



BURMA REPORT

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Free all political prisoners, free Aung San Suu Kyi, free Burma.

United Press International - December 11, 2008 -

Unhappy Human Rights Day in Burma – Awzar Thi

THE BURMANET NEWS - December 11, 2008, Issue #3616 - "Editor" <editor@burmanet.org> - www.burmanet.org

While governments and groups around the world made effusive statements and gave awards to mark the 60th Anniversary of the Universal Declaration of Human Rights on Dec. 10, the Asian Human Rights Commission struck a more somber note.

“The celebration,” the regional body said, “is a grim reminder that even after 60 years of the adoption of this great declaration, the gap between what is declared and what is actually achieved ... is enormous. Both in the field of civil and political rights as well as economic, social and cultural rights, people in Asia ... have so little to celebrate.”

The downbeat mood was certainly shared in Burma. There, a handful of people belonging to local group Human Rights Defenders and Promoters gathered in Rangoon to mark the date.

Their International Human Rights Day event was muted by comparison to most around the world, and even compared to the one that they had held the year before. But that they got together at all demonstrated their commitment to what the day represents.

Government-backed thugs and officials harassed and questioned the participants as they arrived for the program on Tuesday. The following morning, police and other authorities visited and threatened the organizers.

“They seemed quite angry,” one told Radio Free Asia. “‘Every year you lot upset the public like this,’ they said.”

For upsetting the public with talk about human rights, dozens of the group’s members are already languishing in jail. They include its leader, who has been accused of plotting bomb attacks after he spoke out on the need for more emergency relief in the wake of Cyclone Nargis, which hit the country in May. Others have been imprisoned on offences ranging from sedition to illegal tutoring. Many were arbitrarily detained and charged after last year’s protests.

Police have lodged the name of an associate living abroad with Interpol, which has obligingly posted a wanted notice for him on its Web site. His alleged offences include people smuggling and terrorism.

The gap between what has been declared and what has been achieved could hardly be wider than in Burma today, a fact that Human Rights Defenders and Promoters also plainly acknowledge.

“In stark contrast to the aims and pledges contained in the Universal Declaration of Human Rights, our country, Burma,” its statement read, “is utterly violating human rights in the gravest manner.”

One person who had come from cyclone-ravaged areas to attend the gathering put it more bluntly: “Across the whole country, you’ll see human rights abuses whenever you step outside your house.”

After a tumultuous year in which global interest in Burma was not matched with efforts to support domestic efforts for real change, the group’s statement also contained a sense of despair at the ineffectual work of international agencies.

“Contrary to their aims and objectives, the U.N. and the Human Rights Council as well have failed to successfully prevent human rights abuses,” it said pointedly.

Nothing in this year’s speeches of either the U.N. secretary-general or the high commissioner for human rights will give the rights defenders in Burma, or elsewhere in Asia, cause for optimism.

In her address, High Commissioner Navanethem Pillay blandly iterated, “Tens of millions of people around the world are still unaware that they have rights that they can demand.” She said that she warmly welcomed the designation of 2009 as the International Year of Human Rights Learning, to make up for this presumed deficit in knowledge.

FOR PEACE, FREEDOM, DEMOCRACY AND HUMAN RIGHTS IN BURMA

For millions in Burma and Asia, the declared year will consist of nothing more than lost time and wasted opportunities. As Human Rights Defenders and Promoters make clear, their problem is not a lack of knowledge. They understand the issues better than the high commissioner. Their problem is a lack of means to implement and enforce their rights.

Nobody needs to be told about rights that they can't obtain. What people need are practical ways to protect those rights, and to obtain redress where they are wronged. Learning about human rights is only useful if accompanied with well-informed steps toward those ends.

The United Nations should instead do some learning itself. It should spend time learning about how rights are systemically denied in countries across Asia, including Burma, and about what can be done to intervene actively to make it otherwise. This is a much harder task than the one it has set itself for 2009, but it's the only one really worth doing.

"Unfortunately, in the countries of the region the ordinary folk react to human rights discourse without much enthusiasm," the Asian Human Rights Commission said in its closing remarks on Wednesday, "due to their realization that the systems of oppression that exist, which are defective administration of justice systems, will not allow them to enjoy these rights."

