

# SEPTEMBER CHRONOLOGY 2016

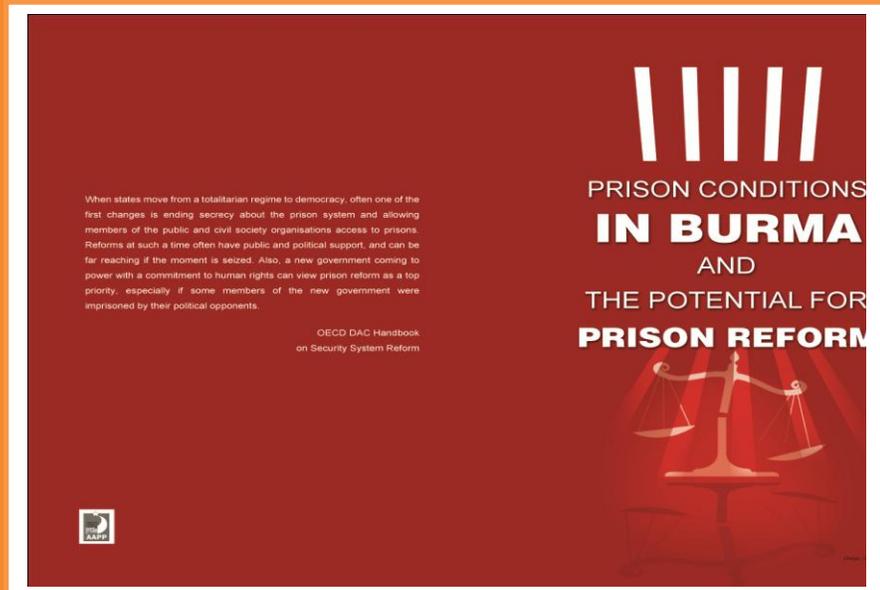
## Summary of the Current Situation:

There are **205** political prisoners in Burma.

**86** are currently serving prison sentences,

**35** are awaiting trial inside prison,

**84** are awaiting trial outside prison.



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**Assistance Association for Political Prisoners (Burma)**

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# MONTH IN REVIEW

This month, one person was arrested and one was sentenced but immediately released. Three incarcerated political prisoners are reported to be in bad health.

Restrictions on media and civil and political liberties have continued throughout September. Two news journals, The Voice Weekly and Envoy, have been indefinitely suspended for failing to send articles to the censorship board for approval before publication. Journalist Aung Lwin has been charged with defamation under Section 500 of the Penal Code for having published an essay about the environmental problems caused by mining waste. He was sentenced to either incarceration or a 30,000 kyat fine on September 30 by Yay Phyu Court, he chose the fine.

On September 16, the Tamwe Township Court, Rangoon rejected a motion to dismiss the charges against the five monks under State Law and Order Restoration Council Law No. 20/90 of the Law relating to the Sanghà Organization.

The Telecommunication Act has not become obsolete under the new Government and continues to be a tool for the arrest, detention and sentencing of civilians. On September 15, Yar Pyae, a social and political activist, was prosecuted under Article 66/d of the Telecommunication Law by the Hmawbe Court, Rangoon, for having written a defamatory post about Commander-in-Chief Senior General Min Aung Hlaing and monk Wirathu.

On September 19, Sagaing labor rights protestors appeared before Tatkon Township Court for their eleventh court hearing, while five of the fifteen laborers and students involved in

the protest continued boycotting their court hearings.

Clashes in ethnic areas between the Burma Army and different ethnic armed groups continued throughout September, leading to significant human rights violations. On September 19, a man from Myauk-u Township, Arakan State, was arrested for his alleged relations with the Arakan Army.

