1st Burif under Bo Sein Tin defected.
  2. About 300 officers and men of the 3rd Burif under Bo Ye Tut defected.
  3. Some officers and men of the 21st UMP under Bo Aung Myint defected.
  4. Some members of the 6th Burif under Bo Ye Maung defected.
  5. The whole Sitwundan Corps in Thayet district under Bo Aung Thein defected.
  6. The whole of the 9th UMP under Bo Khin Mg Tun was overpowered.
  7. The whole of Sitwundan Corps in Magwe under Bo Pe Aung was overpowered. Bo Pe Aung was executed by the Communists.
  8. Sitwundan Corps in Monywa under Bo Kyaw Kyaw was overpowered. Bo Kyaw Kyaw was executed by the Communists.

Following these setbacks, the Government decided not to negotiate any more.

But then Thakin Than Tun changed his tactics. From being the harsh revolutionary ("only cruel measures can lead one to the throne. The Paris Commune failed because the leaders turned soft") he launched a new offensive in the name of peace.

On January 20, 1956, he wrote to U Nu expressing a wish to discuss peace on the following conditions:

- (1) Burma to stay away from the Anglo-American bloc;
- (2) Democratic rights be given to the people;
- (3) BCP and other political parties be permitted to function lawfully.

Information Minister U Tun Win broadcast in reply that these conditions had been fully met.

Soon afterwards, as the amnesty was about to expire, an emissary from the BCP headquarters arrived in Rangoon and, through Bo Let Ya, contacted the Government.

Bo Let Ya made out that the rebels were ready to surrender, but later told Bo Khin Maung Gale (Home Minister) that he had acted on his own. It later transpired that the about-face had been caused by the above-ground Communists impressing upon Thakin Than Tun's emissary that the AFPFL was about to fall, and that the rebels had only to support the opposition for them to win the election.

U Nu therefore warned: "In order to bring their rebellion to a successful conclusion, the Communists are setting a gigantic trap. Let those who like the evil method of force to gain political power beware!"

He added, "We are like the proverbial sparrow which has been hit with stones. We are determined never to be fooled again, never to jump into their trap. The AFPFL programme is not one of annihilation. We have to counter-attack because the insurgents are on the attack."

Shirley Bloomer, British Wightman Cup team star, is top seeded among the women. Hoad's wife, Jennifer, is seeded No. 5.

Many of the top stars are competing in the Pacific South-West tourney at Los Angeles and won't show here until next week.

After Hoad, the seeded men are: 2. Sven Davidson, Sweden; 3. Nae Fraser, Australia; 4. Ashley Cooper, Australia; 5. Art Larsenn, San Leandro, Calif; 6. Ulf Schmidt, Sweden; 7. Eddie Moylan, Trenton, N.J; 8. Luis Ayala, Chile; 9. Michael Davies, England; 10. Pierre Darmon, France. — Associated Press.

**French Soldiers Mutilated In Algiers**

ALGIERS, September 22—The 22-month-old Algerian nationalist rebel ion erupted into violence in the past 24 hours, according to reports reaching French headquarters on Saturday.

The worst incident was the ambush and death by mutilation of 21 French soldiers near Palestro on Friday.

French headquarters mentioned their own losses in only a few of these encounters—two wounded east of Palestro, two wounded near Tizi-Ouzou, five wounded near the Tunisian frontier, one killed at Blida and "some losses" in other actions.

The French reported killing 20 rebels in a clash near Tebessa, two rebels near Palestro, "an important number" in a clash near Hassonvilliers and inflicting "severe losses" in a fight near Djebel-Foua.—AP.

**58th Sino-American Meet**

GENEVA, September 22—United States Ambassador Alexis Johnson and Chinese Communist Ambassador Wang Ping Nan held their 58th meeting in Geneva today on problems outstanding between their two countries.

Their talk lasted almost two hours. The next meeting has been scheduled for October 6. No statement was issued after today's meeting.—AFP.

**RUSU Elections:**

(Continued from page 1)

the defeat of the DSOs, for the "neutrals" are not openly Progressive-controlled. Yet, they had the expert advice of two RUSU leaders, Ko Aung Than and Ko Kyaw Win, who travelled down to Moulmein to assist them.

The Progressives, who are very sure of the hard core of their own organisation, made use of their control of the RUSU Executive to sabotage the DSOs' organisational plans for the election.

Since the past President is the Returning Officer, he has the say in declaring the date of the next election.

The Progressive RUSU President announced this date only eight days beforehand, just barely staying within the Constitution which requires a week's notice.

