



21 November 2008

STATEMENT

Burma: Free Speech Crackdown Accelerates

A year after the Saffron Revolution and just weeks before UN Secretary General Ban Ki-Moon's planned visit, freedom of expression in Burma has reached a historical low point with the sentencing of a comedian to 45 years and the imprisonment of journalists, lawyers, poets and activists.

ARTICLE 19 and Index on Censorship are immensely saddened by the plummeting situation in Burma and are concerned by the evident chain of events which systematically undermine human rights and freedom of expression. A number of worrying incidents have taken place recently, including:

September 2008

- From September onwards, Burmese news sites *Mizzima* and *Irrawaddy* have been targeted with electronic attacks and have their servers bombarded with denial-of-service attacks

October 2008

- Two judges involved in cases arising from last year's protests, Nyi Nyi Htwe and Saw Kyaw Kyaw Min, were sentenced to six months in jail on 29 October under Section 228 of the Penal Code for requesting that the Information Minister and Director General of police be called as witnesses for their three clients

November 2008

- New political detainees including Htwe and Min were moved to prisons far away so that their families cannot supply them with the essential necessities such as food and medicine

7 November

- Supreme Court advocates U Aung Thein and U Khin Maung Shein involved in the cases of protesters were convicted to four-month prison terms for contempt of court under Section 3 of the 1926 Contempt of Courts Act after submitting a letter to the court that called into question the fairness of the entire judicial process

11 November

- The infamous Insein prison special court in Rangoon sentenced fourteen leading democracy activists, all members of the '88 Generation Student group, to 65 years imprisonment each
- Nay Phone Latt, a pro-democracy blogger, was handed down a 20-year prison sentence for posting on his website material that criticised military leader

Than She. His lawyer was also put behind bars for criticising the special court's procedures

- Labour activist Su Su Nwe was sentenced to 12 and a half years imprisonment, and poet Saw Wai was sentenced to two years imprisonment for a hidden anti-Than She message in one of his poems
- Musician Win Maw, arrested on 27 November 2007, was charged under Article 5(j) of the penal code with "threatening national security" and sentenced to six years in prison

14 November

- Eco Vision journalist Ein Khaing Oo was given a two-year prison term for taking photographs of survivors of Cyclone Nargis

18 November

- Three activists from the '88 Generation Students group were sentenced for up to 33 years imprisonment for inciting public unrest under the Emergency Act
- Two Buddhist monks Ashin Gambira and U Kalatha were also sentenced to long prison terms of around 12 years for their part in leading the demonstrations of 2007
- Five UN experts, including envoy Tomas Ojea Quintana, condemned the severe convictions and the unfair trials of prisoners of conscience

20 November

- Following his father and grandfather who were sentenced on 11 November, Di Nyein Lin and two other student activists were sentenced to six and a half years imprisonment for causing public alarm and insulting religion

21 November

- Comedian Zarganar, arrested on 4 June 2008 for collecting money for Cyclone Nargis victims, was sentenced to a staggering 45 years for creating "disaffection towards state and government" and violating the Electronics Act. Zarganar also has another five cases remaining against him to be tried on 27 November
- Sports columnist Zaw Thet Htwe and co-accused Thant Zin Aung were sentenced to 15 years imprisonment each, and Tin Maung Aye received 29 years in prison, all for their similar roles in the same cyclone relief efforts

Awaiting Trial

- There are many more cases lined up in this rapidly unfolding situation that include magazine editor Zaw Thet Htwe, human rights defender U Myint Aye and activist monk U Gambira.

Over the last year, the number of political prisoners has leapt from 1,200 in 2007 to over 2,100 today. What was already an unfair and opaque legal system has also deteriorated substantially and cases are now heard within prisons devoid of any form of openness or transparency. Such arbitrary use of legal provisions, brutal treatment of prisoners and the harsh prison sentences against peaceful demonstrators provide ample evidence that the military government still fails to comply with international human rights standards, especially the right to freedom of expression, freedom of association and the right to a fair trial.

Furthermore with so-called "free" elections for a new "democratic" government to be held in two years time, the government is quashing any form of resistance and sentencing any possible political opposition to long periods in jail, many in solitary confinement. Removing those few remaining activists, journalists and lawyers who try to stand up and protest, makes any future elections meaningless.

ARTICLE 19 and Index on Censorship note that UN Secretary General Ban Ki-Moon has repeatedly declared that Burma is a key priority for the UN. We also note and express gratitude that the European Union, Japan and the United States have all released statements on the unfolding situation.

Unfortunately however, the states with the largest influence over the Burmese government, namely China, India and Thailand have remained silent.

ARTICLE 19 and Index on Censorship call upon China, India, Thailand and the ASEAN countries to raise these abuses with the Burmese government. Furthermore, ARTICLE 19 and Index on Censorship call upon European Union member states, and in particular Nicolas Sarkozy in his capacity as President of the Council of the European Union and José Manuel Barroso, President of the European Commission, to use the upcoming 11th EU-China Summit in Lyon, France, to raise these issues with the Chinese government as part of their promised regional dialogue.

FURTHER INFORMATION:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.
- Index on Censorship promotes freedom of expression through publishing, education and international arts and media projects. Our award-winning magazine and website feature original and challenging writing on free speech issues around the world.