That's the nub of Burma's problems. The Human Rights Defenders and Promoters know it. Anyone who steps outside their door there knows it. The U.N. technocrats probably know it too, even if they won't admit it. Enough of learning; without implementing, there will only be many more unhappy Human Rights Days to observe in Rangoon.

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(Awzar Thi is the pen name of a member of the Asian Human Rights Commission with over 15 years of experience as an advocate of human rights and the rule of law in Thailand and Burma. His Rule of Lords blog can be read at <http://ratchasima.net>)

<http://www.midnightuniv.org/forum/index.php?topic=10199.0> -
http://www.upiasia.com/Human_Rights/2008/12/11/unhappy_human_rights_day_in_burma/9180/

The Irrawaddy - http://www.irrawaddy.org/article.php?art_id=14677

The Irrawaddy Newsletter for Friday, November 21, 2008 - news@irrawaddy.org - 21.11.2008

Zarganar, Ashin Gambira Get Long Prison Terms

By SAW YAN NAING

Friday, November 21, 2008

Burma's best-known comedian Zarganar and the prominent monk Ashin Gambira were among 35 regime critics sentenced to long prison terms in another day of trials in Rangoon's Insein Prison on Friday.

Zarganar, whose anti-regime satire was a constant thorn in the side of Burma's ruling generals, was given a 45-year term. Gambira, one of the leaders of the September 2007 uprising, was sentenced to a total of 68 years.



Zarganar(l) and Ashin Gambira

The media friendly Zarganar was convicted on several criminal charges, including infringements of the Electronic Act, 505 b.

Zarganar was arrested in the night of June 4 in a raid in which the authorities seized his computer, about US \$1,000 (1,140,000 Kyat) in cash and three CDs containing footage of May's cyclone devastation, the opulent Key UN committee targets rights abusers wedding of junta leader Snr-Gen Than Shwe's youngest daughter Thandar Shwe and the film "Rambo 4," in which Hollywood star Sylvester Stallone fights Burmese government soldiers in a mission to rescue kidnapped westerners.

The 29-year-old Gambira was also convicted on several charges, including offences under Section 505 A and B of the State Offence Act, Section 13/1 of the Immigration Act, Section 17/1 of the Illegal Organization Act, Section 33 A of the Electronic Act and Section 6 of the Organization

Act. Key UN committee targets rights abusers

One of Zarganar's associates, Zaw Thet Htwe, who helped him deliver aid to cyclone survivors, received a sentence of 15 years imprisonment. Another associate, Tin Maung Aye, was sentenced to 29 years imprisonment and a third, Thant

Zin Aung, received 15 years imprisonment.

The trials of Zarganar, Zaw Thet Htwe and Thant Zin Aung are still proceeding, and the court is expected to pronounce further sentences on them next week.

Thirteen members of the 88 Generation Students group received prison sentences ranging from three to five years on Friday and they are also expected to face further sentences next week, sources said.

Five Buddhist monks were among a further eleven regime opponents who were also sentenced to prison terms on Friday, prison sources said. All took part in the September 2007 uprising.

The 11 condemned were identified as Pyinya Thiha, Pyinya Dipa, Narapatint, Okantha Marla, Zarnayya and dissidents Htun Htun Naing, Than Htay, Soe Shwe, Ngwe Soe, Khin Htun and Kyaw San Lay.

Htun Htun Naing, Than Htay, Ngwe Soe and Kyaw San Lay were each sentenced to four years imprisonment for offences under sections 145 and 505 b of the criminal code, said one source close to the court. Khin Htun sentenced to four-and-half-years for offences under sections 143, 145, 505 b.

The sentences handed out to the monks are not yet known. All of them are from Tharthana Theippan monastery in Rangoon's Bahan Township.

Tharthana Theippan was the scene of a ceremony held by members of the 88 Generation Students group in August 2007 to mark the 19th anniversary of the 1988 uprising. The ceremony honored the students, monks and citizens who lost their lives during the uprising. In Thursday's sessions of the current wave of trials, about 20 detained activists were given prison sentences of between two and six years. They included the Burmese hip-hop star Zayar Thaw, who is a leading member of Generation Wave, a dissidents group founded by young Burmese activists during the September 2007 uprising.

