

The James Mawdsley Story

Freedom Now was founded in 2001, after our president, Jared Genser, then a law student, freed James Mawdsley, a British human rights activist unjustly imprisoned in Burma.



"You Saved My Life"

University of Michigan Law School Law Quad Notes, Spring 2001

Jared Genser recalls his involvement in the early morning celebration as being like "an out-of-body experience." It was October 21, 2000, about 5 a.m., and he was on the list that allowed him to pass quickly through the special heavy security that cordoned this corner of London's sprawling Heathrow Airport.

Only hours before he had been listening to law professors in Hutchins Hall. Now he was part of the select group with security clearance to be the first to greet human rights activist James Mawdsley after his release from imprisonment in Burma. Waiting in the VIP lounge with Genser were representatives of the Jubilee Campaign, an international human rights organization he had worked with to free Mawdsley, members of Mawdsley's family, and representatives from the British Foreign Office.

For Genser, a third-year law student who grew up in the Washington, D.C., area, this trip came as the whirlwind climax to what had been his stubborn, optimistic effort on behalf of a man he might never meet unless Burma's military rulers could be convinced to free him. Mawdsley, a devout Roman Catholic and equally devout opponent of the Burmese government's treatment of its ethnic minorities, had been sentenced to 17 years in solitary confinement for advocating democracy and distributing leaflets in that south Asian country.

The military leaders of Burma, which they call Myanmar, had arrested Mawdsley twice before: In 1998 they arrested him and tossed him out of the country. He re-entered later that year without a passport, was arrested, convicted, and sentenced to five years solitary confinement; he was deported after 99 days.

In August 1999, he entered the country again, legally and openly despite later Burmese claims to the contrary, and began distributing leaflets. He quickly was arrested and said he was "absolutely delighted" when Burmese authorities made him a cause celebre by sentencing him to 17 years imprisonment. During the 60 weeks that he spent in solitary confinement, he was beaten, denied pens, writing paper or a radio, given food which embassy staff brought only after it began to rot, and subjected to 24-hour-a-day

fluorescent lighting. The round-the-clock lighting damaged his eyes and made it impossible for him to read.

"I paced instead," he told a reporter. "I walked 15 miles a day around the inside of my cell and there was always plenty to think about - democracy, the other prisoners, the next protest." He maintained a regimen of 2000 physical exercises a day. "I'm probably in better condition now than I've ever been," he quipped when he landed in England. "No fags or beer, and all that fresh mountain air."

Mawdsley was just a name in news reports to Genser when he headed for London last spring to do an externship at the AIRE Centre, a human rights organization whose director, Nuala Mole, is a frequent speaker at the Law School. True, Genser was no stranger to human rights work:

- He had received Amnesty International's Honored Activist Award for his pivotal role in organizing the 50-group, 5,000-person protest of Chinese president Jiang Zemin's visit to Harvard University in 1997.
- In spring 1998, he brought Chinese dissident Wei Jingsheng to speak at Harvard's Kennedy School of Government in response to Jiang's speech.
- A short time later, at the request of the Dalai Lama, he and other organizers of the protest met with the exiled Tibetan leader.
- After his first year at the Law School, he worked for a law firm in Washington, D.C., where he researched the successful asylum claim of a Rwandan woman and helped to draft a brief to the UN Commission on Human Rights' Working Group on Arbitrary Detention on behalf of 26 Sudanese who were put on trial and threatened with crucifixion after a bombing in Khartoum. Although five of the Sudanese were beaten to death while in captivity, Genser's work contributed to the release of the 21 survivors.
- These experiences and his work on Mawdsley's case led him to file his successful application late in 2000 for a Law School Bates Fellowship to continue such work.

At the AIRE Centre in March of 2000 he spotted an article in the Evening Standard about Mawdsley, a British citizen. "After seeing the article, I asked my boss, a prominent human rights lawyer named Nuala Mole, if I could contact his parents to see if a petition had been submitted to the United Nations on his behalf," he explained in his Bates Fellowship application. "Not surprisingly, I had an idea for taking his case to the UN Commission on Human Rights' Working Group on Arbitrary Detention because of my involvement in the Father Hillary Boma Awul case [in Sudan]. Having seen this process work before, my hope was to duplicate the results for James Mawdsley."

At Mole's suggestion, and because the UN does not require that you be a lawyer to represent someone, Genser took the case with him when he returned to the United States in the summer. Once back in the United States, "I thought it would be helpful to get the support of many senators and members of Congress. This would serve two purposes: 1) spur on the U.S. State Department to get more involved in the case, and 2) light a fire under the British Foreign Office." He peppered congressional staffers with

telephone calls, and eventually convinced five senators and 18 representatives to sign the letter. "Meanwhile, throughout August, I had been regularly lobbying Markus Schmidt, the secretary to the Working Group on Arbitrary Detention. . . . The Burmese were given until August 6 (with an extension) to respond to the petition. They never replied."

Schmidt called Genser late in September to report that the Working Group had ruled that Mawdsley "was being arbitrarily detained under international law on all the counts I had alleged in the petition."

"The allegations, unrebutted, demonstrate the violation of all norms of fair play and justice," the Working Group said. "Mr. Mawdsley was not informed of the reasons for his arrest; he was detained incommunicado without legal advice or representation; his trial is a mockery of all legal principles applicable in jurisdictions where the rule of law prevails."

Also, the Working Group added, "when he was sentenced for 12 years in relation to his activities in August 1999, his earlier sentence for previous activities in 1998 was revised and he is now to serve a sentence of 17 years. The five years sentence now added is for an offence in which the sentence had earlier been commuted and Mr. Mawdsley been deported. This mode of sentencing is also contrary to all considerations of due process."

As is usual in such cases, Burmese authorities were given an advance look: they received the decision two weeks before it would be made public, on October 10, so they could respond outside of the public arena. They did not respond, but the day after they received the decision, Mawdsley's guards beat him with truncheons and broke his nose.

"Once October 10 came along, I received the text of the judgment, the British demanded James' deportation, the United States did two days later, and Britain cabled about 40 of its ambassadors around the world to request their host governments make a similar demand," according to Genser. "I received an e-mail from the U.S. State Department on the morning of October 16 that James would be released and an hour later a telephone call from the Jubilee Campaign confirming this information. I then bought a ticket to London and quickly got on a plane."

-So Genser was among those well-wishers who assembled to greet Mawdsley when he came home at 5:08 that October morning. Looking weary after 416 days in solitary confinement and his long trip home, Mawdsley stepped off the plane still wearing the flip-flop sandals he had worn in prison, trousers supplied by the British ambassador to Burma, and a shirt provided by his mother.

Genser and Mawdsley were about to meet for the first time. "He came off the plane with his mother," Genser recalled. "It brought tears to my eyes, it was very emotional, completely surreal."

"James embraced me, and said, 'You saved my life.' "

"In reflecting over the past few weeks about James' release, it continues to feel like an out-of-body experience," Genser says.

"I cannot believe that international pressure and the decision of the UN provided the British, American, and other governments with the leverage they needed to demand James Mawdsley's release, let alone that the Burmese government listened. While I have had a few moments to celebrate our collective victory, the object of James' protest remains intact - and that is where I wish to focus my next campaign."