

## **Objection of Statement made by President Thein Sein in Regard to Prisoners of Conscience**

The Burma Lawyers' Council condemns so-called President Thein Sein for his statement, made in the aftermath of the ASEAN's recent summit on November 19, 2011, denying that there is no prisoner of conscience (or political prisoner) in Burma, while asserting that there are only those who commit crimes. Thein Sein made such a negative statement one day after the National League for Democracy (NLD) made a resolution to register party and participate in the forthcoming elections. He might presume that now he has got full legitimacy, and that he can even make definition on what the prisoner of conscience means.

Since Nov 7, 2010 elections, Thein Sein has been keeping silent over one year. During that period, he even enjoyed applauses of many people inside the country and some parts of the international community for a few superficial changes. However, having convinced that his legitimacy has been strengthened, he has started to uncover his face, by publicly rejecting the call of all people in Burma as well as the international community to release all political prisoners or prisoners of conscience. They may continue to be released but not as the prisoner of conscience but as the 'criminals' and their dignity has been inappropriately challenged. The entire people in Burma have now faced the question of the rule of law. Thein Sein may be right if the situations of those prisoners are not analysed from the aspect of the genuine principles of the rule of law.

In Burma, Thein Sein and successive military regimes have administered the country with the practice of the 'Rule by Law' but not with the 'Rule of Law'. The 'Rule by Law' indicates that people have to comply with all laws, regardless of whether they are just or unjust, or whether they are in line with human rights norms or not. For example, from the perspective of Thein Sein, Min Ko Naing and student leaders are 'criminals' because they violated the 2004 Electronic Transaction Laws and as such the court provided penalty to them. Actually, by using a number of draconian laws, including the 2004 Electronic Transaction Laws, the successive ruling military regimes in Burma have been criminalizing the innocent students, workers, lawyers, democracy and human rights activists and many other people. Now Thein Sein has already asserted that he would continue doing so, rather than cancelling all those unjust draconian laws.

So long as 2008 Constitution and other draconian laws continue to exist with the background system of the rule of the military dictatorship, the genuine principles of the rule of law would have been denied and the average people will continue to suffer seriously. In that case, national reconciliation will exist only superficially and peace and development will never be achieved.

The Burma Lawyers' Council

November 21, 2011.