More than one hundred democracy supporters, including Buddhist monks, defense lawyers, members of the opposition National League for Democracy and the 88 Generation Students group have so far been sentenced by Burmese courts since the beginning of November. The longest sentence was the 68 year term of imprisonment handed out to Ashin Gambira on Friday. #####

Letters to the Editor - November, 2008 - The Irrawaddy Newsletter for Friday, November 21, 2008 - news@irrawaddy.org
Time for International Criminal Court

Regarding „Hip-Hop Performer among Latest Victims of Court Crackdown“ - [The Irrawaddy online; URL: http://www.irrawaddy.org/article.php?art_id=14670]:

Let the Dhamma serve its purpose. Those who are sentencing dissidents and other peaceful citizens are earning bad karma. The regime is notorious for its contempt for human rights. It's ironic that those who are really breaking the law are the ones who are handing down the sentences. There is nothing worse than unfair rulings. The military regime is really worse than terrorists. It rules the country according to its wishes. It will continue until the junta is referred to the International Criminal Court. It's past time to bring the regime to the International Criminal Court.

Democratic Voice of Burma - December 9, 2008 - <http://english.dvb.no/news.php?id=1994>

Factory worker jailed for 19 years after ILO report - Nan Kham Kaew

THE BURMANET NEWS - December 9, 2008, Issue #3614 - "Editor" <editor@burmanet.org> - www.burmanet.org

Dec 9, 2008 (DVB)—Kyi Myint Taing township court in Rangoon yesterday sentenced three people to between five and 19 years after they reported a labour rights issue to the International Labour Organisation, according to their families.

The three filed a report with the ILO last year after the A21 soap factory in Hlaing Tharyar industrial zone cut off its workers' salaries.

Khin Maung Cho (also known as Pho Toke), a worker at the soap factory, National League for Democracy member Nyo Win and Kan Myint were arrested on 2 August 2007 after they filed the report.

Khin Maung Cho's wife Aye Mya Thida said her husband was sentenced to 19 years' imprisonment on four different charges including sedition, while Kan Myint was given 10 years on three different charges, and Nyo Win was jailed for five years on two charges.

Aye Mya Thida said her husband is still waiting to be sentenced under the Immigration Act for illegal border crossing

The Earthtimes on line News – Posted Sat, 29 Nov 2008 – Author : DPA - Aung Thu BB <aungthu@t-online.de>

FOR PEACE, FREEDOM, DEMOCRACY AND HUMAN RIGHTS IN BURMA

European envoy urges Myanmar opposition to contest polls - Summary

<http://www.earthtimes.org/articles/show/243936,european-envoy-urges-myanmar-opposition-to-contest-polls--summary.html>

Yangon- A visiting European diplomat urged the opposition National League for Democracy (NLD) to participate in the upcoming 2010 elections, political sources said Saturday. Attilio Massimo Iannucci, Asia-Pacific chief of Italy's foreign ministry, met Friday with senior NLD party members including veteran journalist Win Tin at the ambassador's residence in Yangon.

During the two-hour discussion, Iannucci urged the NLD to participate in 2010 election because there would be a chance to win again for them, Win Tin said.

"He said at present the military occupied 100 per cent of the government and after 2010, there would be only 25 per cent. It is much better than current situation," Win Tin told Deutsche Presse-Agentur dpa.

The Italian diplomat also said the international community could if NLD joins election.

"We told him that 25 percent would be just a word and in practice the military would be dominating. We said the constitution must be amended before the election," Win Tin said.

But he did not say whether the NLD would join election or not.

"There are two different approaches on the election within the NLD. Some want to participate and some do not," Win Tin said.

Myanmar's ruling junta is expected to field at least two pro-military parties to contest the 2010 elections, forming them out of the Union Solidarity and Development Association (USDA).

The USDA was formed on September 15, 1993, as a popular support base for the military.

The association now claims to have 24 million members out of Myanmar's 56 million population, and has been cultivated to become the military's political arm for contesting elections.

"We will form two political parties for the 2010 elections," said a USDA member after attending their annual meeting in Naypyitaw, the military's new capital, on Friday.

The movement is an essential competent in the military's plans to introduce "democracy" to Myanmar.

Initial steps included drafting a new constitution having it approved by a national referendum in May.

