



**Assistance Association for Political Prisoners (Burma)**

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

## **Monthly Chronology of Burma's Political Prisoners for August, 2011**



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နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand  
e.mail: [info@aappb.org](mailto:info@aappb.org) website: [www.aappb.org](http://www.aappb.org)

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## Monthly Chronology August 2011

### Summary of current situation

There are a total of **1,998**<sup>1</sup> political prisoners in Burma. In August, **4** activists were arrested and **no** political prisoners were released<sup>2</sup>.

### The total number of political prisoners is 1,998

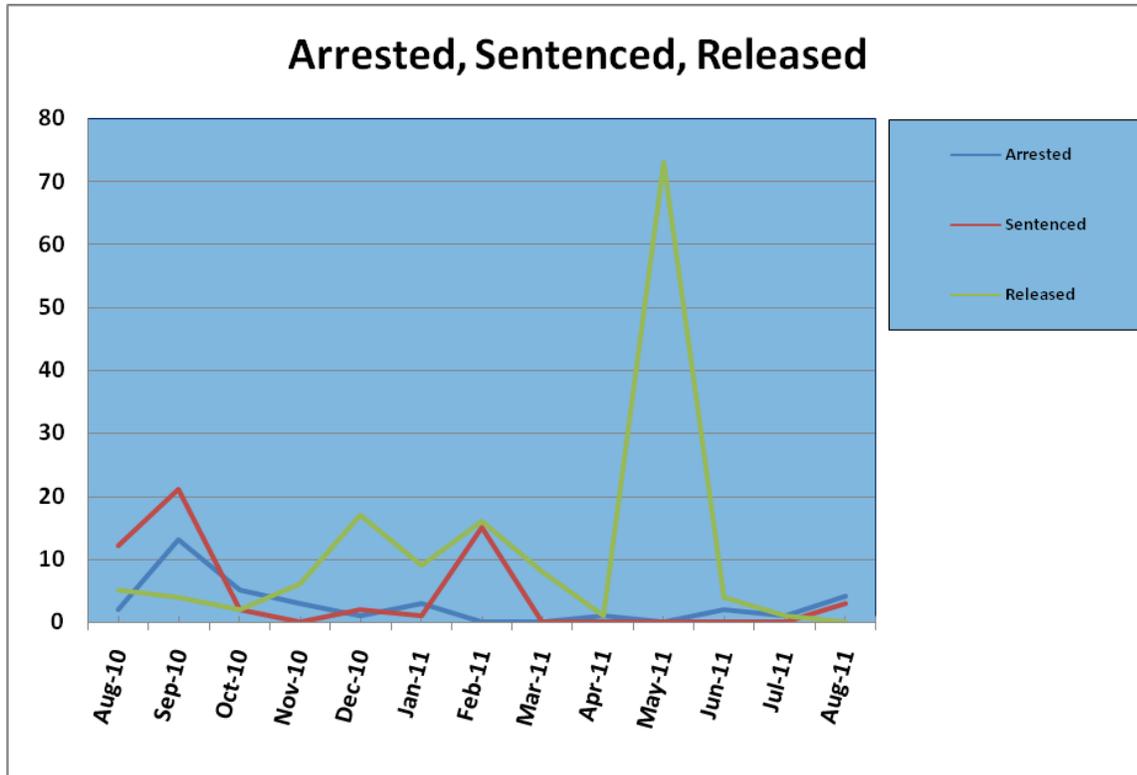
These prisoners include:	NUMBER
Monks	222
Members of Parliament	10
Students	268
Women	145
NLD members	348
Members of the Human Rights Defenders and Promoters network	26
Ethnic nationalities	319
Cyclone Nargis volunteers	17
Teachers	24
Media activists	23
Lawyers	12
Labor activists	46
88 Generation Students	37
Doctors	8
Individual activists	487
In poor health	164

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<sup>1</sup> There is a discrepancy in the total number of political prisoners from the previous month (1,995) because AAPP received information that one political prisoner was released, has not been able to confirm when this release took place.

Since the protests in September 2007 leading to September's Saffron Revolution, a total of **854** activists have been arrested and are still in detention.

