

Summary

Four years into the five-year term of the NLD-led government, the issue of political prisoners remains one of the main problems in the country. Almost all the repressive laws that the military dictatorship used to jail activists remain in place. State media controlled by the NLD government has even carried propaganda features defending and promoting the usefulness of repressive laws, and new repressive laws have been proposed.

On the sixth anniversary of the death of U Win Tin, almost 200 political prisoners remain in jail, and almost 400 more activists and journalists are awaiting trial and possible detention.

Aung San Suu Kyi, as de facto leader of the NLD-led government, has the power through Presidential pardons to order the release of all political prisoners. Her party has the majority in Parliament needed to repeal all repressive laws.

Instead of the compassionate and principled stance you would expect of her as a former political prisoner, Aung San Suu Kyi denies that there are political prisoners in the country and has made a deliberate decision to keep those political prisoners behind bars.

This is not an issue where it can be claimed that she lacks the power to act or is constrained by the military. The military handed the power regarding political prisoners to the civilian government. Constitutionally there is no obstacle, and politically Aung San Suu Kyi has repeatedly acted on issues which she considers important despite potentially upsetting the military, including making herself de facto President by creating the State Counsellor position for herself.

Background

U Win Tin, a journalist and founding member of the National League for Democracy, was one of Burma's longest serving political prisoners, describing his time in jail from 1989 until 2008 as living in hell. U Win Tin famously pledged to wear a blue shirt, the same colour shirt he had to wear in prison, until all political prisoners in Burma were released.



On 21st April, on the sixth anniversary of U Win Tin's death, people around the world will be wearing a blue shirt or blue clothing in memory of U Win Tin, who served nearly 20 years in jail as a political prisoner.

This action in solidarity with political prisoners has taken place almost every year since his death, and as the issue of political prisoners has fallen down the political agenda both in Burma and internationally, is important for raising awareness of this ongoing and serious violation of human rights.

Declining freedom of expression

Under Aung San Suu Kyi's government, many human rights defenders, journalists and civilians are being arbitrarily arrested for peacefully protesting or criticising the government on social media. There have been more restrictions on press freedom and many journalists face harassment for reporting on current affairs.

For example, on 23rd March 2020, the Burmese Government declared the Arakan Army (AA), which is fighting the military in Rakhine and Chin States, as a terrorist organisation under the Unlawful Associations Act. A Journalist, Nay Myo Lin, was arrested and charged under the Counter Terrorism Law (2014) for conducting interviews with an AA spokesperson. He is currently on trial.

Two other journalists, Khaing Myat Kyaw and Thar Lun Zaung Het were also charged under the Counter Terrorism Law (2014) and are now in hiding.

Many countries have banned organisations that are threats to peace and security. However, Burma's Unlawful Associations Act goes beyond ensuring peace and security of the country and instead it has been predominantly misused for political purposes and to cover up human rights violations.

Moreover, many people have been arrested and charged for allegedly criticising the government or the military. For example, in October 2019, Kay Khaing Tun, Zayar Lwin, Paing Ye Thu, Di Yay and Pho Thar were arrested in April during the Burmese New Year celebration for criticising and making fun of the military during their performance. They were sentenced to one year's imprisonment with hard labour in Insein prison.

During the Presidential pardon on 17th April 2020, only 18 political prisoners were included. Most of them were only released because they met the general criteria being applied to all prisoners for release. There was no decision to use the annual New Year prisoner releases as an opportunity to free all political prisoners.

The deliberate decision to keep almost 200 political prisoners in jail is yet more evidence of how Aung San Suu Kyi has no respect for human rights.

Burma's jails are overcrowded and a dangerous place to be during the Covid-19 pandemic. Political prisoners should not be in jail in the first place, and now face even more danger because of the pandemic.

Yanghee Lee, the United Nations Special Rapporteur on the Situation of Human Rights in Burma said, "Unlike other countries who are releasing prisoners to protect prison populations from virus, Myanmar continues to arrest people for non-violent offences in relation to conduct that is within their rights."

Conclusion

Aung San Suu Kyi has the power to drop charges against activists facing trial.

Aung San Suu Kyi has the power to repeal repressive laws used to jail activists.

Aung San Suu Kyi has the power to pardon and release all political prisoners.



However, Aung San Suu Kyi has decided repeatedly throughout her four-year term of government to not only keep repressive laws in place, but to use them against critics of her government, to allow the military to use them, and to keep innocent people in jail.

Repressive laws introduced in colonial times and during the decades of military dictatorship are being used today to oppress freedom of expression or intimidate political activists.

By keeping such repressive laws in place, Aung San Suu Kyi is allowing unlawful arrests to continue.

It is time for the international community to put significant pressure on Aung San Suu Kyi over the detention of political prisoners. They did not allow the military to get away with detaining political prisoners in the way they have allowed Aung San Suu Kyi to do so.

The release of all political prisoners is an essential step towards achieving genuine democracy in Burma.

The greatest tribute to the memory of U Win Tin would be to achieve his dream of releasing all political prisoners in the country.



**"One prisoner of
conscience is
one too many."**

**Aung San Suu Kyi
June 2012**

**Published by Burma Campaign UK, 110 The Bon Marche Centre,
241-251 Ferndale Road, London SW9 8BJ
www.burmacampaign.org.uk info@burmacampaign.org.uk tel: 020 3095 1991**



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