September also saw some promising advancements in the human rights context. The Upper House, following the Lower House's commitment, has passed a bill repealing the Emergency Provisions Act, an outdated and repressive law used to suppress dissidents. The Emergency Provisions Act, enacted in 1950, carries the death penalty and up to life in prison for very vague offences against the state. The repealing of the law, which was used to suppress dissidents, represents a significant and positive move in reforming Burma's domestic legislation, which is a necessary step to move towards democracy. Furthermore, the Lower House has abolished Section 13(g) - overnight guest registration - of The Ward or Village Tract Administration Law, a law used to hunt down political activists under the military regime. In addition, the Lower House has expressed its intention to take actions against the Myanmar National Human Rights Commission (MNHRC), which has failed to protect the fundamental rights of Burma's citizens and which was at the end of July, deemed 'ineffectual' by lawmakers in the Union Parliament of Rangoon. Finally, on September 15, the seven soldiers involved in the murder of five civilians in Mong Yaw village in June 2016, were sentenced to five years imprisonment with hard labor by a court martial

# MONTH IN REVIEW

in Lashio Township, Shan State. This was an unprecedented move from the military and significant for holding individuals accountable moving forward.

# DETENTIONS

## **Burma Army arrested an individual for alleged relations with the Arakan Army**

On September 19, Tun Tun Naing, a man from Myauk-u Township, Kyee Yar Pyin Village, was beaten, interrogated and arrested by the Burma Army nearby Lai Gwin Village due to associations with the Arakan Army. The Burma Army prohibited the Lai Gwin villagers from leaving the village and interrogated them all in order to identify four villagers alleged to be associated with the Arakan Army.

On September 28, he was transferred from Military Affairs Security to Sittwe No 1 Police Station after Mya Tan Saung Sayadaw from Myauk-u Township and his family members met with the Minister of Arakan State and the Minister of Security and

Border Affairs on September 26 and 28. They requested action to be taken in accordance with the law. The Sittwe No 1 Police Station filed a lawsuit against him under Article 17/1 of the Unlawful Association Act.

[\(20 September 2016 – BNI/Burmese\)](#) [\(22 September 2016 – BNI/Burmese\)](#)

[\(22 September 2016 – The Voice/Burmese\)](#) [\(24 September 2016 – BNI/Burmese\)](#)

# RELEASES

## **Villagers released after detention by RCSS**

Fifty-two villagers from the area of Namh Lang, arrested by ethnic armed group Restoration Council of Shan State (RCSS), were released on September 21. The RCSS arrested and detained them alleging that they were drug addicts and involved in the illegal narcotics trade. Despite RCSS claiming that the arrested villagers were drug addicted and dealers, the Tatmadaw and Myanmar Police Force suspect that the ethnic Shan armed group was recruiting and ordered the RCSS to release the villagers or legal action would be taken against them. The RCSS signed the nationwide ceasefire agreement (NCA) that prohibits signatories from engaging in forcible recruitment.

[\(22 September 2016 - RFA/Burmese\)](#) [\(23 September 2016 - Myanmar Times\)](#)

## **Journalist released after writing an essay about environmental destruction**

Delco Mine Company filed a lawsuit against columnist Aung Lwin for writing an essay in May about the environmental problems caused by mining waste, describing the feelings of a fish whose natural habitat had been poisoned. On May 17, he received a letter summoning him to a court hearing scheduled for May 24. Aung Lwin stated that his essay is just a piece of creative writing and does not accuse the mine company of anything. He was charged with defamation under Section 500 of the Penal Code in June, and sentenced on September 30 by Yay Phyu Court. He was given the option of incarceration

or paying a 30,000 Kyat fine (US\$23.61). Aung Lwin paid the 30,000 Kyat on September 30.

[\(30 September 2016 - RFA/Burmese\)](#) [\(30 September 2016 - DVB/Burmese\)](#)

# CONDITIONS OF DETENTIONS

## **‘Myanmar Now’ Releases Report on Prison Labor Conditions**

A months-long investigation by Myanmar Now reveals substantial human rights abuses in prison labor camps. Government figures place the prison labor camp death rate at 40 per year. There are currently 48 prison labor camps in Burma, though 30 camps are referred to as “Agriculture and Livestock Breeding Career Training Centers.” Prisoners report being beaten, and being able to bribe officials in order to be assigned less arduous tasks. A prison official denied that prisoner abuse is a problem, and stated that in the one instance of violent abuse reported to him, because the abuse did not cause fatal injury, he issued a verbal warning to the guard accused. Government authorities deny claims of systemic abuse, claiming they are isolated cases. The Burmese authorities allow prison labor to be used by private corporations, in violation of the International Labor Organization’s 1930 Forced Labor Convention, to which Burma is party.