## Monthly Trend Analysis



## Introduction

The laws set to criminalize peaceful dissent continue to reign in the Thein Sein regime, marking the month of August. Reports emerged that two youths were arrested and allegedly tortured for having three posters under their motorbike seat calling for the release of political prisoners. This is not unlawful, especially in light of recent calls by the Parliament requesting the release of political prisoners. Approximately **430** political activists are currently behind bars because of this oppressive law that dates back to the British colonial era, allowing for arbitrarily detention and arrests of activists.

The practice of arbitrarily extending sentences continued in August, with Sithu Zeya appearing in court to face further charges under the Electronic Transactions Act. The 23 year old DVB reporter, currently serving an 8 year sentence, was brutally tortured both during interrogation and in Insein prison, where he was placed in a military dog cell for not following prison regulations.

Updates on the case of Nay Myo Zin, former army captain turned charity worker, reveal the particular contempt in which defecting military personnel are held in. Nay Myo Zin was

handed a 10 year sentence for discussing the merits of national reconciliation in an e-mail to a friend overseas. His rights to a fair trial were egregiously violated on a number of counts, beginning with his initial arrest in April without a warrant. Further, Nay Myo Zin's health rapidly deteriorated since then, strongly hinting he has been tortured. This does not come as a surprise – as former government and military officials who begin to work towards to democracy are subjected to the most brutal torture. His lower vertebrae are shattered and he is also said to have a broken rib, leaving him unable to sit, walk or stand. His requests for external hospitalization have been denied on numerous occasions, forcing him to attend court while lying on a hospital stretcher. Nay Myo Zin's sentence comes just one day after the conclusion of UN Special Rapporteur Quintana fact-finding mission to Burma, confirming the regime's absolute insincerity towards achieving national reconciliation.

These cases are a far cry from Thein Sein's open invitation to all Burmese exiles to return home, saying they will be received with a "benevolent attitude." The military-backed regime escalated campaigns to court the international community, granting Quintana a 5-day visa into the country for the first time in over a year. He had since been denied entry immediately following his suggestion for an independent investigation into crimes against humanity at the UN General Assembly. During his most recent tour, Quintana was allowed to visit Insein Prison and meet with prisoners<sup>3</sup>, including Nyi Nyi Tun, placed in a military dog cell for his perceived role in organizing a hunger strike, and Phyo Wai Aung, held in solitary confinement since his initial imprisonment over a year ago, and Sithu Zeya. In his concluding press conference, Quintana reiterated his calls for release of political prisoners while raising concerns of the deteriorating prison conditions, including the use of forced labor and prolonged solitary confinement.

The lack of independence and impartiality of the judiciary system was also an issue of major concern to Quintana, who called for "accelerated" efforts to respect the rule of law. The previously mentioned cases coupled with the recent cases of a human rights defender lawyer, Tin Aung Tun, having his license revoked and the enforced disappearance of Man Nyein Maung, a Karen National Union leader, reflect a continued campaign of persecution designed to stop all political activities that oppose the ruling regime. Parliamentary efforts this month to reform the grievously outdated Prison Act and to revoke the crippling 1950 Emergency Provisions Act were immediately rejected. Thein Sein's international charm campaign thus rings hollow, as the laws that detain activists and criminalize political and peaceful dissent remain solidly in place.

## **Torture and Treatment of prisoners and their families**

Two youths, Zarni Htun and Wei Phyo, were arrested this month on 12 August in Innma Township. They were interrogated in police stations in Prome and Okpho. Their charges are still unclear and they are scheduled to have a hearing on 14 September. A source close to the family said police found 3 posters under their motorbike seat while being arrested.

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<sup>3</sup> The other prisoners include: Aung Ghein, Dr. Tin Min Htut, Ms. Khin Nu Nu, and Wai Zaw Naing.

The posters contained messages campaigning to release political prisoners. Also, the youths have allegedly been tortured during interrogation, and have been subjected to food, water, sleep deprivation, and a denial of their family visitation rights.

