

City Clerk Department

June 15, 2012

President Barack Obama
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

RE: Free All Political Prisoners in Burma and Support Respect for Basic Human Rights

At its meeting of June 12, 2012, the Berkeley City Council adopted Resolution No. 65,778-N.S. calling for the immediate release of all Burmese political prisoners and supporting the right of the Burmese people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Numainville". The signature is fluid and cursive, written over a light background.

Mark Numainville, CMC
Acting City Clerk

Enclosure: Resolution No. 65,778-N.S.

Cc: Hillary Clinton, Secretary of State
Dianne Feinstein, Senator
Barbara Boxer, Senator
Harry Reid, Senator
John McCain, Senator
John Boehner, Representative
Barbara Lee, Representative
Susan Rice, Ambassador
General Ban Ki-Moon, United Nations Secretary
Tomas Ojea Quintana, United Nations Special Rapporteur
Niccolo De Luca, Federal Lobbyist
Eric Brenman, Secretary, Peace & Justice Commission
Christine Daniel, Interim City Manager

RESOLUTION NO. 65,778-N.S.

FREE ALL POLITICAL PRISONERS IN BURMA AND SUPPORT RESPECT FOR
BASIC HUMAN RIGHTS

WHEREAS, the Peace and Justice Commission advises the City Council and the Berkeley School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and expressing the sense of the citizens of Berkeley regarding the systematic violation of human rights in Burma committed by the Burmese Government, call for the immediate release of all political prisoners, and supporting respect for basic human rights; and

WHEREAS, the Burmese Government continues to officially deny the existence of political prisoners in Burma¹, referring to them as common criminals who have breached prevailing law and continues to repress all peaceful attempts by the Burmese people to bring democratic change to the country by denying universally recognized liberties, including freedom of speech, assembly, association, and movement of the press; and

WHEREAS, on January 13, 2012, President Thein Sein ordered the most substantial and significant release of political prisoners in Burma to date, resulting in the release of 300 political prisoners, though regrettably, their release was authorized under Article 401 of the Criminal Procedural Code and effectively allows for their re-arrest without warrant at any time, and those released can be made to serve the remainder of their sentences, extreme terms that often surpass 65 years; and

WHEREAS, more than 851 political prisoners remain behind bars in Burma, pro-democracy and human rights activists who worked for a successful transition to democracy in Burma have been incarcerated and sentenced under draconian totalitarian laws; and

WHEREAS, there has been intensified political and social repression following prison amnesties, with a recent disturbing trend of dissident monks being placed under "village arrest" and having their monasteries sealed off; and

WHEREAS, the Burmese Government is highly resistant to prison transparency and the fate of many political prisoners remain unknown; and

WHEREAS, the plight of ethnic villagers is being neglected in the process of engagement with the Burmese Government, as they continue to be subjected to mass arrests, rape as a weapon of war, forced labor, and being used as human minesweepers, of particular concern is the case of Sayeddul Amin, Ali Zuhar, and Mohamed Noor, of Arakan State, who were arrested, severely tortured in the village

¹ "Burma: Government must go further with prisoner release", Amnesty International, Oct. 13, 2011.
<http://www.amnesty.org.au/news/comments/26994>

administration office, and the Nasaka (local border security force) demanded 700,000 Kyat to release them despite them not committing any crime, in December 2011²; and

WHEREAS, former political prisoners face ongoing harassment after their release, and are subject to considerable barriers to resuming their normal lives; and

WHEREAS, the Asian Legal Resource Center launched an appeal in December 2011 to reinstate the licenses of 32 human rights lawyers in Burma who did nothing more than freely represent their political opinions in accordance with the law, among them Aung Thein, a lawyer who has represented Aung San Suu Kyi, U Gambira, and Min Ko Naing³; and

WHEREAS, two former political prisoners, Zaw Lin Htun and Thet Nwe, passed away immediately after their release from prison since the prison amnesty in October 2012, as a direct result of injuries sustained during their time in prison and prolonged denial of basic medical care; and

WHEREAS, the absence of the rule of law reigns supreme in Burma, and the Burmese Government carries out "summary trials" to expeditiously sentence pro-democracy leaders to try to intimidate and silence other pro-democracy activists in the country, while world attention is primarily focused on the rapid pace of so-called democratic reforms⁴; and