[\(1 September 2016 - DVB\)](#)

# DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

## **Two news journals suspended indefinitely**

Two news journals, The Voice Weekly and Envoy, have been suspended indefinitely for failing to send articles to the censorship board for approval before publication.

The Voice Weekly published eight, and Envoy seven, uncensored articles in their most recent editions, which were distributed in late July.

U Tint Swe, Deputy Director General of the Press Scrutiny and Registration Division, said: “I don’t want you to assume this [suspension] means we are going backwards. This is a transition period because the print media law has not yet been enacted. This is not the time to publish freely. The 1962 Printers and Publishers Registration law is still in force and we want all of you to cooperate [with the ministry].”

[\(Myanmar Times - 6 September 2016\)](#)

## **Myanmar Journalist Network Release a Statement**

On September 4, Myanmar Journalist Network (MJN) released a statement supporting various journalists who have been physically assaulted this month while gathering information for stories. Kaung Htet San, of the Information Committee of the MJN, stated that reporters were beaten while they were gathering news, the assaults interfered with the freedom of the press. On August 22, two employees of a railway

station attacked Nyan Lin Htet, a reporter from Myanmar Khit News Agency, while he was gathering information at the Kyee Myin Diaing railway station. On September 11, protesters who staged a protest in Bo Sein Hman park against Arakan State Advisory Commission, attacked Myat Thu Kyaw, a reporter from Myanmar Press Photo Agency.

The MJN stated that they will not accept these attacks and will continue to engage with the Police Chief, Periodicals Council, and Chief Justice on the issue. They condemned any organisation or person who attacks journalist who work in accordance with the rules for reporting.

[\(14 September 2016 – Mizzima/Burmese\)](#)

## **Sagaing labor rights protesters appeared before the Court**

On September 19, Sagaing labor rights protesters appeared before Tatkon Township Court, in Naypyidaw for their eleventh court hearing. During their tenth court hearing, Khine Min, leader of labor protest, said that the activists will boycott the court hearings if the prosecution brings more than ten witnesses; the plaintiff submitted a witness list proposing 32 people. The activists attended the court hearing to finish the case quickly, and they discussed with the judge that they will boycott the court hearing if the case is prolonged..

# DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

The judge stated that they will negotiate with Township ruling office for less than 32 people. Five students continue to boycott their court hearings.

[\(14 September 2016–Eleven/Burmese\)](#) [\(20 September 2016–Eleven/Burmese\)](#)[\(20 September 2016 – Eleven\)](#)[\(20 September 2016 – 7 Day Daily/Burmese\)](#)

## **Activist was Prosecuted by Hmawbe Township Court**

On September 15, social and political activist Yar Pyae also known as Myo Thu Win, was prosecuted under Article 66/d of the Telecommunication Law in Hmawbe Township Court, Yangon, for defamatory posts about Commander-in-Chief Senior General Min Aung Hlaing and monk Wirathu. He is accused of allegedly posting from a Facebook account under the pseudonym Nay Myo Wai, Chairperson of the Diversity and Peace Party (DPP). He was arrested on May 22 and is currently detained in Insein prison. Thiri Nay Lin, secretary of the DPP, filed a lawsuit against Yar Pyae under Article 66(d) of the Telecommunication Law.

[\(15 September 2016 – AAPP’s Facebook Account\)](#)

## **Tamwe Township Court Rejects call to Drop the Charges against Monks in Mahasantisukha Monastery**

On September 16, the Tamwe Township Court in Yangon, rejected a motion to dismiss the charges under State Law and Order Restoration Council Law No. 20/90 of the Law relating to the Sanghá Organization. Thein Win, a lawyer for London Sayadaw, stated that Sein Maw, district religious leader, has permanently failed to attend the court hearings for over two years although he is a main plaintiff. The monks therefore moved for the charges to be dropped. Additionally, he said that the Tamwe Township Court Judge made a decision to continue investigating the case even though the plaintiff did not ask for official leave from the court; a civil servant asked for leave on his behalf.

