

Introduction

The international community is normalising relations, praising reforms and lifting pressure on Burma despite the fact that the military-backed government keeps hundreds of political prisoners in jail.

Burma Prisoner Release Public Relations, Not Reform

Hundreds of political prisoners remain in jail two years after the reform process started. The Burmese government has used releases of political prisoners as public relations exercises to achieve good publicity, and to persuade the international community to lift sanctions.

The release of political prisoners is often timed to coincide with key political developments in order to try and convince the international community about the reforms.

For example:

- In September 2012, around 100 political prisoners were released a week ahead of President Thein Sein's visit to the US.
- In November 2012, around 50 political prisoners were released while the US President Obama was in Burma.
- In April 2013, 59 political prisoners were released a day after the EU lifted sanctions on Burma.
- On 17 May 2013, around 19 political prisoners were released one day before Thein Sein's trip to the US to meet President Obama in the White House.

Arrests Continue

In addition, more activists and ethnic people are being arrested, and sometimes tortured brutally and forced to make false confessions. Following his visit to Burma in February 2013, the UN Special Rapporteur not only highlighted the on-going detention of political prisoners, but also the increasing reports of the use of torture against some detainees.

Case Studies

Here are case studies of some political prisoners who are still in jail.

Myint Soe

Serving 7 and half years, and expected to be released in 2020.



Myint Soe is a labour activist from Burma who campaigns for workers' rights and helps workers to set up trade unions. He is also a former political prisoner who on three separate occasions has spent a total of 15 years in prison.

Before he was arrested in March, Myint Soe and his colleagues helped farmers in southern Burma to reoccupy their land and build temporary houses. Several years ago the government had confiscated their land. Now the area is controlled by a state-owned paper factory run by a crony company called Shwe Than Lwin.

Myint Soe was sued and falsely accused by the company that he cut eucalyptus trees in the area in order to build houses. Although Myint Soe had witnesses who provided statements that he did not cut any trees, he was arrested. He was charged under The Public Property Protection Act (1947) with the accusation of cutting the trees down, and was sentenced to 7 and half years in Thaton prison, Mon State.

Brang Shawng

Arrested in June 2012, and currently on trial.

Brang Shawng is a 25-year-old Kachin farmer who was arrested in June 2012. Brang Shawng lived in a refugee camp for Internally Displaced Persons (IDPs) with his family after fleeing from conflict areas in Northern Burma. He was arrested under suspicion of being a captain of Kachin Independence Army (KIA) and carrying out bombing operations near Myitkyina. The KIA is the armed wing of Kachin Independence Organisation, which works for democracy and more autonomy for Kachin people.

While he was under interrogation, he was brutally tortured and forced to confess to different bombings in the area. He was seen with several wounds on his body when he was brought out to trial. According to his lawyers, Brang Shawng had knife scars and bruises on his cheeks, thighs and the skin on his calves showed evidence of extensive peeling. After being tortured by Burmese police officers, Brang Shawng has difficulty hearing from his left ear. Although his health has deteriorated, he has been denied medical treatment.

He was charged under Article 17/1 of the Unlawful Association Act, which the military-backed government in Burma uses to ban people from associating with pro-democracy groups. He is currently on trial while remaining in detention. In

July 2012 his wife and the Kachin community in Burma led a peaceful demonstration demanding his release. His wife told Burmese exile media, "Police punched, kicked and beat him for three days and nights. They forced him to confess to being a KIA captain. Brang Shawng is not a KIA Captain, since he is an uneducated person, just a farmer."

Tun Aung

Serving 17 years, and expected to be released in 2029.

Tun Aung is a 65-year-old medical doctor who is also a chairman of the Islamic Religious Affairs Council in Burma. He was arrested in June 2012 as part of a Burmese government plan to arrest and detain Muslim community leaders to stop them from talking to international observers and journalists.

He was arrested and accused of fuelling the communal riots in his hometown, Maungdaw, Rakhine State. He was charged with six different counts including under the Myanmar Wireless Telegraphs Act for having a mobile phone with a SIM card from Bangladesh. He was also charged under Section 24 (1) of the Foreign Exchange Regulation Act for having 100 Chinese Yuan in his wallet, which was given to him by his daughter as a present. He was sentenced to 17 years and transferred to Sittwe prison and is also on trial for other charges.

He is suffering from a pituitary tumor and needs regular medication but he has been denied medical treatment. He is being kept in a small prison cell with no sanitation and ventilation. His family members are gravely concerned about his health but they are not allowed to visit him in prison.

Brang Yung and Lahpai Gam

Arrested in June 2012, and currently on trial.

Two Kachin farmers, Brang Yung and Lahpai Gam, have been detained illegally and tortured brutally by the military-backed government in Burma.

They were arrested in June 2012 and charged under Article 17/1 of the Unlawful Association Act. Their trials are still continuing at Myitkyina court in Kachin State while remaining under detention.

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Brang Yung and Lahpai Gam were living in a refugee camp for Internally Displaced Persons (IDPS) with their families after fleeing from conflict areas in Northern Burma.

