

JUNE CHRONOLOGY 2017

Summary of the Current Situation:

There are **212** individuals oppressed in Burma due to political activities.

41 are currently serving prison sentences,

49 are awaiting trial inside prison,

122 are awaiting trial outside prison.



Picture from DVB © 2017
Accessed June 2017



Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW


This month, 33 people were arrested. These arrests included eight farmers, three civilians, five journalists, one monk, 15 individuals from ethnic minorities, and one activist. In June 27 people were charged including five journalists and one local civilian under Section 66(d) of the Telecommunications Law, eight farmers under Sections 114 and 447 of the Penal Code, four farmers and one civilian under Section 19 of the Peaceful Assembly and Peaceful Procession Act (PAAPPA), three journalists and three civilians under Section 17/1 of the Unlawful Associations Act, and one land right activist under Sections 228, 294, and 353 of the Penal Code. This month, 54 individuals were sentenced including three including three individuals from ethnic minorities under Section 19 of the PAAPPA, 48 individuals from ethnic minorities under Section 202 of the Penal Code, and one individual for leaving the military without permission. One student was sentenced under both Section 18 of the PAAPPA and Section 288 of the Penal Code, and one lawyer and land rights activist was sentenced under Sections 420 of the Penal Code. In June 59 people were released including 51 individuals from Kachin State, one journalist, one activist, one monk, and five others from ethnic minorities. This month, three political prisoners are reported to be in bad health.

In June, civilians and journalists continued to be arrested and criminally charged under the vaguely worded and controversial Section 66(d) of the Telecommunications Law. MGY Journal Editor Tin Shwe, MGY Journal Reporter Phoo Pwint Nay Chi, and Democracy Today Reporter Zar Zar San were charged under Section 66(d) over an error published in a Facebook report. On June 2, Chief Editor Kyaw Min Swe and Columnist Kyaw Zwa Naing of The Voice Daily were arrested and charged for defamation under Section 66(d) over a satirical article questioning the Burmese peace process. Charges against Kyaw Zwa Naing have been dropped but Kyaw Min Swe has been denied bail four times by the Bahan Court and remains detained. Lieutenant Colonel Lin Tun has submitted a separate lawsuit against both men to the Bahan Township Court, which may lead to new charges against the two defendants. On June 4, Leader of the Human Rights Activists Association in Patheingyi, Irrawaddy Division, Tun Tun Oo, was arrested for live-streaming a play on

Facebook in January that was critical of military clashes with ethnic armed groups. He stood trial on June 5 and has been charged under Section 66(d) of the Telecommunications Law. Two students who were involved in the play, Aung Khant Zaw and Myant Thu Htet, are still on trial.

Several protests were organized in June across the country in opposition to Section 66(d) of the Telecommunications Law, and a number of statements were made by civil society and human rights organizations calling on the Government to repeal or amend the law. On June 6, over 100 media representatives gathered at the Orchid Hotel, Rangoon, in support of Kyaw Min Swe and Kyaw Zwa Naing. At the conference, the temporary Committee for the Protection of Journalists (CPJ) was formed and it released a statement demanding that statutes like 66(d) of the Telecommunications Law be terminated, that all current lawsuits under the law be dropped and that civil society is included in the process. They also announced the launch of 10-day white armband campaign for press freedom that began on June 8 with a march from Bahan Courthouse to the offices of Eleven Media Group and The Voice Daily which attracted more than 100 reporters. The campaign was picked up by various other individuals and associations across the country, facing opposition from local governments in some cases. On June 22, local government officials and police in Myangone Township, Rangoon Division, blocked a signature campaign organized by the Committee for Myanmar Journalists in opposition to 66(d), which was supposed to take place on June 23 in front of the Rangoon Division Military Headquarters.

This month the civil society heavily reacted to the continued use of Section 66(d) and restrictions on freedom of expression. From June 15 onwards, AAPP documented multiple examples of this. On June 15, journalists in Mandalay released a statement expressing their opposition. On June 18, more than 100 people protested Section 66(d) in Monywa Township, Sagaing Division. On June 24, 22 Civil Society Organizations (CSOs) released a joint statement urging the Government to repeal the law, and on June 29, 61 organisations including AAPP released a statement including, but not limited to the call for the repeal / amendment of the law, and for defamation not to be considered a criminal offence.



AAPP has recorded 62 people who have been charged under the law since 2015 and is alarmed that the law has been used to persecute individuals more frequently under the current government, than under the previous government. As long as Section 66(d) of the Telecommunications Law exists, the media as well as the public will not be permitted to speak or express themselves freely, which are essential pillars of democracy. In light of the recent persecution of journalists, there have been accounts of media professionals practicing self-censorship and editors censoring their staff, according to cartoonist Maung Maung Phaung Tain, who has been wary of drawing about controversial subjects.