Both processes were dubbed shams by many international observers because the charter-drafting process was controlled by the military, and the referendum supervised by the army resulted in an absurdly high approval rate exceeding 90 per cent.

The referendum drew intense criticism from Western democracies as it was pushed through in mid-May in the aftermath of Cyclone Nargis that devastated the Irrawaddy delta region, leaving almost 140,000 people dead or missing.

The constitution has cemented the military's dominant role in future governments by guaranteeing it a high percentage of appointed senators who can block all controversial legislation.

Myanmar has been under military rule since 1962, when army strongman General Ne Win overthrew the country's first post-independence prime minister U Nu with a coup.

Although the military bowed to international pressure to hold an election in 1990, it refused to acknowledge the outcome.

The NLD, the party of Aung San Suu Kyi, won the 1990 polls by a landslide, but the military junta blocked it from taking office by claiming that a new constitution would be needed before civilian rule could work.

The junta took 18 years to come up with a new charter, and Suu Kyi - a Nobel peace laureate - has spent 13 of those years under house arrest.

Democratic Voice of Burma - <http://english.dvb.no/news.php?id=1998>

Quintana urges action on human rights - *Nay Htoo*

Dec 10, 2008 (DVB)—United Nations special rapporteur Tomas Ojea Quintana has described the situation of political prisoners as "a permanent and constant human rights violation" and called for concrete action on human rights before

2010.

Quintana, the special rapporteur on human rights in Burma, was speaking to *DVB* on the eve of International Human Rights Day, the 10 December anniversary of the Universal Declaration of Human Rights.

He described the human rights situation in Burma as “challenging” and said no improvements had taken place in the past year.

“Tomorrow will be the anniversary of the Universal Declaration of Human Rights, which the government has signed,” he said yesterday.

“This instrument is the most important human rights instrument of the international community from all regions in the world, and all countries and all governments should respect the human rights which are established in this instrument.”

Quintana condemned the recent long-term prison sentences handed down to activists and said he had joined five other special rapporteurs from the Human Rights Council in releasing a press statement against the sentences.

“There is no independent and impartial judiciary in the country,” he said.

“The government is using these judges to try to say that these sentences are legal sentences which I do not believe they are.”

Quintana, whose own father was a political prisoner, said he had interviewed political prisoners in Insein prison during his visit to Burma in August this year. “I believe that the situation of a political prisoner is a permanent and constant human rights violation,” he said. “But I believe that at some point this has to finish, the political prisoners will be released and I am doing my best to get the release of all political prisoners in the country.”

The special rapporteur reiterated the four concrete steps he had suggested the Burmese government take before the 2010 elections.

These were the progressive release of political prisoners, the establishment of an independent judiciary, reform of the military and reform of domestic laws which are incompatible with international human rights norms.

“I am asking the international community from all regions in the world to help me to implement these core human rights elements, to make the government of Myanmar understand that they should implement these recommendations if they want to be part of the international community,” he said.

Quintana said he intended to visit Burma again before March 2009 and planned to push for all government agencies and military personnel to respect the basic human rights set out in the Universal Declaration of Human Rights.

Reporting by Nay Htoo



UN Secretary General Ban Ki-moon, seen here, has expressed growing frustration at the failure by Myanmar's military regime to restore democracy and said the time was not right for him to pay a return visit to the country. (Photo: AFP)

The Irrawaddy - The Irrawaddy Today's Newsletter for Saturday, December 6, 2008 <news@irrawaddy.org>

UN Role “Not Enough”: Ban -

http://www.irrawaddy.org/highlight.php?art_id=14760

By LALIT K JHA

Saturday, December 6, 2008

UNITED NATIONS — UN Secretary-General Ban Ki-moon said on Friday his direct involvement was “not enough” to resolve the current political stalemate in Burma and all its neighbors must play a more assertive role.

“My good offices should not be seen as an end in itself, or as a justification for inaction,” he told reporters at the UN headquarters in New York. “In order to be able to pursue this role in an effective manner, it is necessary for all concerned parties across the spectrum to step up efforts to help my good offices move forward.”

