



Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

Monthly Chronology of Burma's Political Prisoners for February, 2012

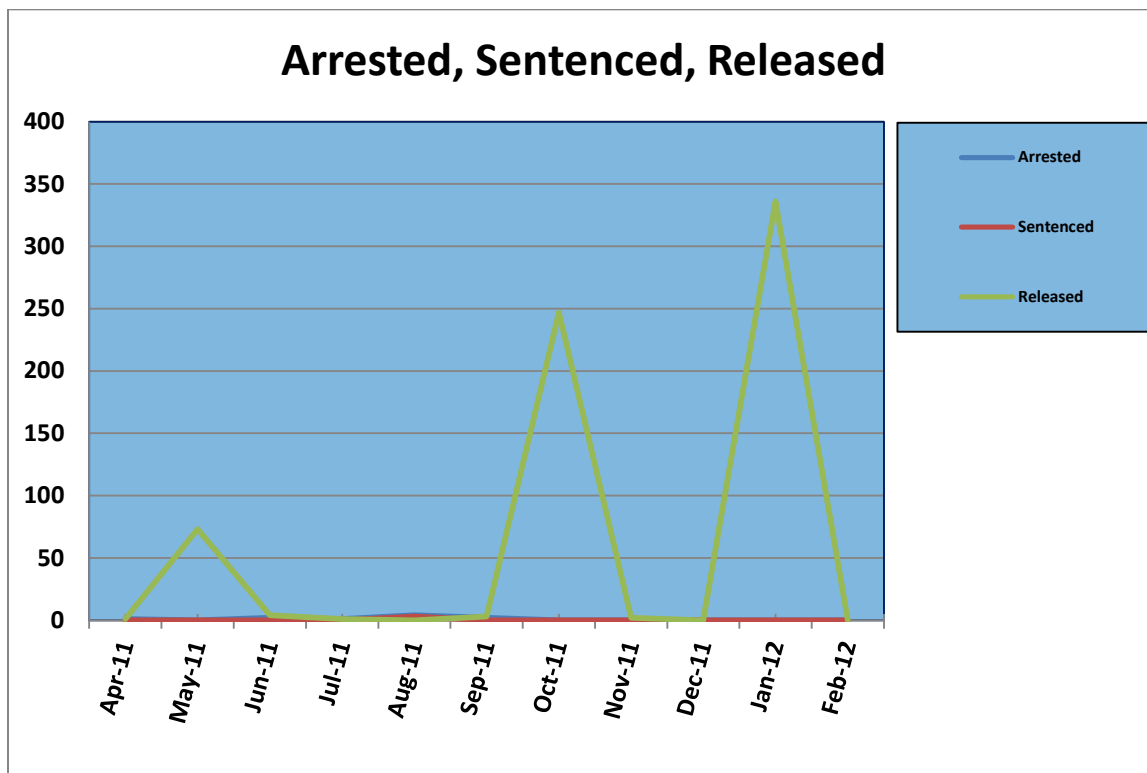


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Monthly Chronology February 2012



There were **no** arrests, **no** sentences, and **no** releases in the month of February.

The number of political prisoners AAPP can confirm are behind bars and the location of their prisons is now **419** and **424** more are under the verification process. The confirmed number will continue to fluctuate and is expected to increase as the verification process continues. In addition, AAPP received information in February that **4** individuals were arrested prior to the month of February. All four individuals are ethnic Kachin¹ and were arrested by the Burmese army.

¹ The 4 arrested are U Thein Myint, Ma Sumlut Roi Ja, Bran Sai, and Zaw Sai.

Summary of the current situation

Trends

February has seen the continuation of former political prisoners being denied their fundamental freedoms, along with continued denial of civil and political rights for ordinary people in Burma. There has also been increased repression against monks who were former political prisoners, with their freedom of movement being severely restricted in incidences of village arrest. U Gambira, the prominent monk activist who was released in January has reiterated his criticism of the regime and has duly suffered, being taken from his monastery in the middle of the night. In the ethnic regions, human rights abuses continue such as rape, the use of forced labor and abductions. The regime denies such abductions while the national human rights body, the Myanmar Human Rights Council (MHRC) does not have the necessary impartiality and independence from the regime to fully investigate human rights abuses. The former Karen National Union Leader (KNU) Mahn Nyein Maung is on trial for treason despite promises of his release as a “peace gift” which drastically affected his mental health, and Phyo Wai Aung’s current trial is riddled with injustices. The regime has also not heeded to the international community’s calls for an independent investigation into its prisons, to determine numbers and the treatment of political prisoners, and is thus able to continue its shadowy policies towards political prisoners.

