



Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand

e.mail: info@aappb.org website: www.aappb.org

EXPLANATION ABOUT ARTICLE 401

401.(1) When any person has been sentenced to punishment for an offence, the President of the Union may at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the President of the Union for the suspension or remission of a sentence, the President of the Union may require the presiding Judge of the Court before or by which the conviction was confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion. Also, to forward with the statement of such opinion, a certified copy of the record of the trial or of such record thereof, if it exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the President of Union, not fulfilled, the President of the Union may cancel the suspension or remission, and there upon the person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to complete the un-expired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favor the sentence is suspended or remitted, or one independent of his will.

(4-A) The provisions of the above sub-sections shall also apply to any order passed by a criminal court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.

(5) Nothing contained herein shall be deemed to interfere with the right { - - - } of the President of the Union { - - - } to grant pardons, reprieves, respites or remissions of punishment.

(5-A) Where a conditional pardon is granted { - - - } by the President of the Union, any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent court under this Code and shall be enforced accordingly.

(6) The President of the Union may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.