

For Immediate Release

EXPOSING A “PORNOGRAPHY PLOY”: THE GLOBAL JUSTICE CENTER CALLS FOR PRESIDENT U THEIN SEIN TO RELEASE ALL POLITICAL PRISONERS AND MAKE PUBLIC ALL RELATED TRIAL TRANSCRIPTS

[NEW YORK, NY] – October 12, 2011 – The Global Justice Center released today a October 23, 2008 official court transcript which exposes the military’s use of trumped up pornography charges to convict fourteen Buddhist nuns and monks suspected of supporting the “saffron revolution” of 2007.

The six page judgment, signed by Judge U Peine Tun Aung after a one-day “trial,” convicted the seven nuns and seven monks of possessing “dirty” videos which “insulted” religion and sentenced them to imprisonment with hard labor for four years and three months. The judgment in Burmese can be found here: <http://bit.ly/ro38ww>. [English translation forthcoming.]

Among those convicted was Daw Pone Na Mee (Daw Mya Nyunt), an elderly, crippled, 84-year-old nun, who was one of the political prisoners visited by UN Special Rapporteur, Mr. Tomas Quintana in 2008. Mr. Quintana’s report on this visit related that the infirm nun told him she had no idea why she was in prison.

Burma’s top officials including the President and Chief Justice have consistently denied that political prisoners exist and claim that all prisoners have been convicted for committing serious crimes.

The Global Justice Center, a New York based human rights law group, calls for Burma’s President U Thein Sein to explain the full extent of this “perfidious pornography ploy,” and to release the trial transcripts of all current and former political prisoners, including any which are included in the upcoming release of 6,359 prisoners.

Janet Benshoof, Global Justice Center President states:

“Judge U Peine Tun Aung’s decision exposes the perfidy behind the convictions of the political prisoners in Burma. This case exposes how the military used concocted pornography charges and a criminally complicit judge in order to imprison and defile Buddhist leaders.”

Bo Kyi, the Joint-Secretary of the Assistance Association for Political Prisoners (AAPP), has released lists of about 2,000 political prisoners in Burma’s prisons, as well as lists of those who died or were killed in prison. Although Burma’s President has announced the release of some 6,359 prisoners on October 11, a report by the National League and Democracy (NLD) party states that only 184 of the 6,359 prisoners released on October 12 are political prisoners, leaving some 1,816 political prisoners in prison.

The UN and others have demanded the release of Burma’s political prisoners for over two decades. Burma’s military has responded to these demands by perfecting a “catch and release” strategy which consists of periodically releasing some prisoners (rearresting many later) to gain global legitimacy. Such releases often coincide with mounting international pressure or important meetings.

The current release of prisoners coincides with the Indonesian PM's forthcoming visit to Burma as part of Burma's bid to assume ASEAN chairmanship in 2014 and, is taking place just days before the UN General Assembly meets to discuss Burma on October 19, 2011.

The Global Justice Center calls for Burma's President U Thein Sein to release all prisoners, to make public all court transcripts, and to establish a process whereby all persons wrongfully convicted – or their families, if the person died in prison – are provided with full redress including reparations.

About The Global Justice Center

The Global Justice Center (www.globaljusticecenter.net) is a New York based international human rights NGO that works to promote justice and gender equality by creating legal precedents and legal tools to advocate for the progressive interpretation and aggressive enforcement of international law.

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Background

The monks and nuns convicted on October 24, 2008 were charged under Burma laws 295/295A and 292 which prohibit “possession [of] any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever” and “destroy[ing], damag[ing] or defil[ing] any object held sacred by any class or person with the intention of thereby insulting the religion of any of person...” The judgment fails to include any evidence to back up the charges or conviction except for the submission by the public prosecutor police officer, Aung Kyaw Soe, that refers to a single set of “dirty videos.”

Perspective on the military's “catch and release” strategy resulting in actual release of relatively few political prisoners:

- In May 2011, 14,600 prisoners were released. 58 of them were political prisoners.
- In September 2009, 7,114 prisoners were released. 127 of them were political prisoners.
- In February 2009, 6,313 prisoners were released. 31 of them were political prisoners.
- In September 2008, 9,002 prisoners were released. 9 of them political prisoners, including the famous journalist, 80-year-old U Win Tin.
- In November 2007, 8,585 prisoners were released. 20 of them were political prisoners.
- In July 2005, around 400 prisoners were released. 341 of them were political prisoners.
- In November and December 2004, 14,318 prisoners were released. 60 of them were political prisoners.

Although news reports have referred to the Burma Human Rights Council's use of the term “prisoners of conscience,” the official position of Burma's President, Chief Judge, and UN Ambassador is that political prisoners do not exist.

- Chief Justice U Tun Tun Oo on August 26, 2011: “There is no prisoner serving a term for his belief. Prisoners are all serving their terms for the crimes they have committed” (New Light of Myanmar, August 26, p. 8).
- Burma's United Nations Ambassador, U Thant Kyaw, on October 20, 2010 at UN Human Rights Council: “There are no political prisoners in Myanmar [Burma], and no individual has been incarcerated simply for his or her political beliefs.”
- Myanmar official submission to UN Human Rights Council in February 2011, p. 7, paragraph 51: “Those referred to as ‘political prisoners’ and ‘prisoners of conscience’ are in prison because they had breached the prevailing laws and not because of their political belief.”
- President U Thein Sein’s Chief Adviser for Political Affairs, U Ko Ko Hlaing, on May 17, 2011: “Officially, we have no so-called political prisoners. We only have a State of Emergency Act, which is enforced not only in our country but also in other former British colonies such as Malaysia and Singapore.”

Using judges to dispose of political opponents by false imprisonment is a tool used by the military. The United Nations has passed over 15 resolutions condemning Burma’s pre-2011 judicial system which allege that Burma lacks an adequate judiciary, access to due process, an independent judiciary, and needs to restore the right to a fair trial.

Burma’s new constitution implemented in January 2011 expands military control over the judiciary in the following ways:

- ❖ The constitution defines the new sovereign (civilian) state as being composed of the executive, legislative and judicial branches, exclusively. The military is a legally autonomous entity *outside of* the sovereign state of the Republic of the Union of Myanmar and the non-elected, unaccountable, and perpetually male Commander-in-Chief controls military. No civilian court, not even the Supreme Court, has any jurisdiction over crimes or civil disputes involving the military or police, including crimes perpetrated by active military officers serving as parliamentarians or in the civil service.
- ❖ The constitution’s judicial qualification articles ensure that newly appointed “civilian” judges occupying the top judicial offices are among the same criminally culpable judges who carried out false imprisonments under former Chief Justice U Aung Toe. The new Chief Justice of the Supreme Court, Justice U TunTun Oo, was former Deputy Chief Justice and was one of three judges who affirmed Daw Aung San Suu Kyi’s conviction and confinement on orders from Senior General Than Shwe. Chief Justice U Tun Tun Oo remains on the European Union sanction list.
- ❖ The constitution also guarantees the military past, present and future impunity for all crimes, including genocide, war crimes, and crimes against humanity.