Despite the plaudits that the regime garnered from the release of 302 political prisoners in January it seems that it is business as usual. Hundreds remain locked up and are subject to awful treatment. Those who are released are continually harassed and there is a complete lack of transparency in the prison, legal, and justice systems in Burma.

Torture and Treatment of prisoners and their families

We continue to hear of the appalling conditions inside Burma’s prisons and the particularly dire treatment for political prisoners. The U.N. Special Rapporteur on human rights in Burma, Tomas Ojea Quintana, who visited three political prisoners in the notorious Insein prison in Rangoon, said he was told that conditions had improved, although allegations of ill-treatment continue. In addition, Human Rights Watch called on Burma to provide outsiders access to its prisons and warned that a military culture of “recreational sadism” posed a stumbling block to nascent reforms. **(See International Developments)**

Authorities arrested and freed U Gambia without charge after several hours, saying only that he was wanted for questioning. He has been frequently harassed by authorities and signed an agreement with the Sangha Maha Nayaka Council so as to leave the monastery where he temporarily lived after his release. **(See Monks)**

Arkar Bo of Generation Wave, a 29 year old political activist, shared how he was treated in prison: “they slapped me in the face. They forced me to kneel on an uneven surface littered with small pebbles for a long time and kicked me from behind.” Many recently released political prisoners including 88 generation member, Mya Aye, who was transferred 500 miles away from

his family, were sent to remote jails to increase the sense of isolation and loneliness during their jail-time. Meanwhile, Phyo Wai Aung, who is currently serving in Insein prison, is now enduring an unjust trial after extreme torture that produced his confession. **(See Individual Cases)** In addition, this month a local Burmese health journal published an article about how prison authorities crudely attempted to cure a scabies outbreak by wiping down naked inmates with medicine-laden brooms - a demeaning act that reveals the poverty of the nation's prisons and the decrepit state of its health care system.

In short, many political prisoners say they were tortured when imprisoned in the late 1980s and early 1990s. However, they said for the most part during recent stints although they were not physically harmed, torture and harassment on political prisoners and people from ethnic regions still exists and serious challenges remain. Human Rights Watch's senior researcher on Burma, David Mathieson said that Burma should allow the International Committee of the Red Cross to scrutinize prison conditions and agree to a joint team of foreigners and locals that can come up with a list of political prisoners.

February 24th

[Myanmar: Demand open trial, retrial and dropping of contempt \(Scoop\)](#)

[HRW says access to Burma prisons key \(DVB\)](#)

[Teenage boys tell of forced labor horror \(Irrawaddy\)](#)

February 18th

[Ensuring due process in Burma \(VOA\)](#)

February 11th

[Myanmar's former political prisoners weigh next steps ahead of polls \(Christian Science Monitor\)](#)

February 9th

[Dying behind bars \(Irrawaddy\)](#)

February 6th

[Burma 'considering' monitors for by-election \(DVB\)](#)

Prisoners Released

Wai Phyo and Zarni Tun, who were arrested for possessing a 'free political prisoners' poster in August 2011 in Inma township, near Prome, in Pegu division, were released by Prome Township Court after being told to pay a fine. They had spent 6 months in prison at the police station.

Nay Myo Zin, who was released as part of the January 13th presidential order but appeared in court again this month for breaking prison regulations was acquitted. He was accused of taking items with General Aung San's image into prison from the prison hospital. Nay Myo Zin was surprised at his acquittal although he did acknowledge that his high profile was significant in the court's decision. He recognized the need for others who are locked up unjustly to be released; "I would like the new government, however, to re-examine all the cases that were wrongly decided under the former legal system and people who are still locked up in prison due to arbitrary detention. We can't say that the decision of only one/my case can straighten the legal system."

Despite the praise earned by last month's presidential order releasing 302 political prisoners, there still remain many more behind bars. The Parliamentary Speaker, Shwe Mann admitted as

much although the regime is still loathed to use the term political prisoners, with members of the regime unofficially using 'prisoners of conscience' instead. In an interview with the Burmese weekly journal, 'Weekly Eleven' Shwe Mann talks of his meeting with UN Special Rapporteur, Quintana: "We said that the latest prisoner release was based on the list of the NLD [National League for Democracy], and the remaining prisoners of conscience might be those who breached laws. However, I promised him that more prisoners of conscience would be examined and released if the NLD provides a list of them."