The five monks, U Ottara, also known as London Sayadaw, U Pannasara, U Tejinda, U Thonedara Thiri and U Nandira have been accused of insulting religion under Article 295(a) of the Penal Code and of trespassing. The charges stem from an overnight raid by authorities, in cooperation with the government-backed Buddhist Clergy Council, the State Sangha Maha Nayaka, on the Mahasantisukha Monastery in June 2014, which led to the arrest of several monks. After having been jailed for a short time, the monks had been released on bail due to public protest. While the charge under Article 295(a) was dismissed, they still face charges

# DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

under SLORC Law 20/90 of the Law relating to  
the Sangha Organization.

[\(16 September 2016 – The Voice/Burmese\)](#)

# LAND ISSUES

## **Farmer Killed As Land Dispute Turns Violent**

One farmer was killed and three were injured after two groups of farmers clashed over disputed land in Shwe Kyun Tha, Labutta Township, Irrawaddy Division. The disputed land was confiscated in 1992 as part of a plan to plant a mangrove forest; however, the plan was never implemented, and the land was returned to a different group of farmers. After the 2013 announcement of a commission to resolve land disputes, the farmers who worked the land prior to 1992 demanded the land be returned to them. After violence broke out between the two groups on September 3, police took 12 men involved in the dispute into custody.

[\(5 September 2016 - Irrawaddy\)\(7 September 2016 - Irrawaddy/Burmese\)](#)

# RELATED HUMAN RIGHTS NEWS

## **AAPP launches report entitled ‘Prison Conditions in Burma and the Potential for Prison Reform’**

The Assistance Association for Political Prisoners (AAPP) published a report entitled ‘Prisons Conditions in Burma and the Potential for Prison Reform’ on September 25, 2016. The report is a preliminary assessment of the potential for prison reform in Burma and aims to provide foundations upon which to build a comprehensive strategy for prison reform. The report highlights how current prison conditions - overcrowding, use of torture, lack of access to health care - fall woefully short of international standards, thus making a strong case for prison reform.

[\(26 September 2016 - AAPP Website\)](#)

## **Aung San Suu Kyi Begins Myanmar Peace Conference on Hopeful Note**

Myanmar State Counselor Aung San Suu Kyi inaugurated the country’s peace conference among armed ethnic groups, political parties, military officials, and government representatives in hopes of achieving the long-elusive goal of national peace and reconciliation. The Conference started August 31, 2016 in Naypyidaw, and ran four days, rather than the intended five.

More than 1,400 people attended the first day of the 21-Century Panglong Conference, also known as the Union Peace Conference, which was held in an effort bid to bring lasting peace to Myanmar after decades of ethnic separatist civil wars following its independence from British colonial rule in 1948. Members of ethnic minority groups had limited expectations, and

some were upset by the lack of substantive debate. Aung San Suu Kyi was careful to characterize the conference as an opening of dialogue. She committed the government to holding another conference in six months, with an interim Union Peace Dialogue Joint Committee working to finalize the dialogue framework.

Aung San Suu Kyi said the nationwide ceasefire agreement (NCA), which eight armed ethnic groups signed with the previous military-backed government last October, is the first step not only for peace, but also for building a federal union. Ban Ki Moon, Secretary General of the United Nations, said the Conference is a first positive step towards peace.

The conference was marred by a “misunderstanding” between organizers and representatives of the United Wa State Army, who left the conference on the first day after seeing their status marked as “observer,” rather than “participant” on their nametags. Several ethnic armed organization members were also unhappy that their ranks or titles were not included on official conference documents, while military officials were addressed by rank.

[\(31 August 2016 - BBC/Burmese\)](#)[\(31 August 2016 - RFA/Burmese\)](#)[\(1 September-2016-Radio Free Asia\)](#) [\(1 September 2016 - Eleven Myanmar\)](#)[\(1 September 2016 - RFA/Burmese\)](#)[\(1 September 2016 - Myanmar Times/Burmese\)](#)[\(1 September 2016 - RFA/Burmese\)](#)[\(1 September 2016 - RFA/Burmese\)](#)[\(5 September 2016 - Myanmar Times\)](#)

# RELATED HUMAN RIGHTS NEWS

## **Upper House Bill Committee Supports Abolishing Emergency Provisions Act**

The Upper House Bill Committee supports abolishing the Emergency Provisions Act. The Lower House has already passed the bill repealing the Emergency Provisions Act.

