

# **Lawyers' Rights Watch Canada**

## **Burma Country Report: 2005 - 2006**

by  
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The political situation in Burma is worse than before, if that is possible. Democracy leader Aung San Suu Kyi is still under house arrest. This time she has been held for 22 months, and still counting. The other senior leader of the National League for Democracy, U Tin Oo, has been under imprisonment and then house arrest for 22 months.

General Khin Nyunt, the former third in command of the country and head of Military Intelligence (the main repressive part of the Army) was arrested in 2004 and is now in jail. Strange as it may sound, people are now thinking he was the most moderate of the SPDC leadership.

The so-called Constitutional Convention continues, with no progress in sight and without National League for Democracy participation.

The U.N. Special Envoy on Burma, Ismail Rizaili, was not allowed to enter Burma in 2004 or 2005. Nor was the UNHCR Special Rapporteur, Sergio Pinheiro. In his June 2004 report, Prof. Pinheiro, Special Rapporteur of the Commission on Human Rights on the situation in Myanmar, expressed his disappointment with the lack of cooperation with his mandate on the part of the Myanmar authorities which has resulted in him being unable to carry out *in situ* missions to Burma.

The Deputy Chief of Mission of the Embassy of the Union of Burma, Washington D.C. applied on March 27, 2005 for political asylum for himself and his family based on his expectation that he would be arrested, tortured and possibly killed on his return to Burma.

There are still approximately 1500 political prisoners in Burma. Long jail sentences are handed out by military courts. There is no independent judiciary.

Even though they have a modified form of the British common law, Habeas Corpus does not exist.

There is no independent Bar Association. One existed before 1988, but since then the military government has appointed the members of the Bar Association.

Canada puts out nice words on Burma but has taken no steps to help the democracy movement or to move the U.N. to impose sanctions against the SPDC. The U.S. government takes a much stronger position on Burma. A full regime of sanctions is in place for Americans and American companies.

#### LRWC Actions

- LRWC wrote letters on behalf of arrested Shan political leaders to General Than Shwe, the leading military dictator of the State Peace and Development Council in what they call Myanmar. Copies were sent to the Embassy of the Union of Myanmar in Ottawa. Although requested, there was no response received from either Than Shwe or the Embassy.
- LRWC assisted with writing letters on behalf of the Muslim people of Rakhine State in Burma, known as the Rohingya who have been subjected, by Government officials, to multiple human rights abuses to which other residents of Rakhine State are not subjected, including forced labour, displacement, extortion, forced evictions, statelessness and restrictions to their freedom of movement that prevent employment, education and family interaction. These letters were directed to the Special Rapporteur of the United Nations Commission on Human Rights on the situation in Myanmar, the UN High Commissioner for Human Rights, ASEAN working group on human rights and the Asian Human Rights Commission.
- LRWC member Heather Neun spoke at the September 25<sup>th</sup>, 2004 Burma Day event at the University of British Columbia. This event was in support of prisoners of conscience in Burma including students Khin Maung Win and Thet Naung Sue, imprisoned for 7 and 14 years for participating in a peaceful demonstration. The event was

organized by three of local Amnesty International groups: The North Shore group, the UBC Legal Network and the UBC Amnesty group.

### **Burma Country Report April 2006**

The political situation in Burma (which its rulers call Myanmar) has continued to deteriorate over the last 12 months. Socio-economic problems plague ethnic areas, particularly those affected by civil war. Some believe the country is on the brink of a full-blown humanitarian aid crisis.

Because of concerns expressed by member states, Burma was not in a position to assume the rotating chair of ASEAN as scheduled in July 2006.

In mid-2005, the World Food Program said it would be forced to withdraw from Burma if it was not allowed greater support to do its work. The Global Fund to Fight Aids, Tuberculosis and Malaria did withdraw, citing restrictions on travel and supplies procurement. There are estimates of over 1 million internally displaced persons, while neighboring Thailand hosts over 150,000 refugees and more than a million illegal migrants.