Reports emerged that a member of the KNU was arrested this month as well. KNU leader Man Nyein Maung was deported from China to Burma on 24 July after being denied entry in both Thai and Chinese airports. After he was denied entry into Thailand, the Thai authorities sent him back to China where he was finally sent to Burma. Nyein Maung is a permanent executive member of KNU and the executive committee member for Union Nationalities Federal Council (UNFC). He is also a joint secretary of National Democratic Front (NDF).

In an interview taken in late June 2011 with Daw Yae, 62 year old mother of U Gambia, a monk political prisoner, relayed the difficulties she faces in visiting her sons in prison. Daw Yae has three sons in prisons, all detained in remote places. This puts an unnecessary burden on the family members who wish to visit them. Daw Ye must take a three day bus trip just to see U Gambia. The dangerous road conditions and poor quality of buses prolong the trip. The bus spent one night stuck in a creek when it failed to make it up a steep hill. Daw Ye estimated she must pay 60,000 kyats per visit to see one of her sons. The treatment of prisoners and subsequently their families is not only a harsh punishment but also violates domestic law.

Nay Myo Zin, former army captain, has been denied adequate medical care for injuries sustained while in prison. He is currently suffering from a broken lower vertebrae and a broken rib, reportedly caused both by a fall in prison and torture during interrogation. Although the details of his torture are unclear, reports indicate he was told to stand for long periods of time and was also subjected to mental torture. His lawyer, U Hla Myo Myint, repeatedly requested for urgent external hospitalization, calling the treatment of Nay Myo Zin's case "lower than the law" and a grave violation of human rights. The poor quality of prison food has also caused low blood pressure. Although Nay Myo Zin was finally able to visit an outside specialist on 23 August, it must be noted that political prisoners are subjected to a lengthy authorization process when seeking outside medical care that does not pertain to criminal offenders. **(See update on individual cases).**

Political prisoners in Insein prison received better prison food during Quintana's visit and an upgrade in prison conditions, though the likelihood this signals a permanent change is dim, as conditions are always improved in the presence of an international visitor.

### **31 August**

[Two youth allegedly tortured during interrogation \(DVB\)](#)

### **25 August**

[Prisoners still denied visiting rights \(DVB\)](#)

### **24 August**

[Two recently arrested are denied family visits \(DVB\)](#)

## **Prisoners Released**

There were no released in the month of August.

## **Update on Individual Cases**

Nay Myo Zin, detained in Insein Prison for 4 months waiting for a verdict, was sentenced the day after special UN envoy Tomas Quintana left the country. In contradiction to Their Sein's positive assertion that the country is moving forwards, Nay Myo Zin has been sentenced to 10 years in prison. His charge: allegedly having an email written to a friend overseas discussing the merits of national reconciliation. This falls under the Electronic Transactions Act, which broadly encompasses any act which the regime deems damaging to the unity of the nation. Nay Myo Zin, is not officially a member of any political party, however, he is a former army captain who served 10 years in the military. His example, a military officer turned critic, is likely meant to be a warning to anyone else considering breaking rank. Nay Myo Zin is the first political prisoner since the convening of the new Parliament in March.

Sithu Zeya, a journalist already sentenced to 8 years, could now receive an additional sentence of 7 to 15 years in prison on a charge of circulating material online "that can damage tranquility and unity in the government" under the Electronic Act. His current sentence was handed down because he was filming the aftermath of the April 2010 bombing in Rangoon. The regime's decision to charge him again is contemptible. Firstly, the charge against suggests no sincere change in the criminal justice system and that freedom of opinion is not tolerated. Secondly, the information to be used against him was likely obtained during interrogation while being tortured. In light of the recent "loosening of restrictions" within the media, those still behind bars are facing no shortage of punishment.

### **26 August**

[Another prison sentence the day after UN rapporteur leaves \(Irrawady\)](#)

[Former officer sentenced to prison directly after UN envoy leaves \(Mizzima\)](#)

### **10 August**

[Jailed DVB reporter faces further charges in court \(DVB\)](#)

[Court rejects Sithu Zeya's appeal to drop Electronics Act charges \(Mizzima\)](#)

## **National League for Democracy**

There are at least **348** NLD members still remaining in prison.

