



Asian Forum for Human Rights and Development
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19th Regular Session of the UN Human Rights Council
Item 4: Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in
Burma/Myanmar, Mr. Tomas Ojea Quintana

Oral Statement Delivered by Ms. Pooja Patel on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA) and Conectas Direitos Humanos

Monday, 12 March 2012

Thank you, Madam President. FORUM-ASIA and Conectas welcome the report of the Special Rapporteur (A/HRC/19/67), and we strongly support the extension of his mandate for the sustained action of this Council to ensure that the small positive steps taken by the government are transformed into substantive and irreversible reforms in the country.

Mr. Quintana, time and again we echo your call that all prisoners of conscience must be released immediately and unconditionally, with guarantees of their free participation in political and public life. Despite the recent release of over 300 political prisoners, there are still 836 political prisoners in detention, among them the whereabouts of 424 are unknown.¹ Furthermore, the death of former political prisoner Thet Nwe just nine days after his release on 13 January 2012 warrants the urgent need for independent monitors to access the places of detention to determine the conditions and treatment of prisoners. We are also deeply disturbed that the release of political prisoners can be revoked at the discretion of the President who can order re-arrest without a warrant, such as in the case of Buddhist monk Ashin Gambira who was arbitrarily arrested on 10 February 2012, less than a month after his release, and then again on 6 March 2012.

Mr. Quintana, FORUM-ASIA and Conectas regret that there is a total lack of progress on the review and reform of repressive laws.² We are also concerned that several new laws adopted by the Parliament in the past 6 months fail to comply with international norms and standards, namely the Peaceful Gathering and Demonstration Bill, the Farmland Bill, the Pyithu Hluttaw Election Law Amendment Bill, and the Ward or Village-Tract Administration Bill. In addition, the proposed media law to regulate print publications would compound existing infringements on freedom of opinion and expression. We stress that a legitimate reform process must involve comprehensive legislative and constitutional review with meaningful representation of civil society, the democratic opposition and ethnic nationalities.

Finally, FORUM-ASIA and Conectas appeal to this Council to keep abreast of the allegations of ongoing gross violations of human rights in the ethnic nationality areas, particularly Karen, Mon, Kachin and Shan states, including attacks against civilian population, extrajudicial executions, sexual violence, internal displacement, land confiscation, the use of human shields, the recruitment of child soldiers as well as forced labour and portering. Mr. Quintana, in addition to the initiatives towards political, legislative and institutional reforms, truth, justice and accountability are fundamental for national reconciliation and democratic transition. In this light, we maintain our call for independent, impartial and credible investigations into violations of international humanitarian and human rights law, for which there is a continued dire need. Thank you, Mr. Quintana and Madam President.

¹ Assistance Association for Political Prisoners Burma (AAPP-B), Database of Political Prisoners List, <http://www.aappb.org>

² Unlawful Associations Act (1908); Emergency Provisions Act (1950); Printers and Publishers Registration Act (1962); Motion Picture Law (1966); State Protection Law (1975); Television and Video Law (1985); Law Relating to Forming of Organizations (1988); Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Opposition (aka Law 5/1996); Computer Science Development Law (1996); Electronics Transactions Law (2004); Sections 143, 145, 152, 505, 505(b) and 295-A of the Penal Code