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Myanmar: Establish an independent prisoner review mechanism to end politically motivated imprisonment

Joint statement by 22 national and international non-governmental organizations

On the occasion of the third anniversary of the death of U Win Tin, 22 organizations are calling for the immediate release of all individuals detained or imprisoned on fabricated, politically motivated charges, and for the establishment of an independent and effective prisoner review mechanism to bring about an end to arbitrary arrests and detentions in Myanmar.

U Win Tin, who served nearly 20 years in jail as a prisoner of conscience, famously pledged to wear a blue shirt, the same colour shirt he had to wear in prison, until all political prisoners in the country were released. On 21 April, people around the world will be wearing a blue shirt or blue clothing in solidarity with U Win Tin's call, which is unfortunately still relevant today.

One year after the NLD-led government took power, and despite a series of prisoner releases, there are still scores of people behind bars as a result of politically motivated arrest and imprisonment. Repressive laws which arbitrarily restrict the rights to freedom of expression, association and peaceful assembly remain in place, and authorities continue to use them to intimidate, arrest and jail human rights defenders, other peaceful activists, and members of ethnic minorities.

In addition, the civilian-led government has yet to take effective action to address the country's long history of politically motivated arrest, detention and imprisonment.

We note that in her most recent report to the UN Human Rights Council, the Special Rapporteur on the situation of human rights in Myanmar has recommended that the government undertake by October 2017 "a comprehensive review of all cases, based on broad and public consultations with all relevant stakeholders in view of the discrepancies in the numbers of remaining political prisoners."

Our organizations believe that the establishment of an independent, effective and properly resourced prisoner review mechanism with a clear mandate and procedures to address both short and long-term issues relating to spurious politically motivated prosecution would be an important step to address the decades-long problem of political imprisonment in Myanmar.

Such a review mechanism should:

1. Review the cases of all those who may have been charged or deprived of their liberty simply for the peaceful exercise of their human rights or as a result of unfair, politically motivated trials. All those charged or detained solely for the peaceful exercise of their rights should be immediately and unconditionally released and all charges against them dropped. Other individuals detained on politically motivated charges should also be released, unless they are promptly charged with a recognisably criminal offence and remanded by an independent court, and those imprisoned after unfair trials should be retried in proceedings which meet international standards of fairness;

2. Review all laws used to arrest, prosecute and punish political prisoners and prisoners of conscience, and recommend to Parliament the repeal or amendment of all such laws to bring them into line with international human rights law and standards;
3. Formulate and present recommendations to the relevant authorities aimed at ending the abuse of the criminal law to fabricate criminal charges against individuals for politically motivated reasons;
4. Ensure that all conditions attached to the release of political prisoners and prisoners of conscience are lifted;
5. Provide support and assistance to former political prisoners and prisoners of conscience and their families by ensuring that they have effective access to restitution, compensation, assistance in gaining access to education and employment opportunities and other forms of reparation to enable them to resume a normal life;
6. Share with the public its mandate, its terms of reference, and operational procedures, and publish regular activity reports;
7. Be properly resourced, receive appropriate support and co-operation from government agencies, and be given access to all prisons and prisons' records, as well as the authority to question relevant state officials;
8. Be comprised of members who are selected according to objective and relevant criteria, including their independence and expertise in human rights, as well as have adequate gender and ethnic representation, expertise on gender issues and children's rights. The Committee should be comprised of a wide range of stakeholders, including former political prisoners, prisoners of conscience and their representatives;
9. Be provided with sufficient resources to ensure its functioning and human rights capacity and for it to be able to seek technical assistance and advice from external experts in this regard;
10. Develop its programme of work in consultation with former political prisoners, their families and representatives, and takes into account the different experiences of women, men and children.

The greatest tribute to the memory of U Win Tin would be to achieve his dream of the release of all prisoners of conscience in Myanmar. We believe that establishing such a review mechanism would be a positive step towards achieving that goal.

Background:

U Win Tin, a journalist and founding member of the National League for Democracy, was one of Myanmar's longest serving political prisoners, describing his time in jail from 1989 until 2008 as "living in hell".

On 7 February 2013, then President Thein Sein announced the establishment of the Committee for Scrutinizing the Remaining Prisoners of Conscience "to scrutinize the remaining political prisoners serving their terms in prisons throughout the country so as to grant them liberty". However, it quickly became clear that the Scrutinizing Committee had serious shortcomings. By the end of 2014 it was unclear whether the Scrutinizing Committee was even operational, leading to increasing national and international criticism.

On 5 January 2015, then President Thein Sein announced the reconstitution of the Scrutinizing Committee into the Prisoners of Conscience Affairs Committee, which was to comprise 28 members and which would "promptly [carry] out prisoners of conscience affairs at the grassroots level." However, it appears that the Committee never even met and no information has been made publicly available regarding its mandate, procedures or activities. The lack of information and action appears to

justify concerns that the Committee had been reconstituted merely to deflect growing national and international criticism, rather than to resolve the issue of remaining political prisoners.

Signed by

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Asia-Pacific Solidarity Coalition (APSOC)
Assistance Association for Political Prisoners (Burma)
Association Suisse-Birmanie
Burma Campaign UK
Burma Human Rights Network (BHRN)
Burmese Muslim Association
Christian Solidarity Worldwide
FIDH - International Federation for Human Rights
Fortify Rights
Free Burma Campaign (South Africa)
Free Burma Coalition-Philippines (FBC-P)
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Swedish Burma Committee
US Campaign for Burma