If the Government is truly committed to fulfilling people's right to freedom of speech and expression, and reforming the Government into a real democracy, the law must be amended/repealed. In its current state, the wording of Section 66(d) is not precise enough as it does not provide definitions as to what 'defamation' or 'undue influence' exactly entail. Due to this vagueness, too much is left open for interpretation, which can lead to abuses of the law and unjust persecution. Section 66(d) undermining the Government's reformation process because the public cannot peacefully express their views or criticize government officials or laws.

This month, individuals continued to be arrested and charged on suspicion of association with ethnic armed groups (EAGs) under Section 17 of the Unlawful Association Act. The colonial era law, has long been a tool to arbitrarily arrest and detain individuals. On June 26, six people, including three journalists, were arrested by Military Forces near Myothit Village in Namhsan Township, Shan State. The three journalists have been identified as DVB Reporters Aye Naing and Pyae Phone, and Irrawaddy Reporter Thein Zaw A.K.A. Lawi Weng. The group was returning after having documented a drug destroying ceremony conducted by the Ta'ang National Liberation Army (TNLA), in commemoration of the International Day Against Drug Abuse and Illicit Trafficking. The six individuals have been charged under Section 17/1 of the Unlawful Association Act and are being detained at the Hsipaw Prison. The Committee to Protect Journalists, Reporters Without Borders, and 25 Burmese news outlets, journalist organizations and journalist networks have called for the immediate release of the journalists and for authorities to drop charges against them. On June 30, several hundred members of Burmese press organizations as well as civil society and rights groups protested and gathered signatures

in front of the Rangoon City Hall, calling for the release of the four journalists that have been detained this month and the repeal of Section 66(d) of the Telecommunications Law.


The arrests of journalists has received international attention across the globe. AAPP echoes others' calls for the release of journalists arrested in June and for fewer restrictions on media freedom in the Burma so that the public can be informed of important issues taking place in the country, such as the ongoing civil war which continues to mar the peace and reconciliation process. The arrest of these journalists for unlawful association seems hypocritical considering the peace process organized by the Government which have been taking place over the past year. If these journalists are indeed guilty of unlawful association, then all individuals who attended the Peace Process last August and more recently in May are also guilty of the same offence. It is noteworthy that in 1963, the ruling military regime, under the direction of General Ne Win, suspended the Unlawful Associations Act to meet with leaders of rebel groups. AAPP urges the Government to learn lessons from previous repressive regimes and rather than suspending the Act, and therefore giving license for it to be reinstated in the future, to immediately and unconditionally repeal/amend the Unlawful Associations Act. AAPP would also like to emphasize that there are numerous other individuals presently serving sentences for similar convictions in Burma as well and would like to reiterate the fact that unlawful association with EAGs is often inevitable and unavoidable, and persecution for this is oppressive, arbitrary, and absolutely unacceptable. We therefore urge the Government to begin negotiations to work towards national peace and reconciliation and civil and political rights nationwide.

This month, the Peaceful Assembly and Peaceful Procession Act (PAAPPA) continued to be used to stifle political dissent. On June 13, the Myitkyina Township Court, Kachin State charged and sentenced three men under Section 19 of the PAAPPA who led a ceremony commemorating the six-year anniversary of the renewed Kachin conflict. On June 19, Lamawng La Tawng and Taing Sau Bawm were charged under Section 19 of the PAAPPA by the Hpakant Township Court for also leading a commemoration of the renewed Kachin conflict on June 9. Four local farmers who staged a protest the Letpadaung Copper Mine, criticizing the company's failed implementation of recommendations made in 2013 by an

investigative commission, received charges from the Salingyi Township Police under Section 19 of the PAAPPA.

Cases this month of individuals being prosecuted under Section 19 of PAAPPA, which criminalizes people's peaceful expression and assembly, continue to illustrate how the Government initiated peace process is being hampered. Despite the amendment made to the PAAPPA in 2014, which had little impact on arbitrary arrests or on fostering an environment where peaceful assembly is respected, and another revised Act being drafted by the Government in early 2016, the recommendations have not been accepted by Parliament and have since been removed from the list of priorities. As a result, peaceful protesters and activists remain at risk of arrest and imprisonment for peaceful exercise of their rights, as defined in Article 20 in the United Nations Declaration of Human Rights (UDHR). AAPP therefore recommends the Government reinstate the amendment of the PAAPPA as a priority to safeguard activists and protesters which will not only feed into the democratic process though the protection of human rights, but also take pressure of the prison system and the critical situation of prison overcrowding and various other inhumane prison conditions.