February 9th

[Burma pledges full release of dissidents \(DVB\)](#)

February 7th

[Bitter struggle puts reform process at risk \(Bangkok Post\)](#)

February 2nd

[Myanmar: Total of freed political prisoners is updated \(New York Times\)](#)

Update on Individual Cases

On February 24th the Asian Human Rights Commission (AHRC) sent an open letter to the Chief Justice of Burma highlighting the unfair and unjust trial of Phyo Wai Aung. He has been accused of a bombing at a 2010 New Year festival. Included in the miscarriages of justice are the closed trial in Insein Prison barring his family, legal advocates and the general public from observing his case, charging both Phyo Wai Aung and his lawyers with contempt of court for contesting the legality of the prosecution submitting witnesses' statements in advance and failing to include the information in the official case file, and procedural flaws such as denying the defense the chance to cross-examine prosecution witnesses. Not only has the trial been unjust, but the use of torture to attain a confession and the lack of other credible evidence against Phyo Wai Aung have persuaded the AHRC to send this letter demanding that the case be transferred to an open court for a retrial or that the case be thrown out. Phyo Wai Aung has been in prison for almost 2 years without ever formally receiving a sentence.

That there are still political prisoners behind bars is both an attempt by the regime to fragment the democracy and civil society movement, as well as weaken the morale of those political prisoners who remain behind. For example, Aung Aung Oo is still in prison even though all his co-defendants were released in the January Presidential order. He was arrested in May of last year and given 7 years with hard labor for printing poetry books regarding political motivation in the country. His case is not unique. Than Zaw, one of the longest serving political prisoners in Burma, remains behind bars even though his co-defendant Nyi Nyi Oo was released on 13 January.

The steps that the regime takes to ensure a conviction are deeply unjust. Torture, a lack of credible evidence, putting obstacles in the way of the defense and operating in a closed prison court does not reflect a transparent and fair justice system. If they want a conviction they will get it, leaving no chance of fair treatment for those arrested for their political beliefs or activities.

February 24th

[Myanmar: Demand open trial, retrial and dropping of contempt \(Scoop\)](#)

National League for Democracy

The NLD's political activity continues to gain momentum in the build-up to the April by-election. There have been, however, some obstacles that undermine the legitimacy of the elections, with Daw Aung San Suu Kyi commenting that they have "come across hitches" in their campaign. Such problems included the NLD being denied permission to use certain venues for rallies. As soon as this was reported in the international media, however, the regime lifted such restrictions. Although the regime likes to project this by-election as completely free and fair, their actual policy seems to be motivated by how the election is perceived. With much talk of sanctions being lifted, the regime is keen to stress how free and fair this election will be while still exercising as many of its usual political restrictions as it can get away with. President U Thein Sein also told ASEAN this month that the regime will 'seriously consider' election observers although it has not confirmed that it will *actually* allow observers into the country come election time.

February 28th

[USDP plans dirty tricks campaign for Burma by-election \(Irrawaddy\)](#)

February 21st

[Suu Kyi party says Burma campaign restrictions lifted \(BBC\)](#)

[Naypyidaw 'seriously considers' election observers \(Irrawaddy\)](#)

88 Generation Students

There was no news to report this month.

Ethnic Nationalities

While the ethnic issue remains of high importance for the international community in relation to the easing of sanctions, the U Thein Sein regime is failing to stop the persecution of minorities. The reported cease-fire with the Karen National Union (KNU) is already showing signs of breaking down, there have been at least two occasions of skirmishes with the Shan State Army (South) (SSA-S) and the troubles in Kachin State are of high concern. Meanwhile political prisoners of various ethnic nationalities continue to suffer.

Mahn Nyein Maung has appeared in court this month facing charges of high treason, a sentence punishable by the death penalty. He is a former KNU leader who has fought for the rights of Karen people since the 1960's, stating that he would like to work for peace but the regime simply cannot be trusted to allow Karen people their rights. His mental health has deteriorated during his ordeal. While in detention the authorities told the press that he would be released as part of a "peace gift" during peace talks with the KNU. In an about-face, however, Mahn Nyein Maung is now being charged with high treason, a sentence that carries a life sentence. His lawyer has stated that the court's discussion of Mahn Nyein Maung's case with the media, and stating that

he would be released before any judicial decision was made is in contempt of court and has damaged Mahn Nyein Maung psychologically. The trial continues.