[\(26 August 2016 - Irrawaddy\)](#)[\(2 September 2016 - The Irrawaddy\)](#) [\(15 September 2016 - Myanmar Times\)](#)

## **Soldiers Convicted, Sentenced for Lashio Murders**

A court martial in Lashio Township, Shan State, found seven soldiers guilty of the murder of five civilians in Mong Yaw village in June 2016. Each soldier was stripped of rank and sentenced to five years imprisonment with hard labor. Families of the victims are unhappy that the sentences are so short and that they did not receive any compensation.

[\(15 September 2016 - Eleven/Burmese\)](#)[\(15 September 2016 - DVB/Burmese\)](#)[\(15 September 2016 - RFA/Burmese\)](#)[\(16 September 2016 - Irrawaddy\)](#)[\(16 September - DVB\)](#)[\(16 September 2016 - 7 Day Daily/Burmese\)](#) [\(16 September 2016 - BNI/Burmese\)](#)[\(16 September 2016 - BBC/Burmese\)](#)[\(16 September 2016 - VOA/Burmese\)](#)[\(19 September 2016 Myanmar Times\)](#)

## **Lower House Abolishes Overnight Guest Registration**

[\(20 September 2016 - The Irrawaddy\)](#)[\(20 September 2016 - Mizzima\)](#)

# CONCLUSION

Burma's first democratically-elected civilian government in over half a century has now completed its sixth month in office. The Panglong Conference, from 31<sup>st</sup> August to September 3<sup>rd</sup> inaugurated by Myanmar State Counselor Aung San Suu Kyi, was held in an effort bid to bring lasting peace to Myanmar after decades of ethnic separatist civil wars and to reach national reconciliation. Despite the efforts made by the Government in holding the Conference and in abolishing some repressive legislation, the human rights situation in Burma has seen little improvement. Indeed, the stagnation in progress on the political prisoner issue, the continuing restrictions on media, the ongoing use of repressive laws to detain and sentence political activists and the escalation in the conflicts among the Burma Army and the ethnic groups, demonstrates that the new government has significant progress

to make before it can foster a culture of human rights in the country.

Peaceful dissidence, freedom of speech and freedom of press, continue to be prosecuted under various laws, reinforcing the need for large-scale legislative reform.

While the arrest, charging and sentencing of political prisoners has significantly slowed, at end of September 205 political prisoners remain in Burma, with little prospect for release in sight. The fact that the majority of the 205 political prisoners who still remain incarcerated are farmers and members of ethnic minorities, demonstrates that the government does not consider them political prisoners. To resolve the political prisoners issue it is necessary to establish a definition of political prisoners inclusive of these categories.

The establishment of an inclusive definition of political prisoners, their official recognition and unconditional release, are fundamental to achieve national reconciliation.

Peaceful dissidence, freedom of speech and freedom of press, continue to be prosecuted under various laws, reinforcing the need for large-scale legislative reform to Burma's outdated legal framework. The indefinite suspension of two news journals, The Voice Weekly and Envoy, who failed to send articles to the Censorship Board for approval before publication; and the sentencing of journalist Aung Lwin, who published an essay about the environmental problems caused by mining waste, demonstrates the continued control the government possesses over the media.

The Sagaing labor rights protesters, which are now in their four-month of detention, faced their 12<sup>th</sup> Court hearing this month. Moreover, Tamwe Court in Rangoon refused to drop charges against the monks from Mahasantisukha Monastery further prolonging their case. The protracted trial demonstrates the continued abuse of the legal system by authorities to intimidate dissidents and exposes the shortcomings of the judiciary, particularly its vulnerability to be abused by authorities. Finally, the case of Yar Pyae, who had been prosecuted under Article 66/d of the Telecommunications Law for writing a defamatory post, demonstrates that the military still have a major influence on the

# CONCLUSION

judicial system and shows that the new government must do more to combat the entrenched military control and the tension between the new civilian government and the bureaucracy inherited from the previous military regime.