WHEREAS, the Burmese Government has engaged in mass arrests of dissidents and ethnic minorities while it continues to receive foreign diplomats such as US Secretary of State Hillary Clinton and UK Foreign Secretary William Hague, and the United Nations Human Rights Council is slated to meet in Geneva in March 2012⁵; and

WHEREAS, member states of the European Union are planning to convene in advance of the annual April meetings to discuss lifting of economic sanctions in response to positive changes in Burma, though the deplorable situation for dissidents and political prisoners has not changed; and

WHEREAS, the Burmese Government has repeatedly violated the rights enshrined in the Universal Declaration of Human Rights, and other international and regional human rights agreements, and has violated the mandates issued by the United Nations Human Rights Council; and

² "Background Note: Burma," U.S. Department of State, Aug. 3, 2011. <http://www.state.gov/r/pa/ei/bgn/35910.htm>

³ A special appeal on behalf of lawyers in Myanmar (Burma) whose licenses have been revoked for defending persons accused in political cases or for political activities. Asian Legal Resource Center, Dec. 23, 2011. <http://www.alrc.net/PDF/ALRC-CPL-001-2011.pdf>

⁴ "Burma's Political Prisoners", BBC New Asia, Jan. 13, 2012. <http://www.bbc.co.uk/news/world-asia-pacific-11741612>

"Assistance Association for Political Prisoners (Burma)". <http://www.aappb.org/aboutaapp.html>

⁵ "Burma: Promises of Change, but Abuses Continue", Human Rights Watch, Jan. 24, 2012. <http://www.hrw.org/news/2012/01/23/burma-promises-change-abuses-continue>

WHEREAS, pro-democracy leaders and ordinary citizens in Burma have come together to call for the immediate release of all Burmese political prisoners on a number of occasions, with over 100,000 Burmese signing a petition on September 2011 calling for the release of political prisoners; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges the Congress of the United States to condemn the brutal crackdown of the government of Burma on the nation's peaceful pro-democracy movement and dissidents and calls for the immediate and unconditional release of all Burmese political prisoners.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the Congress of the United States to support the right of the Burmese people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the Congress of the United States work with the member countries of the United Nations Human Rights Council to ensure a resolution that includes the strongest possible condemnation of the continued crackdown of dissidents and of the gross human rights violations committed by the Burmese government, and to press for an independent investigation into possible crimes against humanity.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the Congress of the United States to oppose lifting sanctions until all political prisoners are released unconditionally and Burma adheres to international human rights standards, such as those delineated in the Universal Declaration of Human Rights.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges member states of the United Nations Human Rights Council, and the international community, to press for an independent and regular monitor to be allowed into all prisons and detention centers in Burma, with a mandate of verifying the number of political prisoners and ensuring that places of imprisonment and detention meet internationally accepted standards, including the UN Standard Minimum Rules for the Treatment of Prisoners⁶.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges Congress of the United States, member states of the United Nations Human Rights Council, and the international community, call for legislative reform and the lifting of repressive and draconian laws, such as the Unlawful Associations Act⁷, Emergency Provisions Act, and Electronic Transactions Act, as these laws allow for long-term detention and imprisonment of peaceful activists, and is a primary obstacle to ensuring that former political prisoners are allowed to fully participate in Burma's political process without threat of reprisal.

⁶ UN Standard Minimum Rules for the Treatment of Prisoners. <http://www2.ohchr.org/english/law/treatmentprisoners.htm>

⁷ "Unlawful Associations Act." http://www.blc-burma.org/html/burma%20code/lr_e_bc02_23.html

BE IT FURTHER RESOLVED that the Council of the City of Berkeley asks the Congress of the United States, member states of the United Nations Human Rights Council, and the international community, urge the government of Burma to advocate for reforms to law and policy to eradicate torture in Burma, including ratifying the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁸ and abolishing policies that allow for arbitrary detention and enforced disappearances.

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Barack Obama, Secretary of State Hillary Clinton, Senator Dianne Feinstein, Senator Barbara Boxer, Senator Harry Reid, Senator John McCain, Representative John Boehner, Representative Barbara Lee, Ambassador Susan Rice, United Nations Secretary General Ban Ki-Moon, United Nations Special Rapporteur Tomas Ojea Quintana. A record signature of said Resolution to be on file in the office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on June 12, 2012 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.


Noes: None.

Absent: None.



Tom Bates, Mayor

Attest:



Mark Numainville, CMC, Acting City Clerk

⁸ "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" <http://www.hrweb.org/legal/cat.html>