

# Burma Political Prisoner Briefing Releases in Burma



No. 16  
September 2011  
Updated 10 January 2012

## Introduction

Dictators in Burma have been detaining political prisoners since 1962. Political prisoners have committed no crime, but have been imprisoned for their belief in human rights and democracy in Burma.

While the number of political prisoners has with occasional exceptions remained roughly between 1,100 and 2,100 since 2002, these are not all the same political prisoners. Many have been detained and then released, only to be replaced by new political prisoners. The total number of political prisoners in Burma since 1962 is likely to number at least in the high tens of thousands, and well over 10,000 since 2002.

Many political prisoners have been released as part of general prisoner amnesties. The mass release of prisoners is a regular event in Burma and happens every year or two. Hundreds or even thousands of prisoners are released under amnesties and some political prisoners are usually included in those released.

The release of political prisoners is often timed to coincide with key political developments in order to try and convince the international community reform is on the way. For example, 5 prominent 88 Generation Student leaders, including Min Ko Naing, were released in January 2007, the week before the UN Security Council voted on a resolution on Burma.

In the past, these releases have never been an indicator that change is on the way. They have been used by the dictatorship to try and secure positive publicity in order to ease international pressure.

## Benchmarks for progress

If the release of political prisoners is to signify the possibility that real change is on the way, it would have to be a significant change from what has gone before.

- Have more political prisoners been released than the 427 released when Than Shwe came to power in 1992?
- Have political prisoner numbers fallen to pre-2007 levels? After the uprising in 2007, the number of political prisoners almost doubled to more than 2,000.
- The National League for Democracy has stated that the release of **all** political prisoners is a key benchmark for change.
- The International Committee of the Red Cross (ICRC) should be allowed full and free access to prisons and prisoners.
- Political prisoners must be allowed full medical care, transferred from remote prisons to prisons closest to their homes and allowed family visits.

Often prisoner amnesties include the release of one or more high profile political prisoners as part of a general strategy to keep the international community hoping change is on the way and that the government is starting to reform, for example, the release of NLD leader U Win Tin in 2008.

Although often welcomed as a possible sign of change by the international community, the prisoner releases have never been followed by any

democratic reform or even a long-term reduction in the number of political prisoners. In fact, the number of political prisoners almost doubled after the 2007 uprising.

While the release of any political prisoners is welcome, the government should not be rewarded with a relaxation of economic sanctions for jailing almost 1,000 more political prisoners since 2007 and then releasing just some of them, particularly as none of the political prisoners should have been in prison in the first place.

### A brief history of prisoner releases

The release of political prisoners during a general prisoner amnesty in Burma is nothing new. Both dictators Ne Win and Than Shwe recognised the important role that token releases of political prisoners could play at key moments.

In **May 1980** Ne Win, Burma's former dictator, announced a general amnesty for political opponents, both in Burma and those in exile.

In **April 1992**, after coming to power, Than Shwe first acknowledged that there were political prisoners and then released 427 political prisoners in the following months.

Following the releases in 1992, the US State Department said: "*Since April, the military Government of Burma has taken some limited steps toward political reform and has released some political prisoners. Most recently, the government began a dialogue with certain elected parliamentarians and political party representatives.*"

There have been several prisoner amnesties in subsequent years, in which political prisoners were released, including:

**1995** – 163 political prisoners released, including Aung San Suu Kyi

**2001** – 212 NLD members released

**2002** – 115 political prisoners released, including Aung San Suu Kyi

**2004** – 60 political prisoners released

**2005** – 341 political prisoners released

**2007** – 20 political prisoners released

**2008** – 9 political prisoners released

**2009** – 158 political prisoners released

### Why does the government release political prisoners?

- The government uses prisoner releases as public relations exercises designed to try and ease international pressure.
- In Burmese culture the prison releases are meant to bring good karma for the dictatorship.

However:

- Generally, when political prisoners have been released during a general prisoner amnesty, overall numbers of political prisoners have remained fairly stable as they keep imprisoning more activists.
- The government often uses a general amnesty to release political prisoners who are ill because of torture, mistreatment or being denied medical care, as they are afraid of negative publicity if political prisoners die in prison.
- They have also used amnesties to release political prisoners who have already served their term and were not released when they should have been or prisoners who are due to be released soon anyway.

On **16 May 2011**, Burma's new President, Thein Sein, announced that all prisoners would have their sentences reduced by one year, and that those on death row would have their sentences commuted to life imprisonment. As a result, 72 political prisoners were released.

