

AUGUST CHRONOLOGY 2016

Summary of the Current Situation:

There are **206** political prisoners in Burma.

86 are currently serving prison sentences,

35 are awaiting trial inside prison,

85 are awaiting trial outside prison.



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TABLE OF CONTENTS

MONTH IN REVIEW	1
ARBITRARY DETENTIONS	2
CONDITIONS OF DETENTION	3
DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES	4
LAND ISSUES.....	5
LEGISLATION AND POLICY DEVELOPMENTS.....	6
RELATED HUMAN RIGHTS NEWS	7
CONCLUSION.....	8



Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW

This month, seven local people from ethnic areas were arrested and 22 farmers were charged. Thirty-five people had cases against them dropped and three incarcerated political prisoners are reported to be in bad health.

Charges and sentences under repressive legislation continued to be handed down at the expense of activists, farmers and ethnic minorities. On August 15, ten farmers from Naung Cho Township, Shan State, charged in 2014 under Articles 427, 447, 506 and 294 of the Penal Code, faced their 52nd court hearing. A further 12 farmers from Laputtar Township faced their first court hearing this month after being charged under the Forest Law for offences including trespassing. On August 19, five of the 15 laborers and students involved in the Sagaing labor rights protests, continued their boycott of the legal system while the other 10 ended their boycott and faced their first court hearing.

Restrictions on media, and civil and political liberties have continued in August. Hla Phone was charged after allegedly defaming the military using the Kyat Pha Gyi aka “big rooster” Facebook account, under Article 66(d) of the Telecommunication Law, Article 505(b) of the Penal Code and Article 16 of the Union Flag Law. In addition, Tamu District Administrator banned the Kukee Ethnic Forum, claiming that the Kukee group is not included in the list of recognized ethnic groups and allowing the forum could cause problems.

Arbitrary arrests and detentions of civilians by the Burma Army and Ethnic Armed Organizations (EAOs) continue in ethnic areas. Five people from Shan State were arbitrarily arrested by the military and two men from Kachin State were detained by the military.

August also saw some promising advancements in the human rights context. This month, Nay Pyi Taw Development Committee dropped the charges against 35 farmers previously charged for trespassing. Moreover, the government removed the names of 619 people (248 Burmese and 371

foreigners) as part of their 100 day plan. In addition, on August 24, the Lower House of Parliament approved the abolishment of the 1950 Emergency Provisions Act.

ARBITRARY DETENTIONS

Ta'ang Villagers Detained by Military

Five Namhsan Township villagers; Than Nyunt, Aike Cho, Aik Nyann, Ko Air Sein and Kyaw Thin, were detained by the military on August 1. The villagers were travelling from their homes in Namhsan Township to Thibaw/Hsipaw Township to sell tea leaves. Witnesses reported that the five were detained by a military battalion at Lilu Bridge, and one local said the five were tortured by the military. When word reached the families of the detained men, family members rushed to the Hsipaw military complex; however, they were told that no villagers had been detained.

[\(6 August 2016 - RFA/Burmese\) \(14 August 2016 - Myanmar Times\)](#)

Two Men Detained by Burma Army for Association with Kachin Independence Army (KIA)

Ndau Awng and Galang Awng, residents of Shahtuzup and Sanpya Villages, Kachin State, were detained by the Burma Army on August 12 due to their association with the KIA. There has been heavy fighting in Hukawng Valley, where Shahtuzup Village is located, between the Burma Army and the KIA. According to the Burma Army the men have confessed to association with the KIA, the Army intends to bring the case to the police and have the men charged under the Unlawful Association Act. Elders from the village ward met with the soldiers to request their release, but were instructed to return with identification. When the elders returned, soldiers dismissed their concerns, saying they were too busy to look into the matter.