In Kachin State, reports of the Burmese army using forced labor, kidnapping people to be used as porters and arbitrarily arresting Kachin villagers continues. A hearing at the Union Supreme Court on February 23 was held into the case of Sunlut Roi Ja who was arrested on October 28 last year with her husband and father-in-law. While her two family members managed to escape she has not been seen since her abduction on the morning of her arrest. She has a 14 month old daughter. At the hearing the authorities denied that they had abducted her and she remains missing. Two other cases of abduction were also heard on the same day. Brian Sai and Zaw Sai, were arrested on December 1 and January 5 respectively and the Supreme Court ruled that they were guilty of security violations and have been charged under the Unlawful Association Act.

Many villagers in Kachin State are experiencing the worst side effects of this ethnic war. Another example is the case of Thein Myint. Along with 10 other villagers he was forced to porter supplies for the Kachin Independence Army (KIA) in October last year. He was released after a week and a half but was picked up by the Burmese army and has not been seen since. His wife found out that her husband faces a charge of 3 years as he entered rebel territory illegally.

Abduction is just one type of atrocity committed by the Burmese army since fighting broke out last summer. Around 40 cases of rape have been reported by the Kachin Women's Association of Thailand while the abduction of teenagers to be used as porters and other forms of human labor by the Burmese army in the fighting is commonplace **(See Torture and Treatment of Prisoners and their Families)**.

February 28th

[Burmese army officers deny arrest of missing Kachin woman \(Mizzima\)](#)

February 22nd

[KNU calls for govt troops in ethnic areas to withdraw \(Irrawaddy\)](#)

[Honorary ceremony held for political prisoners in Sittwe \(Narinjara\)](#)

February 17th

[Troops arrest Kachin army porter \(DVB\)](#)

February 16th

[Aung Min called to testify in MahnNeing Maun case \(Mizzima\)](#)

[Burma case study: My wife was led away.....I have not seen her since \(The Telegraph\)](#)

February 15th

[Abducted Kachin woman still missing \(DVB\)](#)

February 12th

[CSW returns from Kachin State with evidence of continuing human rights violations \(CSW\)](#)

February 3rd

[Top Karen leader facing treason charge \(DVB\)](#)

February 2nd

[Hearing to be held in army abduction case \(Irrawaddy\)](#)

February 1st

[Quintana to visit Karen and Mon States \(Mizzima\)](#)

[NMSP, Govt reach five point agreement \(Irrawaddy\)](#)

Monks

Over the past few months there have been increased incidences of unjustified action taken against former political prisoner monks authorized by the state sanctioned Sangha council. This includes banishing outspoken monks from their monasteries, placing monks under village arrest for an undetermined amount of time, and sealing off monasteries that provide refuge to dissident monks.

At the end of January and beginning of February several monks were warned by local authorities for entering padlocked monasteries, including Maggin monastery – known for its safe haven status for activist monks, and some former political prisoner monks were given a notification that they need to officially restore their monastic status. Three monks including U Indaka, the abbot of Maggin Monastery in Rangoon's Thingangyun Township, applied for official recognition of their status on Jan. 27 and they made the request to reopen their monasteries which had been closed since their arrest and sealed off again on February 4. The state controlled Maha Nayaka Sangha Council made the decision that 2 monasteries, including Maggin monastery, were allowed to reopen in mid-February.

U Gambia also received a notification stating he needed to restore his monk status. However, he didn't respond to the notification in a timely fashion since he thought that "he is still a monk and he was arrested illegally." Other political prisoner monks, including U Gambira, thought that the council's notification to restore their status is unfair according to the rules of Buddhism. U Gambira was detained at 2a.m. by city authorities and officials from the Ministry of Religious Affairs for questioning on February 10 for entering a monastery that has been sealed off by authorities but returned safely home later that evening. He also was taken to senior monks who reprimanded him for his behavior on the same day. Also, Burma's state media said that U Gambira will face legal action as he ignored 3 separate calls by the Sangha Maha Nayaka. The state media also accused U Gambira of rejoining his religious order without requesting authorization and a senior monk wished for legal action against him. The details of how the authorities will bring Gambira to trial are still unclear but any legal proceedings would undoubtedly be politically motivated.

A planned ordination ceremony for around 20 other formerly imprisoned monks at Magwe monastery in Rangoon was cancelled by Maha Nayaka Sangha Council. They expressed concern that the event would be too politicized and a ceremony on 4th February, 2012, at a monastery in Mayangon in Rangoon to re-ordain nearly 40 monks released from prison in the January amnesty was also blocked by Maha Nayaka Sangha Council.

Earlier this month a prominent Burmese monk, Ashin Pyinya Thiha, who has links to the political opposition, was evicted from his Rangoon monastery. The popular abbot of Thadu Pariyatti Monastery in Kyimyindaing Township in Rangoon was given an order letter that says the State Sangha Committee are banning him for 1 year for giving public talks. He left the Thadu monastery on February 19 to another monastery on the outskirts of Rangoon following his eviction by the council. Also, a group of monks who in November last year protested in Mandalay are still under "village arrest" in Thaphyay Aye in Sagaing division.