The NLD has seen a mild turn-around this month regarding the nature of its legitimacy. Labour, Social Welfare and Resettlement Minister Aung Kyi reportedly told UN envoy Tomas Quintana that in the future Aung San Suu Kyi and her NLD party would participate together in “realizing Myanmar issues.” This statement comes just 3 weeks after the NLD filed a former complaint with the UN Human Rights Council regarding the government’s decision to dissolve the NLD party after it refused to register for last November’s unfair elections. Whether the NLD formally registers or not is most likely dependent on the concessions the government is willing to make.

The NLD has also decided to support artists, teacher, doctors, and lawyers who have had their licenses revoked. The NLD will aid in giving advice and filing petitions for having them reinstated. In addition, students who have been removed from schools will be encouraged to re-enroll and given support during the process.

On August 5<sup>th</sup>, Soe Lwin, Mergui NLD chairman was sentenced to 4 months in jail after getting into a fight with two local youths who tried to break his fence gate. The Mergui township court sentenced him to four months in jail and fined him with 1,000 Kyat, while his son and son-in-law were also given two month’s jail terms and 2,000 kyat fine each. The court decided to let both of the youth go with just a fine.

On 26 August, NLD member named U Phoe Htaung aka U Hla Myint, was re-arrested this month after attending a Martyr’s Day memorial Meiktila Township. Since he holds a foreign identity card he must register with the immigration office to get approval to travel to certain regions. Although he was born in Burma, he is denied citizenship and is classified as a Muslim holding an ID card. He was given a 1 and a half year sentence for his offense. In 2010, he was arrested and sentenced to 13 months in prison under similar circumstances.

#### **26 August**

[Burmese government tells UN envoy soothing words \(Mizzima\)](#)

#### **25 August**

[NLD to work with lawyers whose licenses have been revoked \(Mizzima\)](#)

#### **16 August**

[NLD offers young members political training course in Bangkok \(Mizzima\)](#)

#### **10 August**

[Mergui NLD chairman jailed \(DVB\)](#)

## **8 August**

[NLD says it will provide security for Suu Kyi's Pegu trip \(Mizzima\)](#)

## **4 August**

[NLD ready to appeal status to UN Human Rights Council \(Mizzima\)](#)

## **2 August**

[NLD Network Making Donations to the Needy \(Irrawaddy\)](#)

## **88 Generation Students**

There are at least **37** members of 88 Generation Students group still remaining in prisons.

Three of the most influential leaders of the 1988 Student Uprising, Min Ko Naing, Ko Ko Gyi, and Htay Kywe, released a statement regarding the recent events in Burma. They supported Daw Aung San Suu Kyi's meeting with Burma's minister of labor, Aung Kyi, and called it a "good step." Ko Ko Kyi, known as a "strategist" among his colleagues says Daw Suu should take a wider role in leading the democracy movement.

## **31 August**

[88 Generation Students warn Suu Kyi against trusting government \(Irrawaddy\)](#)

## **8 August**

[The opposition holds protests to remember the 8888 protests \(Mizzima\)](#)

## **8 August**

[88 Generation Students' Leaders Welcome Suu Kyi, Aung Kyi Talks \(Irrawaddy\)](#)

## **Ethnic Nationalities**

There are at least **319** ethnic people still remaining in prison. There is no news to report for August.

## **Monks**

There are at least **222** monks still remain in prison. There is no news to report for August.

In June, Daw Yae the mother of U Gambia, relayed her story of the on-going difficulties in visiting her children in prison, particularly the time, distance and costs of making the round trip. The regime consistently uses the practice of remote isolation to break the morale political prisoners. **(See Torture and Treatment of prisoners and their families)**

## **Cyclone Nargis Volunteers**

There are at least **17** Cyclone Nargis volunteers still remain in prison. There is no news to report for August.

## **Journalists, Bloggers and Writers (media activists)**

There are at least **23** media activists still remaining in prison.

