

Bernard Kouchner
Foreign Minister of the Republic of France
French Presidency of the EU

Brussels, 17 October 2008
Ref: B816

Dear Mr Kouchner,

ASEM summit: human rights must be on the agenda

Ahead of the 7th ASEM summit, on 24th and 25th October in Beijing, we are writing to urge the French Presidency to use the opportunity to raise, with the government of Myanmar through ASEM, concerns about ongoing human rights abuses in that country. In particular, we would like to highlight three current concerns regarding the situation in Myanmar:

- the new constitution and the 2010 elections;
- persecution of peaceful political dissent; and
- crimes against humanity in eastern Myanmar.

The new constitution and the 2010 elections

Myanmar's government announced in February 2008 that it had completed the drafting of a new constitution, and despite the devastating consequences of Cyclone Nargis just a week earlier, which killed tens of thousands of people and displaced nearly a million more, held referendums on the constitution on 10 and 24 May. The government claimed that 92.4% of the population approved the constitution. Amnesty International is deeply concerned that, rather than attempting to introduce the rule of law and respect for human rights to Myanmar, this constitutional process seeks to perpetuate and legitimise the government's continuing human rights abuses and ensure impunity for past, present and future violations. We are concerned that despite the obvious flaws in the drafting process and in the actual constitution, the referendum has been described as a positive or meaningful process on several occasions, both regionally and within the wider international community, since the government of Myanmar have presented it as part of their 'Roadmap to Democracy', paving the way for elections to be held in 2010.

Any endorsement of the new constitution which flouts international human rights standards is extremely worrying. Amnesty International urges the French Presidency to show leadership in the international community, by making clear to the government of Myanmar that the constitution must be radically reformed or replaced, through a transparent, intimidation-free, and truly inclusive process, with a draft constitution that fully protects international human rights.

Persecution of peaceful political dissent

On the eve of the September 2007 crackdown on peaceful demonstrations, there were approximately 1,150 political prisoners in Myanmar. Despite the high profile dissident releases on 23 September 2008, Amnesty International estimates that the current figure stands at around 2,100 - the number of political prisoners has nearly doubled in a single year. The government of Myanmar is not relenting in its bid to silence all peaceful political dissent in the country.

The margins of the ASEM summit provide an opportunity for the French Presidency to implement the EU guidelines on HRDs and to raise concerns about the general situation for prisoners of conscience in Myanmar, which are well illustrated by highlighting individual cases. All prisoners of conscience should be immediately and unconditionally released. At least 35 members of the 88 Generation Students group, arrested in the 2007 crackdown, are currently on trial facing a range of charges for their role in the demonstrations. The laws they have been charged under include three security laws that have been routinely and arbitrarily used to criminalise peaceful political dissent.

Activists Min Ko Naing, Htay Kywe, Mie Mie, Zaw Htet Ko Ko and Myo Yang Naung Thein are among those on trial. They are at risk of torture. They have suffered health problems in detention and have not received adequate treatment. Myo Yang Naung Thein was arrested in December 2007 because of his links to activists who filmed the September 2007 protests. Since his arrest, the lower part of his body has become paralysed, possibly as a result of torture during interrogation, but he has been denied specialist medical treatment for a prolonged period. He has now appeared before court in Insein Prison at least 20 times - and every time on a stretcher. He could be sentenced in the next three weeks.

U Ohn Than, a 61 year old activist, was imprisoned on a life sentence in August 2007 after demonstrating in front of the US embassy in Yangon. He is being held far away from his family and was reported to be suffering from an advanced stage of cerebral malaria in June 2008. U Ohn Than has been repeatedly imprisoned before.

Crimes against humanity in eastern Myanmar

In June 2008, Amnesty International released a report documenting a two and a half year military offensive that the Myanmar army, known as the *tatmadaw*, had waged against ethnic Karen civilians in Kayin (Karen) State and Bago (Pegu) Division since November 2005. The offensive involved widespread and systematic violations of international human rights and humanitarian law. These violations constitute crimes against humanity.

Unlike previous counter-insurgency campaigns against the Karen National Union (KNU) and its armed wing (the Karen National Liberation Army, KNLA), the offensive had civilians as the primary targets. The operation, which has continued after the publication of the said report, is the largest in a decade and is unique in that, unlike previous seasonal operations that have generally ended at the start of the yearly rains between May and October, it has continued through three consecutive rainy seasons. The operation will now likely intensify again with the onset of the dry season at the end of this year.

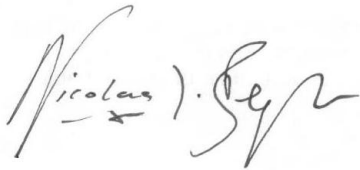
An estimated 147,800 people are reported to have been, and remain, internally displaced in Kayin State and eastern Bago Division. Many of them have also been subjected to other widespread and systematic violations of international human rights and humanitarian law, including unlawful killings; torture and other ill-treatment; enforced disappearances and

arbitrary arrests; the imposition of forced labour, including portering; the destruction of homes and whole villages; and the destruction or confiscation of crops and food-stocks and other forms of collective punishment.


Amnesty International urges the French Presidency to show leadership within ASEM, by calling on the Myanmar government to end all violations in the ongoing military offensive against civilians in eastern Myanmar.

As always, we are ready to assist in providing any further briefing that would be useful on these issues, and would welcome any feedback on the discussions on the human rights situation in Myanmar that we hope will take place at the forthcoming ASEM summit.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nicolas J. Berger". The signature is fluid and cursive, with the first name "Nicolas" written in a smaller, more legible font than the last name "Berger".

Dr. Nicolas Berger
Director
Amnesty International EU Office

A handwritten signature in black ink, appearing to read "Geneviève Garrigos". The signature is highly stylized and cursive, with the first name "Geneviève" written in a larger, more prominent font than the last name "Garrigos".

Geneviève Garrigos
Chair
Amnesty International France