[\(16 August 2016 - BNI\) \(16 August 2016 - Irrawaddy/Burmese\)](#)

CONDITIONS OF DETENTION

Sagaing Labour Rights Activists Continue to Boycott Court

On August 19, five of the 15 laborers and students involved in the Sagaing labor rights protests continued their boycott of the legal system by refusing to attend their court hearing at Tatkon Township Court. The other 10 protesters ended their boycott and faced their first court hearing. Their next hearing is scheduled for August 29.

[\(20 August 2016 - Eleven\)](#)

Bail Denied to Activist Khine Myo Tun

On August 25, Sittwe Court denied bail to prominent human rights and environmental activist and Arakan Liberation Party (ALP) member Khine Myo Tun. The decision was based on the grounds that he failed to attend his two previous court hearings despite Khaing Myo Tun claiming to never have received the summons. He was arrested on July 25 and faces charges under Section 505(b) and (c) of the Penal Code relating to a statement released by the ALP about human rights violations perpetrated by the Burma Army. Earth Rights International condemned the denial of bail, calling the case an “attempt to silence human rights advocacy and deter activists from exposing ongoing violations”. His next court hearing is scheduled for September 2.

[\(26 August 2016 - Mizzima\)](#) [\(26 August 2016 - Earth Rights International\)](#) [\(26 August 2016 - The Irrawaddy\)](#) [\(26 August 2016 - DVB/Burmese\)](#)

DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

Kukee Ethnic Forum Banned by the Tamu District Administrator

Despite requesting permission on August 12, Ngai Ngaing, chairman of the organizing committee for the Kukee Ethnic Forum, was informed on August 17 by the Tamu District Administrator that their request to hold the forum at Ayar Mon Hall had been denied. Thein Zaw Oo, Tamu District Administrator justified the decision saying that Kukee is not included in 135 kinds of ethnic groups which could give rise to problems if they were to allow the forum.

Since the request to hold the forum at Ayar Mon Hall was denied, the organising committee moved the forum to the Kukee Women Center on August 19. Local authorities forbid the forum while the forum was being held, forcing it to move again. It was moved to the Kukee Christian Church. Over 300 Kukee ethnics attended the forum.

[\(18 August 2016 - Mizzima/Burmese\)](#) [\(19 August 2016 - Mizzima/Burmese\)](#)

superimposed on the photo, as well as a photo of the national flag imprinted on a shoe. He faces a maximum sentence of 11 years in prison if convicted on all charges. The trial started on August 24, 2016.

[\(22 August 2016 - Mizzima/Burmese\)](#) [\(22 August 2016 - RFA/Burmese\)](#) [\(22 August 2016 - Channel News Asia\)](#) [\(22 August 2016 - Myanmar Times\)](#) [\(23 August 2016 - DVB\)](#) [\(23 August 2016 - Irrawaddy\)](#)

Man Charged for Mocking Military

A court in Rangoon charged Hla Phone after he allegedly defamed the military using the controversial Kyat Pha Gyi, aka “big rooster,” Facebook account. Hla Phone has been detained in Insein Prison since his arrest on February 10. He has been charged with two counts of 66(d) of the Telecommunications Law, one under 505(b) of the Penal Code and another under Section 16 of the Union Flag Law. He is accused of posting a digitally altered photo of Senior General Min Aung Hlaing wearing a woman’s skirt on his head and other photos showing former President Thein Sein with the words “we are murderers”

LAND ISSUES

Farmers still Facing Trial after over Fifty Court Hearings

[\(3 September 2016 – Irrawaddy/Burmese\)](#)

On August 15, farmers charged for an offense dating back to 2014 faced their 52nd court hearing.

In 2003, the government confiscated 364 acres of land, without compensation, from Nant Linn Khan Village, Naung Cho Township in Northern Shan State to implement a coffee project. Villagers continued to cultivate the confiscated land as no projects had been implemented. The manager of the coffee project filed a lawsuit against ten farmers including Phoe Yone, Tint Naing, Aik Kan, Ko Myo, Ba Chit, Tint Naing in 2014. They were subsequently charged under Article 447, 427, 506 and 294 of the Penal Code. The farmers claim that they have paid the land tax every year and that this is evidence that they own the land. They claim that they have already paid for 2016.