Journalist Sithu Zeya could now receive an additional sentence of 7 to 15 years in prison on a charge of circulating material online “that can damage tranquility and unity in the government” under the Electronic Act. In light of the recent “loosening of restrictions” within the media, those still behind bars are facing no shortage of punishment. **(See Update on Individual Cases)**

The Information Minister, Kyan Hsan, broke down during his first press conference in mid-August. He said he became “emotional” when journalists pitched questions asking about dialogue for the war-torn border regions. Apparently, this was a topic not to be discussed and Kyan Hsan wasn’t prepared to answer it. However unprepared he may have been, it is a fair question considering critics claim that the escalation of civil wars in the border regions and continued human rights abuses show that little reform has taken place.

One step the Information Ministry did make was the removal of the state-run propaganda against DVB and other media. The New Light of Myanmar has long been the mouth piece of the military-backed government. While dropping slogans such as, “VOA, BBC sowing hatred among the people” is a welcomed change, there’s a big difference between removing propaganda and allowing free speech. While newspapers are now allowed to publish pictures of Daw Aung San Suu Kyi, they are not allowed to publish her uncensored articles. Making decoration changes to a newspaper does not live up to the demands of full, uncensored democratic freedom of speech.

A global campaign to mark the anniversary of Burma DVB Video Journalist Hla Hla Win will take place in September. Burma Campaign UK and Free Burma VJ along with others will demonstrate outside of the Burmese Embassy in Bangkok as well as other embassies around the world. Her outrageous prison sentence, 27 years, was handed down for interviewing a monk and working for DVB. Although the state-owned newspapers have stopped publishing their slogans against critical media outlets, there are 23 media activists still suffering in harsh prison conditions.

### **31 August**

[Protest to call for release of Burma VJ, other political prisoners \(Mizzima\)](#)

### **17 August**

[“Killer media” slogans dropped from official newspapers \(DVB\)](#)

## **12 August**

[Information Minister breaks down during press conference \(DVB\)](#)

## **Women**

There are at least **145** women still remaining in prison. There is no news to report for August.

## **Human Rights Defenders & Promoters Network**

There are at least **26** HRDP members still remaining in prison. There is no news report for August.

## **Labor Activists**

There are at least **46** labor activists still remaining in prison. There is no news to report for August.

## **Students**

There are at least **268** students still remaining in prison.

The All Burma Student Federation Union (ABFSU) has convened a meeting of more than 60 families of political prisoners to conduct what it calls a test of the new government. The ABSFU leader, Kyaw Ko Ko, has been in prison since 2008. The group has decided it is time to resume its activities and test the limits of Thein Sein's so-called democracy.

In the lead-up to the August 8 memorials, a group of students in Kachin State's capital, Myitkyina, hung up over 1,600 posters demanding the government to "immediately settle peace, stop terrorizing and to protect citizens." All the posters contained the words "public desire." All of the capital's 9 quarters were covered in the common theme found around the country, embrace genuine democracy. So far, there's no news of arrests for any of the participants.

## **30 August**

[ABFSU tests water and registers as political party \(Mizzima\)](#)

## **8 August**

[Students spread anti-government posters in Myitkyina \(BNI\)](#)

## **Lawyers**

There are at least **12** lawyers still remaining in prison.

A lawyer fighting for farmers' rights against forcible land seizure by private or state companies has had his license revoked. Although he was not arrested, his defiance against corruption and illegal land seizures has made him a target for imprisonment.

## **24 August**

[Lawyer has license revoked \(BNI\)](#)

## **Individual Activists**

There are at least **487** individual activists still remaining in prison.

Generation Wave member and musician, Zayar Thaw, was banned from performing in a concert which is meant to raise funds for the elderly residents of a charitable home in northern Rangoon. As co-founder of Generation Wave, a pro-democracy civic group, Zayar Thaw was imprisoned for 3 and a half years before he was released early in May during the “amnesty”.

### **4 August**

[Dissident Hip-Hop Singer Barred from Live Concert \(Irrawaddy\)](#)

## **Daw Aung San Suu Kyi**

The month of August was marked by tentative optimism for Daw Aung San Suu Kyi, as she has been able to demonstrate her ability to maneuver both within and outside of the government’s tight grip on power.