This month there have been several reports of human rights violations. The ongoing human rights violations committed by both the military and ethnic armed groups further ingrains the need for the Burma government to ratify the United Nations Convention against Torture (UNCAT) and the Optional Protocol to the Convention against Torture (OPCAT). It demonstrates the need for legislative reform to bring domestic legislation in line with international standards, which is essential to inaugurate genuine change in Burma and an end to the culture of violence, corruption and impunity for perpetrators of abuse.

To demonstrate the importance of legislative reform on September 25, AAPP released a report entitled 'Prisons Conditions in Burma and the Potential for Prison Reform'. The report is a preliminary assessment of the potential for prison reform in Burma and aims to provide foundations upon which to build a comprehensive strategy for prison reform. In the delicate and difficult transition to democracy, AAPP urges the new government to immediately release all remaining political prisoners.

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[‘Myanmar Now’ Releases Report on Prison Labor Conditions \(DVB\)](#)  
[Aung San Suu Kyi Begins Myanmar Peace Conference on Hopeful Note \(Radio Free Asia\)](#)  
[Aung San Suu Kyi Begins Myanmar Peace Conference on Hopeful Note \(Eleven Myanmar\)](#)  
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## September 2

[Upper House Bill Committee Supports Abolishing Emergency Provisions Act \(The Irrawaddy\)](#)

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[Farmer Killed as Land Dispute Turns Violent \(Irrawaddy\)](#)  
[Aung San Suu Kyi Begins Myanmar Peace Conference on Hopeful Note \(Myanmar Times\)](#)

## September 6

[Two News Journals Suspended Indefinitely \(Myanmar Times\)](#)

## September 7

[Farmer Killed as Land Dispute Turns Violent \(Irrawaddy/Burmese\)](#)

## September 14

[Myanmar Journalist Network Release a Statement \(Mizzima/Burmese\)](#)  
[Sagaing Labor Rights Protesters Appeared before the Court \(Eleven/Burmese\)](#)

## September 15

[Activist was Prosecuted by Hmawbe Court \(AAPP’s Facebook Account\)](#)

[Upper House Bill Committee Supports Abolishing Emergency Provisions Act \(Myanmar Times\)](#)

## September 16

[Tamwe Township Court Rejects Call to Drop the Charges against Monks in Mahasantisukha Monastery \(The Voice/Burmese\)](#)  
[Soldiers Convicted, Sentenced for Lashio Murders \(Irrawaddy\)](#)  
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[Soldiers Convicted, Sentenced for Lashio Murders \(Myanmar Times\)](#)

## **September 20**

[Burma Army Arrested a Member of the Arakan Army \(BNI/Burmese\)](#)

[Sagaing Labor Rights Protesters Appeared before the Court \(Eleven/Burmese\)](#)

[Sagaing Labor Rights Protesters Appeared before the Court \(Eleven\)](#)

[Sagaing Labor Rights Protesters Appeared before the Court \(7 Day Daily/Burmese\)](#)

[Lower House Abolishes Overnight Guest Registration \(The Irrawaddy\)](#)

[Lower House Abolishes Overnight Guest Registration \(Mizzima\)](#)

## **September 22**

[Burma Army Arrested a Member of the Arakan Army \(BNI/Burmese\)](#)

[Burma Army Arrested a Member of the Arakan Army \(The Voice/Burmese\)](#)

[Villagers Released after Detention by RCSS \(Radio Free Asia/Burmese\)](#)

## **September 23**

[Villagers Released after Detention by RCSS \(Myanmar Times\)](#)

## **September 24**

[Burma Army Arrested a Member of the Arakan Army \(BNI/Burmese\)](#)

## **September 26**

[AAPP Launches Report Entitled 'Prison Conditions in Burma and the Potential for Prison Reform' \(AAPP Website\)](#)

## **September 30**

[Journalist Charged for Writing an Essay about 'Feelings of a Fish' \(RFA/Burmese\)](#)

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