The Information Officer from Naung Cho Township Court stated that they close to concluding the case.

[\(15 August 2016 - Mizzima/Burmese\)](#)

Twelve Farmers Charged under the Forest Law

Twelve farmers were charged at the Laputtar Township Court under Articles 40 (a), (c), (d), 41 (a) and 42 (a) of the Forest Law for a range of offences including trespassing. They were accused of fishing, shrimping, logging, and building a dam to prevent salt water from contaminating the forest. On August 12 and August 13, farmers including San Thein, Maung Tue, Zaw Oo and Phoe Htaw Lay from Kant Ba Lar, A Lan Tayar and Dayel Phyu village in Tha Pyay Chaung village tract in Laputtar Township were investigated at the Township Forestry Department. On August 29, they appeared before the court for their first hearing. Their next court hearings are scheduled for September 6 and 8.

LEGISLATION AND POLICY DEVELOPMENTS

Abolition of Emergency Provisions Act Approved by the Lower House

On August 24, the Lower House of Parliament approved a bill submitted by the Lower House Bill Committee to scrap the 1950 Emergency Provisions Act. The controversial law gave sweeping power to authorities to prosecute individuals for disseminating “false news”, “jeopardizing the state” or treason against the military and was used by previous governments to stifle political dissent. A previous attempt to annul the law in 2015 failed due to resistance from the military. This time, military representatives in the lower house again tried to defend the law, but a majority of MPs voted for its abolishment.

[\(24 August 2016 - Irrawaddy\) \(24 August 2016 - DVB/Burmese\) \(24 August 2016 - VOA/Burmese\) \(24 August 2016 - Irrawaddy/Burmese\)](#)

RELATED HUMAN RIGHTS NEWS

Government Removes 619 Names from Blacklist; 4380 Names Remain

Government officials have removed the names of 248 Burma nationals and 371 foreigners from the official “no-entry” blacklist. Fifteen ministries are reportedly collaborating in an effort to remove the names, as part of the civilian government’s 100-day project. According to a state media report quoting Union Minister for Labor, Immigration and Population Thein Swe, the government gave priority to people involved in politics. However, 195 Burma nationals and 3566 foreigners remain on the blacklist. Activists remain concerned about a lack of transparency, however, both with content of the blacklist and the process for removal.

[\(1 August 2016 - VOA/Burmese\)](#) [\(3 August 2016 - RFA\)](#) [\(3 August 2016 - BBC/Burmese\)](#) [\(3 August 2016 - RFA/Burmese\)](#) [\(4 August 2016 - DVB/Burmese\)](#) [\(4 August 2016 - Irrawaddy/Burmese\)](#) [\(4 August 2016 - The Voice/Burmese\)](#) [\(4 August 2016 - Myanmar Times/Burmese\)](#) [\(4 August 2016 - 7 Day Daily/Burmese\)](#) [\(4 August 2016 - Eleven/Burmese\)](#) [\(4 August 2016 - Mizzima\)](#) [\(4 August 2016 - Myanmar Times\)](#) [\(4 August 2016 - Irrawaddy\)](#) [\(4 August 2016 - Eleven\)](#)

Courts Attempting To Speed Up Trial Process

Union Supreme Court Justice Tun Tun Oo announced ongoing efforts to redistribute cases between the Supreme Court and local courts in order to reduce the time between charge and trial. In a public meeting held August 4, the Chief Justice reported that of the 170,000 criminal cases filed since the first of the year, nearly 50,000 have yet to go to trial. The Chief Justice also announced efforts to evaluate court performance and restore public trust in the legal system.