There are continuing reports of the use of forced labor by the government. The ILO liaison in Rangoon has reportedly received death threats, and several advocates acting on behalf of complainants to the ILO, including lawyer Aye Myint and human rights defender Su Su Nway, were arrested and imprisoned in 2005.

In Oct. 2005, Vaclav Havel and Desmond Tutu commissioned a report entitled "Threat to Peace," asking for the UN Security Council to intervene in Burma in order to prevent destabilization of the region.

Despite expectations that pro-democracy leader Aung San Suu Kyi would be released, in Nov. 2005 the State Peace and Development Council, Burma's military rulers, issued an executive order extending her house arrest into a fourth year. The members of her party, the National League for Democracy, faced increased harassment and arrest.

In Nov. 2005, the military regime also moved the capital, beginning with several key government ministries, from Rangoon to Pyinmana, a small rural township. No explanation has been given for the move, but it is assumed that the military government believes its headquarters will be safer from attack in their new location.

While the National Convention to draft a new national constitution reconvened in February 2006, no progress has been made towards completing the convention, and no political reforms were introduced.

The UN Special Envoy to Burma, Razali Ismail, resigned in January 2006 because he was not allowed to enter the country. In February 2006, the UN Special Rapporteur, Sergio Pinheiro, released the final report of his six year term. In it, he complained that the problems enumerated in his final report are largely those he encountered when he assumed his mandate, and that without tangible political reform, no change is possible.

There are currently an estimated 1,160 political prisoners. Sixty of these were arrested since July 2005. According to the Special Rapporteur's last report, fifty-eight are known to have serious health problems. Many are also elderly, including Win Tin, former counsel to Aung San Suu Kyi, who turned 76 in prison and is Burma's longest serving prisoner of conscience.

An independent Bar Association (Bar Council) existed before 1988, but since then the military government has appointed its members. With the lack of judicial independence in Burma and the courts' failure to meet international standards for fair trials, the justice system is used by the government as a way to silence peaceful dissent.

The Canadian government issued statements on Burma in 2005 but has declined to take firmer action. Canada has imposed limited punitive measures against Burma, like denying visas to its leaders, but has failed to impose economic sanctions or to prohibit Canadian investment. The U.S., on the other hand, has banned new investment in Burma.

## LRWC Actions:

LRWC wrote three letters to General Than Shwe, senior officials in the justice system and the head of the Canadian Embassy in support of Aye Myint, a lawyer from Pegu Division who was arrested for presenting information regarding land confiscation to the ILO on behalf of farmers. Aye Myint's health is believed to be deteriorating in prison. LRWC has yet to receive a response to any of these letters.

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## Websites for further information about Burma:

Links to reports by the UN Special Rapporteur and resolutions of the General Assembly

[http://ap.ohchr.org/documents/dpage\\_e.aspx?m=89](http://ap.ohchr.org/documents/dpage_e.aspx?m=89)

Links to Amnesty International reports on Burma

<http://web.amnesty.org/library/eng-mmrr/reports>

Links to Human Rights Watch reports on Burma

<http://hrw.org/doc/?t=asia&c=burma>

## Some of AI's latest reports:

Myanmar: Leaving Home

<http://web.amnesty.org/library/index/engasa160232005>

Travesties of Justice – Continued Misuse of the legal system

<http://web.amnesty.org/library/Index/ENGASA160292005?open&of=ENG-MMR>

Myanmar's Political Prisoners: A Growing Legacy of Injustice

<http://web.amnesty.org/library/Index/ENGASA160192005?open&of=ENG-MMR>

## Links to Burmese organizations:

Assistance Association for Political Prisoners, Burma  
<http://www.aappb.org/>

Burma Lawyers Council  
<http://www.blc-burma.org/>

Democratic Voice of Burma (radio station)  
<http://english.dvb.no/news.php?id=6105>