After attending a meeting of the Secretary General's Group of Friends on Burma, Ban told reporters: “While I will continue my good offices role as mandated by the General Assembly, all the countries of the membership, particularly the Group of Friends countries, should use their influence, they should use whatever available leverage and tools to impress upon the

good offices role as mandated by the General Assembly, all the countries of the membership, particularly the Group of Friends countries, should use their influence, they should use whatever available leverage and tools to impress upon the

Government of Myanmar [Burma] to implement their commitment."

Ban created the Group of Friends on Burma last year to aid and advise him on the various issues related to Burma, in particular how to proceed on a path of democratization and national reconciliation.

Members are Australia, China, the European Union, France, India, Indonesia, Japan, Korea, Norway, Russia, Singapore, Thailand, Britain, the US and Vietnam.

The meeting was convened in the aftermath of a letter written to Ban by more than 100 former presidents and prime ministers urging him to work for the release of all political prisoners in Burma by the end of the year.

Ban said since the last meeting: "I sense not only a higher expectation but also a growing frustration that our efforts have yet to yield the results we all hope for. I share this sense of expectation and frustration."

Referring to a statement from the Burmese government that cooperation with the UN is a cornerstone of their foreign policy, he said: "We welcome it, and we look forward to continue, and we expect a concrete action by them to implement their commitment."

Giving a sense of the discussions during the meeting, Ban said: "I have taken note of the group's concern that recent actions by the Government of Myanmar risk undermining the prospects of inclusive national reconciliation, democratic transition, and respect for human rights, and more generally at the lack of sufficient response to the concerns of the United Nations and the international community."

The secretary-general urged the Burmese junta to "respond positively without further delay" to specific UN suggestions, as endorsed by the Group of Friends, in particular the release of all political prisoners, including Daw Aung San Suu Kyi, and the initiation of a genuine dialogue with the opposition.

Ban reiterated that he would visit Burma only if there is a real expectation of tangible progress.

"I am ready to visit Myanmar again, to continue our consultations on various issues—humanitarian issues, and also political issues," he said. "At this time, I do not think that the atmosphere is ripe for me to undertake my own visit there."

"But I am committed, and I am ready to visit any time when I can have reasonable expectations my visit will be productive and meaningful," he said

International Herald Tribune, The Associated Press - Published: November 22, 2008

Key UN committee targets rights abusers

<http://www.iht.com/articles/ap/2008/11/22/news/UN-UN-Human-Rights.php>

UNITED NATIONS: A key U.N. committee criticized Myanmar and North Korea on their human rights records Friday, and also targeted Iran despite its efforts to block the vote.

Separate resolutions approved by the General Assembly's human rights committee expressed serious concern at accusations of abuse including attacks on peaceful demonstrators in Myanmar, public executions in North Korea, and torture, flogging and amputations in Iran.

Iran tried to stop the committee from taking up the draft resolution assailing its record, but lost by 10 votes — a margin the United States called a major victory

The committee approved the resolution expressing "deep concern at serious human rights violations" in Iran by a vote of 70 to 51, with 60 abstentions. Key UN committee targets rights abusers

The resolutions now go to the 192-member General Assembly for final votes, expected next month. Though resolutions approved by the full assembly are not legally binding, they carry moral weight and reflect the majority view of world opinion

"These resolutions put the spotlight on the three countries where there is very widespread abuse of human rights," Britain's U.N. Ambassador John Sawers charged. "The growing support for these resolutions shows increasing levels of concern in the world about human rights as we move towards the 60th anniversary of the Declaration of Human Rights."

A resolution strongly condemning "the ongoing systematic violations of civil, political, economic, social and cultural rights" in Myanmar was approved by a vote of 89 to 29 with 63 abstentions.

It expressed "grave concern" at the continuing practice of enforced disappearances, sexual violence including rape, the extension of the house arrest of pro-democracy leader Aung San Suu Kyi, "as well as the high and increasing number of political prisoners."

The resolution expressing "very serious concern" at rights violations in North Korea got the highest vote, winning approval by 95 to 24 with 62 abstentions. It criticized the treatment of refugees and asylum seekers, the "all-pervasive and severe restrictions" on freedom of thought and religion, and violations of workers' rights.