To support their families, they requested permission from a camp supervisor to work as herdsman outside the camp. While taking a lunch break during the trip, they were taken by the Burmese Army 37th battalion for questioning. At first they were not given any reason for their arrest but later they were accused of being soldiers from the Kachin Independence Army (KIA) and carrying out bombing operations near Myitkyina. The KIA is the armed wing of the Kachin Independence Organisation, which works for democracy and more autonomy for the Kachin people.

They were brutally tortured and forced to make false confessions about their connections with the KIA and different bombings in the area. They were also accused of leaving the refugee camp several times to attend military training sessions with the KIA. According to family members, during the interrogations, they were repeatedly kicked, beaten till their scalp was cut open, forced to drink water mixed with fuel, burnt and Brang Yung's arms were pierced with needles. They were also forced to have sexual intercourse with each other.

Brang Yung's wife said, "The accusations against him are wrong. My husband is not a KIA soldier. Our family is facing difficulties without him."

Mading Zau Baw

Arrested in May 2012, and currently on trial.

Mading Zau Baw is a 23-year-old Kachin farmer who was arrested in May 2012 and tortured brutally. While he was farming, he was arrested by Burmese Army 37th battalion on suspicion of being a soldier from the Kachin Independence Army (KIA).

He was kept in a dark cell for several days when he was first arrested. During interrogation, he was beaten and hit on the head with a gun. He was brutally tortured and forced to confess. According to a family member, he has been suffering pain all over his body due to severe beatings and he has had trouble hearing.

He is currently still on trial and he has been charged under the Unlawful Associations Act 17(1), which the military-backed government in Burma uses to ban people from associating with pro-democracy groups. His uncle said, "My nephew is only 23 years old and he has never been a KIA soldier. He fainted and collapsed after being beaten in an interrogation. Last time when I saw him in prison, he was crying."

Current Political Situation

Review Committee

In February, the government set up a review committee to investigate the number of political prisoners in Burma. The review committee is now up and running but concerns which Burma Campaign UK raised have now been confirmed. The government dominates the process and it is increasingly apparent that it is not a serious effort to address the issue of political prisoners in the country.

Burma Campaign UK has detailed many of the concerns here:
<http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/burma-political-prisoner-committee-welcome-but-serious-questions-remain/8>

The release of all political prisoners is an essential step towards national reconciliation and peace in Burma. A credible review mechanism with the involvement of independent international experts should be set up to investigate how many political activists have been wrongfully jailed and secure their immediate unconditional releases.

Repressive Laws

Almost all repressive laws remain in place. Even where laws have been repealed or reformed they do not guarantee genuine freedoms. For example, the so-called right to protest law enables the government to ban any gathering and dozens of peaceful protesters have been arrested under this law. It is now clear that the draft bill supposed to grant media freedom will do no such thing, and the government has proposed what is effectively a new censorship board.

Releases of Political Prisoners

Political prisoners were released with no apology and no acknowledgment that they should never have been in jail in the first place. They still have criminal records, and receive no compensation, no support for the medical care they need to recover from torture, mistreatment and psychological abuses. They receive no support to rebuild their lives.

Some of the released political activists have been arrested and released on several occasions. Almost all the political prisoners released since 2011 have only had their sentences suspended under Burma penal code 401, rather than receiving full pardons. If they are arrested again, they will serve the new prison terms, and the old prison term they didn't finish serving will be added to it. All the repressive laws that put them in prison still remain in place.

Compensation

Compensation and rehabilitation programs should be provided for former political prisoners after their releases. Criminal records, which all former political prisoners have, should be removed and they should be allowed to continue their studies and their previous careers without restriction.

Conclusion

Instead of demanding the immediate release of political prisoners, the EU is now making excuses for Their Sein keeping political prisoners in jail. Rather than the detention of political prisoners being described as a gross violation of human rights, the release of political prisoners is now described as one of the "complex challenges" Burma faces.

EU Ministers noted with "satisfaction" the creation of the political prisoner review mechanism, despite knowing full well that this mechanism is deeply flawed and will not lead to the release of all political prisoners. It does not seem to occur to them to wonder how genuine the reform process is if two years since it started, hundreds of political prisoners are still in jail.

Genuine political progress cannot be achieved while democracy activists 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 by tactical 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.

More Information:

Burma Campaign UK's No Political Prisoner Left Behind campaign page:

<http://www.burmacampaign.org.uk/index.php/campaigns/actions/free-political-prisoners/no-political-prisoner-left-behind>

Burma Briefing No.16

Political Prisoners Releases in Burma:

<http://www.burmacampaign.org.uk/images/uploads/16-Political-Prisoner-Releases.pdf>

Burma Briefing No.22

EU Must Not Abandon Human Rights Benchmarks:

http://www.burmacampaign.org.uk/images/uploads/EU_Must_Not_Abandon_Human_Rights_Benchmarks.pdf

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& Development in Burma**