Aung San Suu Kyi has been at the heart of Thein Sein’s public relations campaign. In the lead-up to her first ever meeting with President Thein Sein, she was invited to meetings by Labor and Social Welfare Minister Aung Kyi, twice. The meetings appeared to be a step towards commencing dialogue. They agreed on ‘cooperation’ between the two parties for ‘national stability and development.’

After her meetings with the Minister, Aung San Suu Kyi embarked on her first political tour outside of Rangoon since her release from house arrest last November. As such, the government issued profuse warnings that her tour could incite ‘chaos and riots.’ Nevertheless, she was permitted to travel freely, while given police escort, and all the while demonstrate the peaceful nature of her visits. She promoted the need for national reconciliation and for the voice of the people to lead the government down that path. By the end of her tour, no unrest was reported.

Her landmark event this month was her meeting with President Thein Sein. While the content of the discussions was kept quiet, both parties agreed it was an amicable meeting. The thaw in relations between the ruling regime and Aung San Suu Kyi has given many people encouragement, including the NLD leader herself.

Many of Thein Sein’s opponents maintain these meetings are still “talks,” however, and have yet to manifest into “dialogue.” However, both sides of the meetings agreed that there are mutual interests in which everyone can work towards: the restoration of democracy in Burma.

Daw Suu also met with UN Special Rapporteur to Burma, Tomas Ojea Quintana. After he was denied a visa one year ago to enter Burma, his visit with ASSK was put on hold. However, during his 5 day visit at the end of August, Quintana made time for an hour long

meeting with ASSK. As she emerged from their talks she said he is a man the pro-democracy movement can rely on.

Whether the NLD will heed the government's urge to re-register the NLD party has yet to be seen. Shortly after the NLD filed a complaint letter to UN Human Rights Council, the Burmese government voiced support for the NLD party. There is a risk in accepting the proposal to re-register, including publicly giving support to the current regime.

### **30 August**

[Government censors Suu Kyi's newspaper article \(Mizzima\)](#)

### **19 August**

[Suu Kyi "relaxed" after talks with president \(DVB\)](#)

### **17 August**

[UN envoy critical of Burma to visit \(DVB\)](#)

[UN Burma Envoy Expected to Meet Aung San Suu Kyi \(VOA\)](#)

### **15 August**

[Aung San Suu Kyi greeted by thousands on trip out of Rangoon \(AP\)](#)

[Suu Kyi Takes First Political Trip \(Radio Free Asia\)](#)

[Myanmar Dissident Daw Aung San Suu Kyi Visits Flood Victims \(New York Times\)](#)

[Suu Kyi tentative on Burma's Future \(DVB\)](#)

[Burmese Dissident Leader Draws Crowds Outside Rangoon \(VOA\)](#)

### **12 August**

[Myanmar government urges Suu Kyi to register party \(AP\)](#)

[Suu Kyi to meet Myanmar minister again: spokesman \(AFP\)](#)

[Aung San Suu Kyi Joins the Campaign to Save the Irrawaddy \(International Rivers\)](#)

[Aung San Suu Kyi: China's dam project in Burma is dangerous and divisive \(Guardian\)](#)

### **8 August**

[Suu Kyi remembers Myanmar's 1988 uprising \(AFP\)](#)

[Suu Kyi Calls for Unity on Anniversary of 88 Uprising \(Irrawaddy\)](#)

### **5 August**

[Suu Kyi invited to meet with USDP officials \(Mizzima\)](#)

## **Key International Developments**

The United States spokesperson said that the US saw as an encouraging sign the fact that the new Burmese government allowed Daw Suu to travel and speak to her supporters around the country. At the same time, it announced this month that it is prepared to work with the international community to establish an international commission on crimes against humanity in Burma.

A bipartisan group of more than a dozen powerful women senators has urged the US Secretary of State Hillary Clinton to call on the new Burmese government to end the practice of rape as a weapon of war. In addition, the senators also pressed for the establishment of an international commission of inquiry into war crimes and crimes against humanity in the country.