The Mizzima News <http://www.mizzima.com/news/world/1351-general-assembly-approves-burma-resolution-debate-intensifies-.html>

General Assembly approves Burma resolution, debate intensifies

THE BURMANET NEWS - November 22-24, 2008, Issue #3605 - "Editor" <editor@burmanet.org> - www.burmanet.org

by Mizzima News Monday, 24 November 2008 18:33

The United Nations General Assembly's Third Committee on Friday approved a draft resolution on the human rights situation inside Burma, amid a lengthy debate that illustrated the divide over Burma, the rights of member states and the workings of the international body.

The UN's Social, Humanitarian and Cultural Committee passed the resolution, critical of the human rights condition in Burma and the authorities inaction or unwillingness in combating rights violations, by a vote of 89 in favor and 29 against, with 63 abstentions.

All 27 members of the European Union offered their support for the resolution, in addition to the United States, Canada, Australia and New Zealand, among others.

In contrast, only seven Asian countries approved of the draft, including none of Burma's immediate neighbors and no member of ASEAN. Bangladesh, Brunei, China, India, Laos, Malaysia and Vietnam all voted against, while Indonesia, the Philippines, Singapore and Thailand abstained (Cambodia was absent).

The abstention on the part of the Philippines came just days before U.S. Secretary of State Condoleezza Rice this weekend rained praise on the Philippines as being the one country in Asia supportive of the United States' position on Burma.

In addition to Japan, Mongolia, South Korea and Kazakhstan, the other three Asian countries to support the item have all recently witnessed significant external intervention, led by either the United States or Australia – Afghanistan, Iraq and Timor-Leste.

Burma's delegate to the Committee reserved strong language for those who supported the motion, letting it be known that Burma would feel under no obligation to be bound by the vote.

"If left unchallenged, [the motion] will set a dangerous precedent for all developing countries", he warned, as the resolution was an attempt to infringe on national sovereignty while a case of direct interference in the domestic affairs of a member state.

Subsequently, a no-action motion put forth by the Burmese representative was defeated by a vote of 90 against to 54 in favor, with 34 abstentions.

Those that opted not to support the draft commonly sighted the politicization of human rights, inattention to the domestic progress made by Burmese authorities and the inappropriateness of the venue for country specific resolutions – the Human Rights Council felt to be the rightful forum in which to raise such concerns.

France, who took the lead in tabling the action on behalf of the European Union, said the text was designed to raise awareness among the international community as to the continuing rights violations in the Southeast Asian country and "in an effort to mobilize action on all sides."

The French representative called on Burma's ruling military to engage in dialogue and to cooperate fully with United Nations mechanisms in the area of human rights. He proceeded to say the new constitution, approved in May, fails to address the assurance of basic rights inside the country and that, "No attempt had been made to prosecute those guilty of repressing the acts of peaceful protest from a year ago."

India's representative, explaining his country's vote, first noted that the country has always recognized the importance of human rights. However, it was forced to vote against the resolution as it was not "forward-looking" and confrontational in approach. India also wished that the Committee would recognize the positive steps of the Burmese government over the past year – a sentiment similarly voiced by Indonesia and Japan, despite the latter weighing in in support of the draft.

Further commenting on the ideological, development and interest divide at the international level, Friday also witnessed the tabling of a resolution critical of human rights as a unilateral coercive measure "implemented in contravention of international law and the United Nations Charter, and with negative consequences to economic development."

The resolution passed, garnering 124 votes in favor to 52 against. All ASEAN countries, China, India and Russia

supported the motion; while the European Union, United States, Canada, Australia and Japan were among those who voted against the action.

December 11, 2008 - **Democratic Voice of Burma** - <http://english.dvb.no/news.php?id=2000>

Lawyers denied permission to meet Daw Suu – Nan Kham Kaew

THE BURMANET NEWS - December 11, 2008, Issue #3616 - "Editor" <editor@burmanet.org> - www.burmanet.org

Ministers in Naypyidaw on 9 December refused to grant permission to two lawyers for detained National League for Democracy leader Aung San Suu Kyi to hold a meeting with their client.

The lawyers, Kyi Win and his assistant Hla Myo Myint, gave a letter to Special Branch police on 3 December requesting permission to meet with Aung San Suu Kyi on either 8 or 10 December to discuss her appeal against her detention.

On 9 December, Special Branch agents summoned Kyi Win and told him the request had been denied because the appeal was currently under consideration.