Generally, monks continue to hold substantial political clout in Burma, despite regular intimidation by authorities. The relationship between Buddhist monks and successive military

regimes in Burma has always been difficult, and the situation does not seem to have improved since the nominally-civilian government took office last year.

February 21st

[Burma's tug of war between monks and govt \(Irrawaddy\)](#)

February 19th

[Burmese monk Shin Gambira 'faces legal action' \(BBC\)](#)

February 14th

[Abbot banned from preaching one more year \(Mizzima\)](#)

February 13th

[Maggin Monastery and others reopened \(DVB\)](#)

February 10th

[Monk Gambira taken by police \(DVB\)](#)

[Dissident monk freed after questioning in Myanmar \(Reuters\)](#)

February 7th

[Monks evicted as monastery resealed \(Irrawaddy\)](#)

February 2nd

[Rangoon ceremony for freed monks blocked \(DVB\)](#)

[Monastic council restores status of released monks \(Irrawaddy\)](#)

Cyclone Nargis Volunteers

There was no news to report this month.

Religious Minorities

There was no news to report this month.

Journalists, Bloggers and Writers (media activists)

Burma's Union Parliament has discussed a new media law this month which promises greater press freedom. Critics, however, are still worried that the repression of journalists will continue.

Blogger Nay Phone Latt, who was sentenced to a 2 decade jail term, released on January 13 under the amnesty announcement, supposed that he doesn't think that the government will turn back again, but the progress will be slow and could stop. He sees that even though the websites of the opposition and exiled media groups are now freely available the internet connections are often still very slow. He is also keen to see the amendment of many stifling laws in the constitution, the constitution itself and reform Burma's legislation of Internet use, particularly the Electronic Act. Similarly Zaw Thet Htwe, who was sentenced in 2008 to a 19-year jail term, in part for distributing a video of local donors handing out aid to victims of Cyclone Nargis, is skeptical of the intentions behind the regime's media reforms: "They want the international community to think there is press freedom here. But I feel that all these changes that are being made, they aren't coming from the heart. They aren't sincere."

Even though Burma's censorship chief Tint Swe, said the current censorship board will be dissolved under the new media law, Burmese journalists have expressed concern that the new media law is another attempt by the government to control and limit the press rather than protecting its freedom.

February 28th

[Myanmar relaxes grip on media, vows to end censors \(AP\)](#)

February 24th

[Freed blogger turns eyes to rural Burma \(DVB\)](#)

February 1st

[Burma's new media law to bring press freedom? \(Irrawaddy\)](#)

Women

There was no news to report this month.

Human Rights Defenders & Promoters Network

There was no news to report this month.

Labor Activists

Former political prisoner and labor rights activist, Su Su Nway, was present at the scene of a strike by employees of the Tai Yi shoe factory in Rangoon. Around 2,000 employees were striking over not being paid for the New Year holiday days and were demanding an increase of \$0.12 per hour. The factory agreed to the pay rise yet did not budge on an increase of the monthly bonus. Although the U Thein Sein regime has permitted strikes in Burma, they are subject to restricting conditions. It is unclear whether these strikers were abiding by these conditions when organizing their strike but they faced possible prison sentences and fines if they didn't. They showed great courage for standing up for their rights while other labor activists remain in jail. Burma's labor market is severely exploited by unscrupulous factory owners who are aware of how hard the regime has cracked down on labor activists before. The strike at this shoe factory, and the hard struggle for a mere \$0.12 hourly rise exposes this exploitation and how for too long, workers have feared demanding better working conditions.

February 28th

[Striking factory workers form union \(Irrawaddy\)](#)

February 15th

[Tai Yi strikers make pay deal in Rangoon \(Irrawaddy\)](#)

February 14th

[Talks fail as Rangoon strikers push on \(DVB\)](#)

February 8th

[Police lurk as strike continues \(DVB\)](#)

Students

The mother of a student who disappeared during the Saffron revolution in 2007 has spoken out to reveal her story for the first time. Her son, Ko Ko Zaw aka Zaw Ko was a student at Magwe University in 2007. He went to downtown Rangoon in September 2007, where he was living at the time to earn money, with his friends and was separated in the crowd during Saffron Revolution. He has not been seen since. His mother, a civil servant, dared not speak out before, but now feels that in the current climate she could inquire openly. The 2007 crackdown resulted in over 30 deaths and a doubling of the political prisoner population. It is worrying that she has no idea what has happened to him and due to the lack of prison transparency is unable to shed light on her son's whereabouts.