The current president of Burma announced on the 17<sup>th</sup> of August that his government will allow exiles to return home and will consider leniency with those who have committed offences other than murder. The announcement, however, did not provide any clear security guarantee for the thousands of political exiles. In addition, the condition of war refugees and former political prisoners living in Thailand remains unclear.

Tomas Quintana, the UN special envoy visited Burma this month after being refused a visa one year ago. His visit lasted 5 days and covered a visit to Rangoon's Insein Prison where he was able to have candid discussions with inmates. He also attended a session of parliament and concluded his tour with a visit to Aung San Suu Kyi. His visit was intended to evaluate the progress of human rights since the new government took office in March.

After his visit, Quintana held a press conference in which he acknowledged that the government still has a long ways to go and that he is disturbed by the alleged abuse of prisoners, including beatings, dripping hot candle wax on their exposed bodies, and many other flagrant violations of human rights.

### **31 August**

[Burma's Tortured Prisoners Can't Wait \(Huffington Post\)](#)

### **31 August**

[Presidential Advisor discusses Amnesty for Burmese Exiles \(Mizzima\)](#)

### **31 August**

[Parliament rejects proposal to cancel Emergency Provisions Act \(Mizzima\)](#)

### **31 August**

[China hands KNU leader over to Burma](#)

### **30 August**

[Government to draft a revised Prisons Act \(DVB\)](#)

[European Parliamentary caucus on Burma: European Union must support UN crimes inquiry](#)

### **29 August**

[Exiles put forward benchmark for reaching Democracy \(Mizzima\)](#)

[Military factions support 'amnesty' for prisoners \(Irrawady\)](#)

### **27 August**

[Burma's lower house calls for amnesty for political prisoners \(Telegraph\)](#)

### **26 August**

[Burmese government claims amnesty for prisoners coming soon](#)  
[Government to form rights committee](#)

**25 August**

[Insein's Prison Conditions Better, says UN Rapporteur Quintana](#)  
[Quintana holds a press conference before leaving Burma](#)  
[Burmese wary of 'Democracy' after years of military rule](#)

**24 August**

[Ministry of Healthcare is underfunded \(Mizzima\)](#)

**23 August**

[UN Special Rapporteur visits Burma \(Mizzima\)](#)

**22 August**

[Burmese government to accept criticism from media \(Mizzima\)](#)

**18 August**

['Welcome Home' greeted with skepticism \(Irrawaddy\)](#)

**16 August**

[US Welcomes Burma's Allowing Aung San Suu Kyi to Travel \(VOA\)](#)  
[US sees encouraging Burma signs \(DVB\)](#)

**15 August**

[US 'Prepared to Work' Toward Burma War Crimes Commission \(Irrawaddy\)](#)

**12 August**

[US says it's pressing Myanmar to halt alleged rapes \(Straits Times\)](#)  
[Lithuania assures Suu Kyi of support for democracy in Burma \(Mizzima\)](#)

**11 August**

[Women US senators press Clinton on Myanmar rapes \(AFP\)](#)  
[Clinton Urged to Push for End of Use of Rape as a Weapon in Burma \(Irrawaddy\)](#)

**8 August**

[Thailand's human trafficking draws UN attention \(M&C\)](#)  
[Systematic torture in Burma as EU seeks closer ties \(EU Observer\)](#)  
[8888 Protests around the world](#)

**4 August**

[US appoints first Burma envoy \(AFP\)](#)

**1 August**

[UN: Burma Must Release Remaining Political Prisoners \(VOA\)](#)

## CONCLUSION

As Burma enters its fifth month of Parliamentary rule, there has yet to be any change in the realm of national reconciliation and protecting the most basic rights of its people. U Thein Sein addressed the latest round of Parliament by stating he has “specially focused on securing fundamental rights of citizens.” His claims ring particularly hollow in August, as AAPP continues to receive new cases of torture, arbitrary arrests, extreme sentencing, and a case of an arguable enforced disappearance.