On June 17, 16 student inmates from Obo, Tharyarwaddy and Hpa-an prisons passed the 2017 matriculation exam. AAPP commends the Prisons Department for allowing inmates the opportunity to study while in prison and take the matriculation exam, a gateway toward post-secondary education. It is a positive step in terms of improving access to education in prison, which affects inmates' rehabilitation and reintegration into society upon release. An example of the success of the Government's new initiative to allow prisoners to take exams and study in the case of 19-year-old inmate Shun Lae Wai Kyaw, who earned triple distinction on the exam. Her case however also illustrates Burma's weak rule of law, which leads to many unfair trials, especially with drug related charges that often carry disproportionately harsh and punitive sentences, which makes up half of all criminal prisoners in Burma. AAPP urges the Government to immediately and transparently review her case. Not only is there no hard evidence proving that Shun Lae Wai Kyaw was responsible for selling the drugs, but the ten-year sentence imposed on her is disproportionate to the crime committed. AAPP would like to call on the Government to review other similar drug related cases, especially given how extremely



damaging a criminal sentence can be for an individual attempting to reintegrate into society, not least the effects it has on employment, education, and the general stigma associated with being an 'ex-offender'. The continued incarceration of individuals for drug crimes and the hefty charges associated with drug crime are disproportionate to other crimes committed in the country, which perpetuates the issue of overcrowding in prisons, putting a strain on the prison system and drastically decreasing prison conditions for prisoners.

Further evidence of the situation of overcrowding in prisons in Burma is the testimony of two former political prisoners Zaw Zaw Latt and Pwin Phyu Latt who were released from Obo Prison on May 24 this year under a presidential amnesty. Both witnessed extreme overcrowding in prison. Zaw Zaw Latt struggled to sleep at night in his cell because of the issue and estimated that Obo Prison, which can officially hold 5000 people, held twice its capacity while he was in prison. The issue of overcrowding in prisons in Burma continues to be a pressing issue that has not been remedied despite international law specifically designed to protect prisoners from the human rights abuses borne from inhumane prison conditions. AAPP urges the Burmese Government, as a member of the United Nations, to incorporate the Standard Minimum Rules for the Treatment of Prisoners into domestic legislation to uphold the rights of prisoners.

Arbitrary land confiscation disputes continued to cause strife in Burma in June leading to protests and arrests. Speaker of the House of Representative and MP for Tamwe Township, Rangoon, Win Myint, called on lawmakers in Parliament to follow through on their responsibility to ensure that lands grabbed across the country for government projects be returned to their original owners, after having previously stating that none of the 1,905 land seizure cases in the Yangon Region have been resolved. 337 cases have made it to the regional government and 59 have reached the central government. AAPP urges the Government to review and consider re-staffing the Land Confiscation Review Committee, which largely consists of government authorities involved with land confiscation under previous governments, to remove biases so that lands may be returned. AAPP further recommends the Government to engage in reconciliation measures with those affected by land confiscation by engaging in a bottom up approach

and ensuring that compensation is awarded based on the needs of the individual rather than on what the Government deems adequate.

On June 21, Deputy Minister for Home Affairs Major General Aung Soe, stated that the Ministry has no plan to define the term ‘political prisoner’ nor what constitutes a ‘political offence’. Despite several former political prisoners being members of the National League for Democracy (NLD) and are now in parliament, the Government remains reluctant to provide a definition, leaving political activists vulnerable to arrest on criminal charges. AAPP is dismayed that the Government still has no plan to, accept the definition as established by AAPP, despite repeated calls and recommendations from AAPP and other CSOs. AAPP urges the Government to urgently accept AAPP’s recommended definition of a political prisoner in support the national reconciliation process and a genuine democratic transition. Ensuring that political imprisonment is abolished is a key aspect of democratic reform in the country, and as such it is essential that a definition of what constitutes a ‘political prisoner’ be adopted as a matter of urgency.

Although the government has been taking some measures towards national reconciliation and the promotion of the rule of law, Burma’s human rights situation keeps deteriorating. Incidents in this month’s chronology were reported in a broader context of conflict between the military and ethnic armed groups, continued abuse of farmers’ land rights and restrictions on civilians’ freedom of expression and other civil and political rights. In light of this report, AAPP urges the government to prioritize the review and amendment of repressive legislation in order to secure civil and political rights for its citizens and therefore achieve national peace and reconciliation. Moreover, AAPP appeals to the government to immediately and unconditionally release all remaining political prisoners.

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