

## **Statement by Members of the European Burma Network**

Members of the European Burma Network today call for the establishment of a permanent independent review mechanism to address the ongoing problem of political prisoners in Burma.

The release of hundreds of political prisoners in the past three years has been long overdue and is very welcome. However, it is now clear that despite government claims that all political prisoners have been released, many people remain in jail because of their political activities, ethnicity or religion. The current political prisoner scrutiny committee established by President Thein Sein has not brought an end to the problem of political prisoners in Burma. The promise by President Thein Sein to release all political prisoners by the end of 2013 was not met.

- Hundreds of people could still be in detention or face detention because of their political activities, ethnicity or religion.
- Even people whose cases have been verified by the political prisoner scrutiny committee have not been freed. The Assistance Association for Political Prisoners Burma has verified around 33 political prisoners who are still in jail.
- More than 100 people are on or awaiting trial, for their political activities.
- Unknown numbers of ethnic Kachin are in jail under the Unlawful Associations Act.
- Around 1,000 ethnic Rohingya were unlawfully detained following violence in June 2012. While around 200 were released in the first week of 2014, most remain in jail. The United Nations has reported that they did not receive fair trials. Around 68 people are believed to have died in custody. The UN Special Rapporteur documented extensive use of torture against these detainees.
- Almost all repressive laws remain in place.
- New laws which the government claimed will improve human rights do not meet international human rights standards.
- The new so-called 'right to protest' law is being used to arrest hundreds of activists.
- Hundreds of ethnic Rohingya are in jail for political reasons relating to discrimination targeting them because of their ethnicity, including an estimated 535 Rohingya held for unauthorised marriages.
- President Thein Sein has demonstrated a lack of genuine commitment and good faith regarding the release of political prisoners by holding them in jail until times when either he is making an important international trip or there is a high profile international visitor, and then releasing a few dozen political prisoners for good publicity. He delayed announcing the latest round of releases until the very end of 2013. This blatantly cynical approach to releasing political prisoners has been repeated many times.
- In central Burma, arrests, shorter prison sentences and fines are now being used by the government to intimidate opponents, rather than exceptionally long sentences, probably to avoid strong international criticism.
- Political prisoners have not been released unconditionally, as demanded by the United Nations, USA, EU and many other international bodies and countries. Political prisoners all face serving their full sentences if convicted again, a move clearly designed to deter them from further challenging the military-backed government.
- President Thein Sein has never publicly accepted that political prisoners should never have been jailed in the first place. Political prisoners who have been released have received no apology, no compensation and no special government assistance with

healthcare to help with medical problems caused by prison treatment and torture. The government provides no rehabilitation programmes. Released political prisoners have criminal records making it harder for them to obtain work or education. The European Burma Network is calling for a permanent independent political prisoner review mechanism involving international expertise to be established in Burma.

The review mechanism should:

- Be underpinned by legislation.
- Be independent of executive government.
- Involve international expertise.
- Involve genuine civil society representatives, including across different ethnic and religious groups.
- Abide by international human rights law, covenants, treaties and declarations.
- Have judicial powers to order the release of those assessed to be in jail for reasons of political activities or beliefs, ethnicity, religion, sexuality or gender.
- Have the power to proactively choose to investigate cases of those in detention.
- Receive applications from or on behalf of people believed to be in detention for political reasons.
- Have the power to compel the police, security forces, military, prison authorities and government departments to co-operate with investigations.
- Receive adequate government funding to fulfil its responsibilities.
- Award adequate and appropriate compensation to those wrongfully detained.
- Refer cases to the police where the wrongful detention of prisoners involved suspected illegality on the part of those involved in the arrest, sentencing, detention, and treatment of the prisoner.
- Make recommendations to government and Parliament regarding the application, revision and repeal of laws which are used to jail people for reasons of political activities or beliefs, ethnicity, religion, sexuality or gender. Members of the European Burma Network believe that a permanent review committee of this kind would be an effective way to start to address the issue of political prisoners in Burma. We call for a constructive debate on the merits of this proposal, including ways to strengthen and implement such a mechanism.

Members of the European Burma Network commit themselves to continuing to work for the release of every person in Burma who is detained for political reasons. One political prisoner is one political prisoner too many.

Signed by:

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Building Social Democracy in Burma (ASD Sweden)  
Burma Action Ireland  
Burma Aktion (Germany)

Burma Campaign UK  
Burmese Rohingya Organization UK  
Christian Solidary Worldwide  
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