Former political prisoners who were students before their arrest continue to suffer after their release. They are not permitted to continue their studies because of their prior imprisonment. This is a deliberate policy by the regime to hamper the development and livelihood of a former political prisoner. De Nyein Lin, vice chairman of the organizing committee of the All Burma Federation Student Unions (ABFSU) met with Daw Aung San Suu Kyi this month to discuss the issue. She advised students to follow rules and procedures and reapply but to date they have still not received permission.

Not only are former political prisoners barred from continuing their studies, but those who are currently at university are threatened with expulsion if they do become involved in politics. The chief professor from the University of East Rangoon, U Kyaw Ye Tun, summoned students and teachers and told them they would not be permitted to continue their studies if they become involved in political activities. This comes in light of the formation of the Southern District Branch of the All Burma Federation of Students Union (ABFSU). Min Thwe Thit, joint secretary no. 2 of the executive organizing committee of the ABFSU, stated that this is in fact illegal as the 2008 constitution states that anyone 18 or above is permitted to be a member of a political organization.

Lawyers

As mentioned in the case of Phyo Wai Aung (**see individual cases**) the lawyers of political prisoners and defendants are forced to deal with obstacles put in their way when defending their clients. The open letter that the Asian Human Rights Commission (AHRC) sent to the regime also highlights how lawyers who represent individuals in sham cases such as Phyo Wai Aung are threatened with contempt of court to prevent them from representing their clients. If they are charged with contempt the lawyers either face fines/imprisonment and would also lose their license. This is an ongoing trend of persecution that the regime engages in to prevent fair legal process for those whom they are determined to imprison.

The AHRC have also appealed for the release of lawyer, U Myint Aye, a human rights defender, who was arrested while purchasing items to aid Cyclone Nargis victims. He has been wrongfully convicted with the Explosives Act and was tortured in order to extract a false confession. There is no evidence of his involvement with explosive materials. This case is a prime example of the type of political prisoner who could potentially be forgotten in the furor surrounding the presidential order last month. He was arrested under the Explosives Act and therefore faces risk of not being deemed a prisoner of conscience by the international community.

February 24th

[Myanmar: Demand open trial, retrial and dropping of contempt \(Scoop\)](#)

Individual Activists

A protest over the high cost of SIM cards in Rangoon was quickly broken up by police with the demonstrators being taken for questioning. The price of a SIM card, controlled by the regime is exorbitantly expensive at over 500,000 kyats. The demonstrators were peacefully distributing leaflets and giving speeches asking for cheaper SIM cards, a call that has been made by a private telephone company and has been very popular with the people in Burma. Eleven of the protestors were briefly detained and questioned, and were told that they did not have “permission” to protest. The leader of the protest, Htin Kyaw, former political prisoner and member of Myanmar Development Committee, retorted that as the demonstrations were done peacefully, the behavior of the authorities breached the Constitution.

In another display of regime obstinacy, a trial is underway of villagers who refused to move from their homes in order to make way for a new development near the new capital Naypyidaw. The compensation they were offered was simply not enough for them to rebuild their lives so they refused. They now face 3 months in prison and are victims of the regime’s determination to allow it’s cronies to exploit whatever human or natural resources are available in the country to make money.

In Bassein Township, 16 protesters are currently under trial for their part in a demonstration against the rising costs of beef. On February 2, they protested outside a beef auction and were arrested under section 332/333 of the penal code (voluntarily causing hurt to deter public servant from his duty). The 5 beef tenders in Bassein are controlled by one individual, who has the power to arbitrarily set the costs of beef at his own will. The exploitative situation has deteriorated to the point where individuals who buy less than 1.5 kilos of beef from another tender at a lower price face arrest and imprisonment.

Authorities continue to crack down on peaceful protests even though a protest bill was passed in Parliament in December 2011 – allowing peaceful demonstrations as long as the protestors receive permission 5 days in advance from local authorities. Demonstrators that demand an end to monopolization that allow for unfair and exploitative prices of essential items such as meat pose a threat to the regime and are met with particular contempt, evidenced by the crackdown on the SIM card and beef protestors in February.

