

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English): Myanmar: Supreme Court of the Union			
Date of the decision:	dd /mm / yyyy 1965	Case number: ²	L. R. (C.C.) 51
Parties to the case: Peer Mohamed v. Union of Burma			
Decision available on the internet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, please provide the link: (If no, please attach the decision as a Word or PDF file):			
Language(s) in which the decision is written: Burmese			
Official court translation available in any other languages? <input checked="" type="checkbox"/> Yes (but only extracts) <input type="checkbox"/> No (If so, which): extracts in English			
Countr(y)(ies) of origin of the applicant(s): Myanmar			
Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s): Myanmar			
Any third country of relevance to the case: ³			
Is the country of asylum or habitual residence party to:			
The 1951 Convention relating to the Status of Refugees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Relevant articles of the Convention on which the decision is based:	
(Only for cases with statelessness aspects) The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Relevant articles of the Convention on which the decision is based:	
(Only for cases with statelessness aspects) The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Relevant articles of the Convention on which the decision is based:	
(For AU member states): The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No		Relevant articles of the Convention on which the decision is based:	
For EU member states: please indicate which EU instruments are referred to in the decision		Relevant articles of the EU instruments referred to in the decision:	

Topics / Key terms: (see attached 'Topics' annex):

Citizenship / Nationality law

Key facts (max. 200 words)

Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]

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The Supreme Court found that Myanmar citizens who acquire citizenship automatically under the 1948 Citizenship Act, section 4(2), are not bound to produce a UCC issued under section 6(2) of the Act in order to prove their citizenship. Indeed, the Court held that “[t]here seems to be considerable confusion in the minds of some magistrates regarding the certificates granted under s.6(2) of the Union Citizenship Act, to persons who are deemed to be citizens under s.4(2) thereof. It is not incumbent on a person claiming to be a citizen under s. 4(2) to ask for the issue of such a citizenship certificate. If he can prove that he comes under s. 4(2) in any proceeding against him, he is not bound to produce the certificate under s.6(2).”

Other comments or references (for example, links to other cases, does this decision replace a previous decision?)

Other cases to look at:

Hasan Ali v. Union of Burma, Supreme Court Criminal Miscellaneous Cases No. 155 & 156 of 15, extracts available at: <http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf> at pp. 78 and 121 [accessed 23 October 2013]

U Sin Koi v. U San Win, The Burma Gazette 1958, Pt I Page 478, extracts available at: <http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf> at pp. 120 and 158 [accessed 23 October 2013]

Mohamed Rahu Amin Vs. The Union of Burma, 1957 B. L. R. 25 S. C, extracts available at: <http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf> at p. 160 [accessed 23 October 2013]

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Gulbahar v. The Union of Burma, 1965 B. L. R. (C.C.) 811

EXPLANATORY NOTE

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

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