With four days left to go, the

out during cross-examination of Ernest Carstens-Johansen, 264 year-old Third Mate of the Stockholm, in a pre-trial hearing relating to damage suits filed in Federal Court here.

Carsten-Johansen was being questioned concerning various records in use on the ship when counsel for the Swedish-American Line, operators of the Stockholm, interposed that this particular one was missing.

Asked for details of the night order pad's purpose, the Third Mate indicated it was given to the officer on watch by the Captain "before he goes down for the night". The Third Mate then was asked:

"You had no written night orders from the Captain, although he had left the bridge?"

Carstens-Johansen replied: "No, he had not left the bridge for good."

There was further testimony relating to fog conditions on the Massachusetts coastal area in which the collision occurred shortly after 11 p.m. on July 25.

The Third Mate was asked about the Stockholm's rules for logging fogs. He replied that if he could see three or four miles he would not consider that the ship was in a fog.

"Even if the visibility is less than three miles ahead of you, you do not call it fog?" he was asked.

"Then I call it fog patches," he replied.—Associated Press.

**US Professors' Trip To Tokyo Delayed**

TOKYO, September 20 — Two American Exchange Professors whose trip here was delayed by Communist-led "Yankee go home" demonstrations are now expected sometime next week, their personal safety guaranteed.

"We guaranteed their physical safety. Any civilized country does that," said Dr. Susumu Kobe, assistant to the President of Waseda University, the school which contracted for the US Government's exchange programme.

He said he had talked by trans Pacific telephone to the University of Michigan, the professors' home campus, and it will announce the Tokyo arrival time of the professors. The two, Profs. Charles L. Gordy and Edward L. Page, cut short their trip in Honolulu 10 days ago to enable Waseda and American authorities to gauge the degree of feeling against their coming.

Meanwhile, support for the American professors appeared in Waseda's 28,000-member student body.

Demonstrators have been sending cables to Michigan urging recall of Gody and Page and return of nine Japanese professors at Ann Arbor under the exchange programme which they claimed would curb Waseda's freedom. They planned to demonstrate at Tokyo airport and to bar the professors' entrance to the Waseda campus with pickets.

"We found they were confined to a pretty small group, 1 Communist in number, plus 15 fellow travellers, but pretty well organized, with lot of funds and help from

apart from the statutory definition given for a particular crime such a thing exists as *mens rea*, and whenever this issue arises so far as statutory offences are concerned; its application has been entirely abrogated or otherwise modified. Since the Penal Code imports words such as *voluntarily, dishonestly, intentionally fraudulently* or such like expressions which describe the mental attitude of the offender, it would be altogether an extraneous task to superimpose for purposes of such offences the doctrine of *mens rea*. Penal enactments are to be construed as they stand, the High Court said, in determining the guilt or otherwise of an accused person.

The Penal Code, the High Court added, is not only applicable to the offences defined therein but also to offences under the Special and Local Laws. It contains revisions for exemption from criminal liability and among the exemptions are to be found the absence of criminal intent, which in fact is the English Common Law doctrine of *mens rea*. Defences, such as absence of a particular intent or *mens rea* or criminal intent, mistake of fact and mistake of law are not only made available for the penal offences defined in the Penal Code but also for any offences under the Special or Local Laws, the High Court said.

Summing up, the High Court held that so far as statutory offences are concerned, words of statutes should be given effect to as they stand without bringing in the extraneous *mens rea* doctrine for purpose of determining the guilt of the offender, and that if the definition does not include the requirement of a particular mental condition, it must be taken that the omission had been deliberate.

Concluding, the High Court made the following observation regarding the offence of misconduct as defined in Section 4 (1) (d) of the Suppression of Corruption Act. There are three classes where an act or omission of a public servant can be said to come within the mischief of this section, viz.

- (a) If he commits fraud to the detriment of public interest;
- (b) If he commits in respect of public property entrusted to him an act of misappropriation; and
- (c) If he commits in respect of public property entrusted to him, an act of misconduct, i.e., mismanagement, wrongful act or omission or for doing something which ought not to be done or not doing something which ought to be done in the given circumstances.

With regard to (a) and (b), the High Court observed, the mental element is already involved and there would be no necessity to introduce *mens rea*. In (c) however the legislature appeared to have intentionally omitted the mental element for the completion of the offence and satisfied itself by merely explaining objectively what acts or omissions constituted "misconduct". Therefore in determining the guilt or otherwise in this case, the High Court was of the view that an objective standard should be applied as laid down in Section 15 of the Trust Act that a person appointed a trustee must deal with

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U Nu speech to ABPO conference  
23 September 1956.

~~Article drafted~~