29th February

[Villagers on trial for resisting relocation \(DVB\)](#)

28th February

[11 ‘SIM Card’ campaigners detained for questioning in Rangoon \(Irrawaddy\)](#)

Daw Aung San Suu Kyi

Daw Aung San Suu Kyi will contest for the seat of Kawhmu Township in southern Rangoon in the upcoming by-election. During February, therefore, she has spent much of time and energy on the campaign trail. Suu Kyi and her the NLD have faced certain obstacles during their campaign (**See National League for Democracy**) with the staff of MRTV being told they are not allowed to greet or welcome her when she arrives to record a campaign speech in March.

Daw Aung Suu Kyi's message with regards to political prisoners has not changed - that the remaining political prisoners must be freed. Talking about the possibility of sanctions being lifted, she told a press conference with the German Economic Cooperation and Development Minister, Dirk Niebel that only after the by-elections should the possibility of sanctions being lifted be discussed.

February 29th

[TV staff told not to get too excited about Suu Kyi's studio visit \(Mizzima\)](#)

February 14th

[Suu Kyi: Keep sanctions until by-elections \(Irrawaddy\)](#)

February 2nd

[Burma's Aung San Suu Kyi postpones political rally \(VOA\)](#)

Key International Developments

Despite the optimistic comments by many in the international community, the issue of political prisoners will not be resolved with minimal gestures by the U Thein Sein regime. There still remain hundreds of political prisoners and this has been pointed out by many as a stipulation for the lifting of sanctions. A call for an investigation into prison conditions and numbers was made by human rights groups and UN Special Rapporteur Quintana, but the regime is still ignoring this request as political prisoners continue to suffer under terrible conditions.

The UN Special Rapporteur for Human Rights, Tomas Ojea Quintana concluded a five day visit to Burma with a statement that expressed concern regarding the political prisoner situation. While he welcomed the presidential order of January 13 he learned that some of those released continue to be followed and monitored and called for their full freedom to exercise their human rights. He also visited Insein prison where he was also distressed to learn of ill-treatment by prison guards and the continued practice of sending political prisoners to remote locations, far from their families. From his press statement it is obvious that there is a lot more work to be done for political prisoners in Burma, as Quintana summarizes himself: "I therefore reiterate that the Government should release all remaining prisoners of conscience without conditions and without delay. This is a central and necessary step towards national reconciliation and would greatly benefit Myanmar's efforts towards democracy."

The issue of sanctions continues to be a significant topic in relation political prisoners with both the EU and the US indicating that the release of all remaining political prisoners a condition for their lifting. Former political prisoners, including comedian Zarganar, met US Secretary of State, Hillary Clinton in Washington this month. She gave her assurances that US sanctions won't be lifted until all remaining political prisoners are released unconditionally. This echoes the German Economic Cooperation and Development Minister, Dirk Niebel, who stated that:

“If [the sanctions] are lifted it should be step-by-step, with a process of democratization. We have a clear roadmap in the European Union. First we need fair and free democratic elections also with a campaign in front of these elections, then we need the release of the political prisoners and a clear process of reconciliation must be started.”

Although the International Community is largely keeping sanctions in place, this month did see the lifting of some restrictions as a reward for last month’s presidential release. Thus, the EU lifted a travel ban on 87 regime officials including President U Thein Sein and the US signed a waiver allowing the IMF, the Asian Development Bank and the World Bank to reengage in limited missions in the country.

February also saw the visit of the UN Special Envoy, Vijay Nambiar who praised the recent reforms, as did the ASEAN Secretary-General Surin Pitsuwan after an ASEAN meeting in Naypyidaw regarding economic matters. Despite such praise, there remains a strong international voice calling for the release of political prisoners. Human Rights Watch released a statement calling for an outside group such as the International Committee for the Red Cross to gain access to prisons to determine exact numbers and conditions. Similarly, Amnesty International called for the Burmese regime to work with the UN to attain accurate numbers of political prisoners while calling for an end to torture. Quintana also stated the need for a “comprehensive and thorough investigation” to get a complete record of political prisoners. As long as the regime continues to deny access by an outside investigation to its prisons, it is obvious that it has something to hide. There remain many more political prisoners than the regime is ready to admit and it is essential that an accurate account of all these is established so that nobody is forgotten.