If U Thein Sein’s nominally civilian administration is committed to fulfilling “public and social welfare,” as he has stated, then Burma should see an increase in funding towards the healthcare sector. Currently, only 1% of the budget is allocated for health, whereas neighboring countries spend around 10%<sup>4</sup>. The status of the prison health care system is particularly grim, with only one doctor for every 1,580 prisoners. This falls dangerously low of international standards<sup>5</sup>, requiring a minimum doctor to patient ratio of 1 doctor to every 600 prisoners in order to ensure the delivery of adequate care. AAPP can confirm that as of 1 September, there are at least 164 political prisoners in poor health and in need of basic medical care.

The case of Nay Myo Zin, who faces potential paralysis if he does not seek immediate medical attention, is a clear example of the cruel and degrading conditions political prisoners are subjected to. His lawyer, U Hla Myo Myint, said criminal offenders were being approved for outside treatment while Nay Myo Zin continued to be denied. This is nothing new. Prison officials often take common criminals to the local hospital for treatment but are required to seek authorization from higher authorities before allowing political prisoners to seek medical assistance outside the prison, resulting in their waiting for weeks or sometimes months to receive treatment for life-threatening and chronic problems.

The 1894 Prison Act is in desperate need of reform. The Act, which deals with the management of jails, the confinement and treatment of prisoners, and the maintenance of discipline amongst them, has not seen an amendment in over 110 years<sup>6</sup>. Even so, prison authorities routinely and systematically violate these most basic prisoner rights, and severely punish those who demand better conditions in accordance with domestic rules and regulations. AAPP welcomes the proposal of MP Thein Nyunt<sup>7</sup> in the 3<sup>rd</sup> parliamentary session to update the Prison Act so it is “is agreeable to the 21st century and guarantees human dignity.” If the current administration is sincere in its overtures to ensure public and social welfare, then the Speaker of the House should accept, not reject, an overhaul of the Prison Act so that it conforms to international standards for the treatment of prisoners.

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<sup>4</sup> President greets parliament with bold speech, DVB, 23 August 2011

<sup>5</sup> The standard used is from World Health Organization

<sup>6</sup> Except for 1950s in regards to classification of prisoners, but this was mainly an administrative move.

<sup>7</sup> Thein Nyunt is a former political prisoner affiliated with the National Democratic Front.

The lower house's recommendation for the President to order a prisoner amnesty "at the opportune time" should be met with skepticism. Although AAPP welcomes the release of political prisoners, an amnesty will mean nothing if the laws that continue to criminalize peaceful dissent and allow for arbitrary arrests are in place. Political prisoners are released under Section 401 of the Criminal Procedure Code, which grants the President power to suspend a sentence. Clause 3 gives power to cancel that suspension and order re-arrest of a person at any time without a warrant, requiring they serve the remainder of the original sentence. These powers lie with the executive and not the judiciary<sup>8</sup>. The arbitrary nature of this policy and the lack of judicial oversight further illustrate the lack of the rule of law in Burma. UN Special Rapporteur Quintana highlighted the importance of an independent and impartial judiciary in solidifying the road to democracy during his recent press conference, and urged the administration to "accelerate" efforts to uproot the current draconian laws. These laws must be replaced with ones that protect and promote the cause of democracy and human rights, not to be used as a tool to oppress and violate them as is the current situation.

The United Nations General Assembly, slated to convene in September, should not be fooled by Burma's statements that "democracy is in the process of flourishing." Burma continues to participate in the international human rights mechanisms at the bare minimum while continuing to suppress any sign of democracy. A resolution, drafted by EU parliament, will be adopted on Burma. This is a key moment that should not be lost in rhetoric. The international community needs to show the Thein Sein regime that the Burmese people have waited far too long for democracy.

**AAPP urges the United Nations to support an independent investigation into crimes against humanity and war crimes into Burma.**

### **Assistance Association for Political Prisoners (Burma)**

For more information:

Tate Naing (Secretary): +66 (0) 81 287 8751

Bo Kyi (Joint Secretary): +66 (0) 81 962 8713

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<sup>8</sup> For the full text of Section 401, see [http://www.blcburma.org/html/Criminal%20Procedure%20Code/cpc\\_16-30.html](http://www.blcburma.org/html/Criminal%20Procedure%20Code/cpc_16-30.html)