This was seen as a mechanism designed to avoid releasing senior opposition leaders, many of whom were given sentences of 65 years or more after the pro-democracy uprising in 2007. One political prisoner is serving a 104 year sentence.

In a general prisoner amnesty on **12 October 2011**, around 300 political prisoners were released. The low number of political prisoners released places

.....

these releases in the same category as the many similar releases in Burma over the years.

On **2 January 2012**, instead of an expected amnesty for political prisoners, the government again reduced prison sentences. Prisoners serving more than 30 year sentences had their sentences reduced to 30 years; prisoners with 20 to 30 year terms had their sentences reduced to 20 years; and prisoners with less than 20 years had their sentences reduced by a quarter. This meant that 34 political prisoners were released.

However, many of the most senior political prisoners, including leaders of the 88 Generation Students, such as Min Ko Naing, are serving prison sentences of more than 60 years. Even with such a reduction, a prison term of 30 years is still a life sentence.

Despite the promises of reform, Thein Sein has failed to deliver on one of the key benchmarks for progress – the release of all political prisoners.

Thein Sein's government has officially denied political prisoners even exist. In its response to questions about political prisoners made as part of a UN review on Burma's human rights record in February 2011, the government stated: *'Those referred to as "political prisoners" and "prisoners of conscience" are in prison because they had breached the prevailing laws and not because of their political belief.'* However, the existence of political prisoners has been accepted in some private meetings with diplomats.

### **Harsher prison conditions**

After the uprising in 2007, the number of political prisoners almost doubled. The government's sentencing and treatment of political prisoners in Burma also became much harsher.

Since 2007, prisoners have been given much longer sentences, often to terms of more than 60 years and sometimes more than 100 years. Political prisoners are regularly denied medical care and are moved to prisons far away from their families, despite the existence of prisons much closer to their homes, making it more difficult and expensive for families to visit and provide support. This is a strategy

employed by the government to try and break the spirit of political prisoners. Families have also been banned from bringing in food and other supplies, including medicines, when they visit the prisoners. Torture continues to be commonly used against political prisoners.

More than 100 political prisoners are in poor health due to the denial of proper medical care, harsh prison conditions, torture and transfers to remote prisons where there are no doctors.

### **Red Cross forced to stop prison visits**

The government has prevented the International Committee of the Red Cross (ICRC) from conducting visits to prisoners in Burma since November 2005.

The ICRC began visiting Burmese prisons in September 1999 to monitor the conditions of political prisoners. However, in 2005 the regime imposed restrictions on the activities of the ICRC, including preventing them from holding private interviews with prisoners. As a consequence, the ICRC was forced to stop prison visits. In June 2007, in a rare departure from its normally neutral public position, the ICRC denounced *"violations of international humanitarian law committed against civilians and detainees by the government of Myanmar."*

In July 2011, the ICRC was allowed to visit some prisons. However, the visits were limited to technical assessments of water and sanitation facilities in three prisons and did not include meetings with prisoners.

### **Political Prisoners - a crime against humanity**

Under international law, the detention and treatment of political prisoners in Burma may constitute a crime against humanity.

Five acts defined as crimes against humanity could apply to the detention and treatment of political prisoners in Burma. These are:

7(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law

7(f) Torture

7(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognised as impermissible under international law, in connection with any act referred to in this paragraph or any crime within jurisdiction of the Court

7(i) Enforced disappearance of persons

7(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The scale of detention of political prisoners can also be described as widespread and systematic, a criteria for crimes against humanity.

As the government has shown that it is unwilling to take action to end or to investigate breaches of international law, the international community has a responsibility to act. This should include the establishment of a UN Commission of Inquiry. The detention and treatment of political prisoners should be included in the remit of such an inquiry.

Further details on this can be found in Burma Briefing No. 10: [www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing](http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing)

### **Activists still being arrested**

Activists are still being harassed, arrested and jailed, which would not happen if the government was committed to genuine reform and dialogue. Laws that allowed the prisoners to be arrested in the first place all remain in place.

For example, in April 2011, former army captain Nay Myo Zin was unlawfully arrested while on his way to a hospital to donate blood with an NLD youth group. In August 2011 he was sentenced to 10 years in prison under the Electronics Act because he was found to have an email in his inbox which included a phrase about national reconciliation.

Sithu Zeya, a 21 year old journalist working for the Democratic Voice of Burma, was jailed for 8 years

in May last year after he was caught photographing the aftermath of a bomb explosion in Rangoon. In September 2011 he was sentenced to a further 10 years in prison for breaching the Electronics Act.