February 28th

[Shwe Mann reaffirms strong Sino-Burmese ties \(Mizzima\)](#)

[U.N should consider commission of enquiry on Burma: A.I. \(Mizzima\)](#)

[Outside vote monitors to observe election \(Mizzima\)](#)

[E.U. delegation to meet Suu Kyi \(Mizzima\)](#)

February 27th

[ASEAN meets in Naypyidaw for economy summit \(Irrawaddy\)](#)

February 24th

[HRW says access to Burma prisons key \(DVB\)](#)

[Japan set to resume Burma loans \(DVB\)](#)

[UN envoy urges lifting of Burma sanctions \(VOA\)](#)

February 17th

[EU lifts travel ban on 87 top Myanmar officials \(EU Business\)](#)

[World Bank returns to Burma after 25 years out \(DVB\)](#)

[By-elections in Myanmar will be key test of commitment to democracy – UN \(UN News Centre\)](#)

February 14th

[UN adviser in Myanmar for 5-day visit \(Straits Times\)](#)

[US Aid proposal falls short \(Irrawaddy\)](#)

[Suu Kyi: Keep sanctions until by-elections \(Irrawaddy\)](#)

February 13th

[EU official urges fair elections in Burma \(Irrawaddy\)](#)

[EU announces \\$200m Burma infrastructure package \(BBC\)](#)

February 10th

[US urges Myanmar to release detained monk \(AFP\)](#)

[The master plan for Myanmar \(Asia Times\)](#)

February 8th

[First EU official off to Myanmar ahead of crucial 'polls' \(EU Business\)](#)

[Hillary Clinton meets Zarganar \(Irrawaddy\)](#)

February 7th

[US eases Burma sanctions, allows IMF in \(DVB\)](#)

February 6th

[Asean secretary-general to visit Burma \(Mizzima\)](#)

February 5th

[Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar By Tomas Ojea Quintana, 5 February 2012, Yangon International Airport, Myanmar \(UNIC Yangon\)](#)

February 3rd

[UN envoy visits Insein Prison, meets Suu Kyi \(Irrawaddy\)](#)

February 2nd

[Myanmar: Total of freed political prisoners is updated \(New York Times\)](#)

February 1st

[Quintana to visit Karen and Mon States \(Mizzima\)](#)

Conclusion

Prisoner amnesties mean little if political prisoners are released into a repressive environment where the law, rather than providing protection and safety, is used as a weapon against the people of Burma and as a means of justifying grievous human rights abuses such as forced displacement, arbitrary arrests, and denial of fundamental freedoms including freedom of speech and assembly. The month of February, only 1 month before the 1 year anniversary of the official dissolution of military rule, has showed no signs of an improving, on-the-ground human rights situation.

The complete lack of an independent judiciary system is a major obstacle in ensuring the rights of every individual in Burma is protected. Only when the disapproving gaze of the international community is present does a detainee receive a bare minimum of justice, such as in the case of Nay Myo Zin. The former army captain was arrested the day after his release on 13 January on spurious charges of breaking prison regulations, including attempting to bring key chains into Insein prison that bore the image of General Aung San. The high profile nature of Nay Myo Zin's case played no small part in securing his unconditional release, something that Nay Myo Zin stated himself, as well as having an open trial that included witnesses for the defense – a distinct rarity in Burma.

However, that a detainee – by definition an individual who has already been deprived of his liberties – is granted an open trial should not be the exception to the rule. Those who commend the release of Nay Myo Zin should turn their attention to the current political prisoners who are not as well known, and continue to be subject to shadowy show trials where a guilty verdict is virtually guaranteed. The case of Phyo Wai Aung – though not unique – is a clear example. Recently, he and his 2 lawyers have been charged with contempt of court for contesting the legality of the prosecution's submission of witnesses' statements in advance. In addition, these

statements were not included in the official case file. This is just the latest in a long string of miscarriages of justice that have plagued Phyo Wai Aung since his arrest in April 2010.

The un-rule of law in Burma extends from the judicial system to the day to day life of ordinary Burmese, where the threat of arrest or detention is constant, particularly if the individual is a former political prisoner. There can be no talk of improving civil and political rights in Burma until the fundamental freedoms of all, including former political prisoners, are guaranteed. That these former political prisoners have been released with a criminal record and their political status denied them is an egregious affront in itself. That they continue to be mistreated and harassed long after their release is patently unacceptable. In the short month of February there were at least 3 separate incidences of former political prisoners being threatened with additional jail time, including 2 monks and one human rights defender. Freedom for many released political prisoners is a charade under the current regime – with the entire country of Burma looming as one large open prison.

The constant threat of arrest and imprisonment can often be worse than the actual arrest itself, and arguably amounts to a form of mental torture. This threat must be immediately moved for former political prisoners to regain their right to lead a life free from harassment. Actions that must be taken by the regime in order to ensure the fundamental freedoms of former political prisoners is erasing their criminal record, officially confer them their political status, and lift draconian laws that limit civil and political rights and are the main culprits in unlawfully and arbitrarily arresting dissidents and activists.

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