"They said the cabinet is taking action on our appeal," Kyi Win said.

"Therefore, they said we did not need to meet with Daw Aung San Suu Kyi and were not allowed to do so."

Kyi Win said he did not believe the ongoing consideration of the appeal should preclude him from meeting his client.

The special appeal was lodged with ministers in Naypyidaw on 19 October.

Senior NLD member Win Tin said he has been trying to obtain further instructions from Aung San Suu Kyi while the party waits for the decision from Naypyidaw.

HUMAN RIGHTS WATCH - <http://www.hrw.org/>

<http://www.hrw.org/en/news/2008/12/16/burma-lawyer-s-testimony-highlights-distorted-justice>

Burma: Lawyer's Testimony Highlights Distorted Justice

ASEAN Should Monitor Jailed Activists December 16, 2008

(New York, December 16, 2008) - Burma's military government has used the country's legal mechanisms to intimidate political prisoners and to deny them access to justice, Human Rights Watch said today, citing new testimony from a defense lawyer who has just fled the country. In a crackdown that started in October 2008, Burma's courts have sentenced over 200 political and labor activists, internet bloggers, journalists, and Buddhist monks and nuns to lengthy jail terms.

With the Association of Southeast Asian Nations (ASEAN) Charter having entered into force on December 15, Human Rights Watch urged ASEAN to dispatch an eminent independent legal team to monitor the trials and conditions of activists held in isolated prisons.

"The government locks up peaceful activists, sends them to remote prisons, and then intimidates or imprisons the lawyers who try to represent them," said Elaine Pearson, deputy Asia director at Human Rights Watch. "This abuse of the legal system shows the sorry state of the rule of law in Burma."

Saw Kyaw Kyaw Min, a 28-year-old lawyer from Rangoon, fled to Thailand several days ago after weeks in hiding. In late October 2008, a Rangoon court sentenced him to six months in prison under Section 228 of the Burmese Penal Code for contempt of court. He failed to intervene, on the judge's order, after his clients turned their backs on the judge to protest the way they were being questioned.

Saw Kyaw Kyaw Min had been defending 11 clients, all members of the National League for Democracy (NLD). Three other lawyers - Nyi Nyi Htwe, U Aung Thein, and U Khin Maung Shein - were arrested and sentenced to terms of four to six months in prison on the same charges. Saw Kyaw Kyaw Min learned of the charges in advance and went underground.



Saw Kyaw Kyaw Min: „The government locks up peaceful activists, sends them to remote prisons, and then intimidates or imprisons the lawyers who try to represent them. This abuse of the legal system shows the sorry state of the rule of law in Burma.Related Materials“:

[Burma: Free Activists Sentenced by Unfair Courts](#)

[Letter to ASEAN Secretary General Ong Keng Yong](#)

[Crackdown](#)

He described to Human Rights Watch the secretive workings of the Burmese legal system and the way in which political prisoners are denied access to fair trials. He said political activists awaiting sentencing in prison can meet with their defense lawyers only at police custody centers with police and intelligence officers present. Trials are often shrouded in secrecy, with lawyers not informed when their clients are to appear in court. Lawyers representing political prisoners face arbitrary delays when requesting assistance from authorities or documents such as case files, he said.

Human Rights Watch has already documented problems with the current unfair trials, including lack of legal representation for political prisoners. Among the hundreds sentenced in recent months, in late November a Rangoon court sentenced prominent comedian and social activist Zargana to 59 years in jail for disbursing relief aid and talking to the international media about his frustrations in assisting victims of Burma's devastating Cyclone Nargis.

Many political prisoners have recently been transferred to isolated regional prisons where medical assistance is poor or nonexistent and food is scarce. During the past few weeks, authorities sent Zargana to Mytkyina Prison, in the far-north Kachin State; the '88 Generation Students leader, Min Ko Naing, was transferred to the northeast Kentung jail of Shan State; and internet blogger Nay Phone Latt, who was sentenced to 20 years in prison for posting anti-government material on his website, was sent to the far-south prison at Kawthaung, across from Ranong in Thailand.

The newly-in-force ASEAN Charter sets out principles such as adhering to the rule of law and protecting and promoting human rights to which all members states, including Burma, should adhere. But compliance provisions are weak. ASEAN faces a considerable challenge in addressing Burma's lack of respect for human rights in the lead-up to multiparty elections in 2010.