[\(10 August 2016 - Myanmar Times\)](#)

National Human Rights Commission Criticizes Conditions at Katha Prison

The Myanmar National Human Rights Commission has released a report stating that Katha Prison is overcrowded, with inadequate staff and unsatisfactory provision of water and medicine. The MNHRC inspection revealed that Katha Prison housed more than 1,000 inmates, despite having an official capacity of 480 inmates.

[\(22 August 2016 - Irrawaddy\)](#)

Lawyer Organization to Investigate Disbarments

The Independent Lawyers’ Organization of Myanmar has asked the Supreme Court for a list of all attorneys barred from practice under previous regimes. The group’s goal is to restore to practice anyone who was wrongfully disbarred. The group says it will focus on lawyers who were disbarred by procedures other than those prescribed by the 1929 Burma Lawyers’ Council Act, or if the lawyer was denied a license because he or she was determined to be a foreigner under the 1982 Burma Citizenship Law.

[\(23 August 2016 - Myanmar Times\)](#)

CONCLUSION

Burma's first democratically-elected civilian government in over half a century has now completed its fifth month in office. The month concluded with the 21st Century Panglong Conference on August 31, 2016, a promising step in the peace process. Despite this important step, the human rights situation in Burma has seen little improvement: the use of repressive and outdated legislation to arrest and detain activists, the stagnation in progress on the political prisoner issue and the increase in human rights violations in ethnic areas, demonstrate that the new government has significant progress to make before it can foster a culture of respect for human rights in the country.

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

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While the arrest, charging and sentencing of political prisoners has slowed this month, it is important to recognize that 206 political prisoners remain in Burma with little prospect for release in sight. The fact that there are still 206 political prisoners, the majority of whom are farmers and members of ethnic minorities, demonstrates that the government does not consider them political prisoners. To resolve the political prisoners issue, a definition of political prisoners, inclusive of these categories, must be established. The establishment of an inclusive definition of political prisoners, their official recognition and unconditional release are fundamental to achieve national reconciliation.

Peaceful dissidence and free speech continues to be criminalized under various laws, reinforcing the need for

large-scale legislative reform to Burma's outdated legal framework. The banning of the Kukee Ethnic Forum by local authorities demonstrates continued restrictions on civil and political liberties. In addition, the charging of Hla Phone for defamation demonstrates that the military still have a major influence on the judicial system and show 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.

Ten farmers from Naung Cho Township, who were charged for trespassing on their confiscated land in 2014, faced their 52nd Court hearing on August 15. 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 abuse by authorities. Farmers make up a large portion of the remaining political prisoners in Burma, reflecting the fact that land confiscation is a prominent issue in Burma that remains largely unresolved. The government must take urgent action to resolve the issue of land confiscation.

This month there have been several reports of human rights violations. The ongoing torture and 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). Continuing legislative reform to bring domestic legislation in line with international standards is essential to inaugurate genuine change in Burma and an end to the culture of violence, corruption and impunity for perpetrators of abuse.

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[Ta'ang Villagers Detained by Military \(RFA/Burmese\)](#)

August 10

[Courts Attempting to Speed Up Trial Process \(Myanmar Times\)](#)

August 14

[Ta'ang Villagers Detained by Military \(Myanmar Times\)](#)

August 15

[Farmers still Facing Trial after over Fifty Court Hearings \(Mizzima/Burmese\)](#)

August 16

[Two Men Detained by Burma Army for Association with Kachin Independence Army \(KIA\) \(BNI\)](#)
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[Kukee Ethnic Forum Banned by the Tamu District Administrator \(Mizzima/Burmese\)](#)

August 19

[Kukee Ethnic Forum Banned by the Tamu District Administrator \(Mizzima/Burmese\)](#)

August 20

[Sagaing Labour Rights Activists Continue to Boycott Court \(Eleven\)](#)

August 22

[Man Charged for Mocking Military \(Mizzima/Burmese\)](#)
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September

[Twelve Farmers Charged
under Forestry Law
\(Irrawaddy/Burmese\)](#)

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