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Myanmar's Courts Subvert Rule of Law, Activists Say

The International Herald Tribune

U Phoe Phyu, a lawyer and former political prisoner, was arrested in October for leading a farmers' protest in Myanmar.

By THE NEW YORK TIMES

Published: December 3, 2011

YANGON, Myanmar — Secretary of State Hillary Rodham Clinton concluded her [visit to Myanmar](#) on Friday by telling reporters at the American Embassy that she was “cautiously hopeful” that Myanmar was emerging from decades of military dictatorship. But that was little solace for U Phoe Phyu.

At virtually the same moment that Mrs. Clinton was making her remarks, Mr. Phoe Phyu, a 31-year-old lawyer and former political

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prisoner, stood before a court just a half-hour drive away to face charges of illegal assembly and disobeying government orders. He was arrested in October after leading a farmers' protest against land confiscation by big companies with government connections.



Amid the optimism that marked [Mrs. Clinton's visit](#), Mr. Phoe Phyu's case has become a sobering reminder of the distance Myanmar has yet to travel toward full political freedom and of the ways the government continues to use the judiciary to repress opposition and to stifle the press, which was blocked from publishing news of the case.

"There has been absolutely no change in the courts," Mr. Phoe Phyu said in an interview on Friday before his court appearance. "There is no rule of law."

U Tun Lin Oo, a member of a charitable organization that assists farmers in the country, said he believed that the government brought charges against Mr. Phoe Phyu because the issue of land confiscation was potentially explosive.

"The government is very afraid that farmers will get organized," Mr. Tun Lin Oo said.

Farmers represent more than two-thirds of Myanmar's population of 55 million and are [among the country's poorest residents](#).

Mr. Phoe Phyu is leading a campaign to fight what he says is the rising incidence of land confiscation by government officials and business executives with links to them.

The main case he is fighting involves 1,000 farmers whose land, totaling more than 10,000 acres, was seized by the government in the mid-1990s. At the time, officials said they were planning to build government offices.

But those plans changed when the government moved to a new capital, Naypyidaw, in 2005. Rather than return the land to the farmers, the seized land was then transferred to more than a dozen companies with ties to the military.

"They are abusing power," Mr. Phoe Phyu said of the government officials who are shareholders in the companies that now own the land.



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As Myanmar, formerly known as Burma, undergoes a somewhat tumultuous transition from a Soviet-style system of economic management to a more market-oriented economy, the number of land-seizure cases appears to be increasing.

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Local newspapers have run oblique reports on a number of cases in recent weeks.

"This problem has already spread all over the country," Mr. Phoe Phyu said.

Last month, in Pathein, a town in the Irrawaddy Delta, about 300 farmers marched to the chief minister's office to protest land seizures.

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One of the leaders of the demonstration, U Ko Myint Naing, was arrested and faces a maximum sentence of three years in prison if convicted. He was charged with copying a videotape of the event without seeking permission from government censors.

This was an echo of the years of military rule, when dissidents were arrested and charged with crimes that were tangential to their activities. Critics of the government were regularly arrested for holding unauthorized foreign currency or owning a fax machine without a permit.

As the country's new leader, President Thein Sein, who was inaugurated in March, pushes through a raft of new laws, it is sometimes unclear whether new or old laws apply.

Between the time that Mr. Phoe Phyu was arrested and his court appearance on Friday, Myanmar's Parliament passed a law issuing guidelines on protests. (Protests are technically legal, according to the law, but participants must seek permission five days in advance and provide details about the slogans they will be chanting.)

Mr. Phoe Phyu said that Myanmar's land laws were being rewritten in ways that favored allies of the government, including former military officers and their business associates. It is an accusation that cuts close to the bone for the former generals now running the country.

Mr. Phoe Phyu repeatedly clashed with the previous military junta. He was jailed twice and was disbarred after he represented protesters arrested in the 2007 uprising led by Buddhist monks, a rebellion brutally crushed by the military.

While in prison he was badly beaten, suffering damage to his ears. During the interview on Friday at a Yangon restaurant, he shouted answers critical of the government across the table. In a country where until very recently public dissent resulted in an arrest, patrons in the restaurant swiveled their heads at each critical comment.

"The new laws will not protect farmers' rights to their land!" he thundered.

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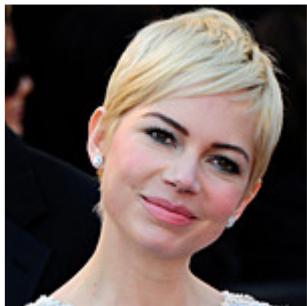
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