Human Rights Watch urges Secretary-General Surin Pitsuwan of ASEAN to dispatch an independent legal assessment team to monitor the treatment of political prisoners in Burma's courts and prisons. Human Rights Watch said ASEAN should also address Burma's lack of respect for the rule of law when it holds its rescheduled ASEAN summit meeting in early 2009.

"This is a test for ASEAN," said Pearson. "If ASEAN lets Burma get away with this farce of justice, the ASEAN Charter really is worthless."

Saw Kyaw Kyaw Min's account to Human Rights Watch

Saw Kyaw Kyaw Min was admitted to the Burmese Bar earlier in 2008. Since 2007, he has played a lead role in trying to represent activists charged under a raft of spurious laws, and he has been arrested several times for his political activities.

On October 23, he and another lawyer were defending 11 clients, members of the NLD, in Hlaingtharya Court, Rangoon on a range of charges related to peaceful political activities in 2007. Some of the defendants turned their back on the judge, U Thaug Nyunt of the Rangoon Northern District Court, to protest the unfair way defendants were being questioned by the prosecution. The judge instructed the lawyers to stop the defendants' behavior. According to Saw Kyaw Kyaw Min: "We both said to the judge, 'We don't want to forbid our clients from doing anything, because we are defense lawyers and we act according to our clients' instructions.' The judge stopped the proceedings and set another court hearing date."

The next day, court officials informed Saw Kyaw Kyaw Min that his contempt-of-court hearing was set for October 30. Days later, at the courthouse, he saw and overheard a police officer and an assistant judge conspiring to arrest him. He fled and went into hiding

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<http://www.womenworldleaders.org/council-updates-daw-aung-san-honorary-member.html>

Daw Aung San Suu Kyi to become Honorary Council Member

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Daw Aung San Suu Kyi

Washington, DC - The Council of Women World Leaders is pleased to announce the nomination of Daw Aung San Suu Kyi as an

FOR PEACE, FREEDOM, DEMOCRACY AND HUMAN RIGHTS IN BURMA

Honorary Council Member. The Council's distinguished membership has voted to include Ms. Suu Kyi as an Honorary Council Member due to her extraordinary leadership in promoting freedom, respect for human rights, and the re-emergence of democracy in her home country of Burma, where she has lived under house arrest since 1995. Ms. Suu Kyi is the Council's first Honorary Member and joins 37 current and former women Heads of State and Heads of Government dedicated to empowering women leaders who lead at the highest level in their countries.

Although Ms. Suu Kyi's political party, the National League of Democracy (NLD), democratically won 82% of the seats in Burma's Parliament in 1990, the ruling military Junta rejected the results and kept the NLD from assuming power. Ms. Suu Kyi has spent 13 of the last 19 years since then either in prison or under house arrest for her nonviolent protests supporting the reestablishment of democracy in Burma. She is acknowledged internationally for her courage, wisdom, and enduring vision; she is the only Nobel Peace Prize recipient imprisoned.

Fellow Council Member Janet Jagan (President, Guyana, 1997-1999) remarked, "In Guyana, for many years, we have urged the release of Aung San Suu Kyi, and other political prisoners. We are deeply concerned about these prisoners and hope for an early release." Her hopes were echoed by Council Member Edith Cresson (Prime Minister, France, 1991-1992), who said, "I support the effort of the Council of Women World Leaders and...the release of...Aung San Suu Kyi."

The Council of Women World Leaders was created in 1996 by current and former women Heads of State and Heads of Government to provide a plan to share common experiences and to be of assistance to each other and to other world leaders. Through its networks, summits and partnerships, the Council promotes good governance and gender equality, and enhances the experience of democracy globally by increasing the number, effectiveness, and visibility of women who lead their countries. Mary Robinson, President of Ireland (1990-97) and United Nations High Commissioner for Human Rights (1997-2002), serves as Chair of the Council. As part of its goal to convene women at the highest levels of leadership, the Council increased its network in 1998 to include women cabinet ministers. The Honorable Margot Wallström, Vice-President of the European Commission, is the Chair of the Ministerial Initiative, which currently numbers approximately 600 worldwide.

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by **Moe Aye**

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