### **Why has the government released political prisoners now?**

Of course, the release of any political prisoners is very welcome, but it must be remembered that releasing political prisoners has happened many times before and is not necessarily a sign that the government is moving towards major reform.

Since November 2010 there has been an increasing number of initiatives by the government, including talks with Aung San Suu Kyi, allowing the UN Special Rapporteur back into Burma and offers of ceasefire talks with ethnic groups, which have gained positive publicity for the government.

These events have certainly happened at a fast pace, but the increasing perception that reform is underway in Burma should be set against the fact that most of the recent initiatives have happened before and did not lead to change in Burma.

The new political structure in Burma is very important to the government. They see themselves as essential for holding the country together, and knowing what is best for the population. Thein Sein chaired the National Convention, which drafted the principles of the Constitution, and as such is one of its main architects. The dictatorship saw the new Constitution as creating a new political structure through which they would legalise, legitimise and consolidate their rule. It is designed to solve the key problems they have faced; controlling domestic politics, controlling ethnic populations, and gaining international legitimacy and acceptance.

The government had hoped that the Constitution, elections, and release of Aung San Suu Kyi would persuade the international community to relax pressure. However, they have failed to convince the USA, EU and Canada to relax economic sanctions.

Thein Sein may be willing to make greater concessions than past rulers in order to end sanctions and gain domestic and international legitimacy. However, this is not necessarily an

.....

indication that he wants genuine democracy. Even if all political prisoners were released, attacks against ethnic populations have increased and the government has so far shown no serious will to enter into genuine political dialogue with the armed ethnic political parties.

### **Benchmarks for progress**

The government in Burma has consistently used prisoner releases as a way to try and ease international pressure without having to deliver any genuine reform.

Over the years, both Ne Win and Than Shwe have released hundreds of political prisoners. At the same time, they continued to arrest and imprison activists so that the number of political prisoners has remained consistently over 1,000 and after 2007 that number doubled.

The National League for Democracy has stated that the release of all political prisoners is a key benchmark for change. In a statement issued in February 2011, calling for discussion on how and under what circumstances economic sanctions might be modified, the NLD called for clear benchmarks to be set before any economic sanctions should be lifted and stressed that *“the release of all political prisoners is a critical requirement.”*

If the release of political prisoners is to signify the possibility that real change is on the way, it would have to be a significant change from what has gone before. By releasing so few political prisoners in the October 2011 prisoner amnesty, the government failed to deliver on a key test of whether there is genuine reform in Burma.

Any release of political prisoners should be welcomed. However, the issue for the international community is what is an appropriate and proportional response. The release of just a few hundred political prisoners, should be welcomed cautiously but is not enough to justify the lifting of any sanctions. If the number of political prisoners released reached the high hundreds and included senior opposition leaders, it should be warmly welcomed and consideration given to relaxing some diplomatic sanctions. If all political prisoners were released, then consideration could be given to relaxing further sanctions.

As well as the release of some political prisoners, anticipated next steps by the government might be allowing the National League for Democracy to re-register as a political party and a dialogue process with Aung San Suu Kyi. While these would be welcome initiatives, they are not in themselves evidence that the government is committed to a path of genuine democratic reform. Similar gestures have been made in the past and did not lead to further reform but rather they were followed by a crackdown. All the laws that are used to convict political prisoners still remain.

It is also important to remember that beyond Naypyidaw and Rangoon, the army has been increasing attacks against ethnic populations. An estimated 50,000 people have been forced to flee attacks by the Burmese army in Shan and Kachin states since the government broke the ceasefires with the armed ethnic groups and grave human rights abuses have been increasing, including rape and gang rape of ethnic women and children.

Any real progress must involve a nationwide ceasefire, and a commitment to ensure genuine ethnic leaders are included in any negotiations. Too often, ethnic groups have been sidelined and attention has focused solely on dialogue between the government and Aung San Suu Kyi.

Genuine political progress cannot be achieved while democracy activists and ethnic leaders remain behind bars and the rights of ethnic people continue to be ignored. The release of all political prisoners is an essential first step in a transition to democracy, but only a step. The international community must not be fooled again by releases of political prisoners that in reality may be a tried and tested ploy by the government to gain international credibility without introducing genuine democratic change.

---

Published by Burma Campaign UK, 28 Charles Square, London N1 6HT  
[www.burmacampaign.org.uk](http://www.burmacampaign.org.uk) [info@burmacampaign.org.uk](mailto:info@burmacampaign.org.uk) tel: 020 7324 4710



**for Human Rights, Democracy  
& Development in Burma**