

# APRIL CHRONOLOGY 2019

## Summary of the Current Situation:

There are **331** individuals oppressed in Burma due to political activity.

**48** are currently serving prison sentences,

**90** are awaiting trial inside prison,

**193** are awaiting trial outside prison.

Min Htin Ko Ko Gyi sued in defamation case under section 66d of Telecommunications law



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

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand

E-mail: [info@aappb.org](mailto:info@aappb.org), [info.aappburma@gmail.com](mailto:info.aappburma@gmail.com) Website: [www.aappb.org](http://www.aappb.org)

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#### April in Numbers

- Sentenced: 5
  - Arrests: 47
  - Charged: 22
  - Released: 6
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# MONTH IN REVIEW

## April Month in Review

### **Presidential Pardon**

For Burmese New Year, on April 17 and April 26, 9535 and 6948 local prisoners from different prisons were released under the order of the presidential pardon. However, only five political prisoners were released under these two pardons. They were Maran Gan, secretary of Mongko Region Defence Army (MRDA), Zaw La, vice chairman of MRDA, Kachin Activists Zau Jat and Lum Zaung and civilian Ze Hkawng. They all had a few months left on their prison sentences. For the last few years, on the occasion of each Burmese New Year, the president has released prisoners under a pardon. According to the list of AAPP, a total of 36 political prisoners were released under the Presidential Pardon last year. Therefore, having only five political prisoners released in April 2019 was disappointing. After AAPP and other organizations criticized the amnesty, the correctional department released a statement on April 22 stating that according to the Penal Code, special and general law and existing law in Burma, there is no definition for political prisoners, and all prisoners in Burma have been sentenced by the courts for violating the existing law. Yet according to the Burmese version of the Penal code, [Articles 128, 129 and 130](#), clearly states the term 'political prisoners'.

The Remaining Political Prisoner Scrutiny Committee was formed under the former Thein Sein Government and actions were taken for political prisoners. The current government also promised that they would release the political prisoners during their administration. However, there is no effective reparations for current political prisoners and former political prisoners, nor has there been the establishment of a definition of political prisoners. Therefore, AAPP strongly urges the government to release the remaining political prisoners, to establish the definition of political prisoners and to form the Remaining Political Prisoner Scrutiny Committee to achieve the national reconciliation and peace.

Inmates at Shwebo Prison and Mopalin Labor Camp have staged protests and called for equality in April's presidential pardon. Moreover, prisoners at Sittwe Prison staged a demonstration against not being included in the pardon. Therefore, AAPP urges the government to form the prisoner scrutiny committee including different organizations so as not to occur the unnecessary problems, corruption and in order to be transparent.

### **Conditions in Prisons and Detention Centers**

Torture has long been present in prisons and detentions centers in Burma. Moreover, control, it is extremely difficult to obtain fair justice for prisoners after such abuses are carried out.

1. Bilar, who is serving a prison sentence in Myaung Mya Prison in Irrawaddy Division had tried to stop prison staffs from beating another prisoner in relation to drugs been thrown into the Myaung Mya Prison. As a result he was filed under Section 294 and Section 353 of the Penal Code and was sent to solitary confinement and kept in shackles for 14 days. Therefore, his wife Aye Thandar Maw, submitted a complaint to the Myanmar National Human Rights Commission (MNHRC) on April 2 and MNHRC member Yu Lwin Aung said they will investigate this case soon.

2. In April, The Myanmar National Human Rights Commission (MNHRC) investigated the death of villager Kyaw Aye while in police custody in Wakema township, Ayeyarwady Region. After investigations, MNHRC stated that they had requested the Ministry of Home Affairs to take action against the police in that case.

Tortures is a violation of human rights and degrades the dignity of humans. Ending torture in prisons is essential. The Assistance Association for Political Prisoners (AAPP) welcomes that fact that the MNHRC has addressed the above issues. [During the government's three years of reform processes Ministry of Home Affairs, Acting Permanent Secretary U Khaing Tun Oo delivered instructions regarding the interrogation of suspects according to law and without mistreatment or torture.](#) Moreover, we urged the prison department to respect and follow as the [Basic Principles for the Treatment of Prisoners](#), [Standard Minimum Rules for the Treatment of Prisoners](#), [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), [Universal Declaration of Human Rights \(UDHR\)](#) and [International Covenant on Civil and Political Rights \(ICCPR\)](#)

Doctor Aye Maung and Writer Wai Hnin Aung, who are serving 20 years imprisonment, were transferred from Sittwe Prison to Insein Prison without their families being informed. Political prisoners are often transferred from their local prison to one that is far from their hometown. AAPP urges the government to end this practice.

### **Freedom of Speech and Press Freedom**

In April the situation regarding freedom of speech has continued to. This is extremely concerns for the national reconciliation. In April, activists, civilians and students faced oppression and were charged and arrested for exercising their freedom of speech, and their democratic and basic human rights.

1. Film maker Min Htin Ko Ko Gyi has been sued under Article 505(a) of the Penal Code by lieutenant colonel Lin Htun from the Yangon Region Command at the Insein Township Court. As he has been diagnosed with liver cancer, he applied for bail at the court under health grounds but the court denied. (On March 29, a further lawsuit was filed against him under Section 66(d) of the Telecommunication Law at the Insein Township Police Station)

2. Political and social activist Nay Myo Zin was charged under Section 505(a)&(b) of the Penal Code at the Taik Kyi Township Court Code by Lieutenant Colonel Toe Linn from Rangoon Regional Military Command

3. Zayar Lwin, Paing Phyo Min a.k.a D yay, Paing Ye Thu, Phoe Thar a.k.a Zaw Linn Htut and Kay Khine Tun, five members of the Peacock Generation Thangyat troupe have been charged under Section 505(a) of the Penal Code at the Mayangone Township Court by Lieutenant Colonel Than Tun Myint of the Myanmar military's Rangoon Regional Command.

Additionally, Lieutenant Colonel Thet Naing Win of the Myanmar military's Southwest Division Command filed a complaint under Section 66(d) of the Telecommunication Law at the Patheingyi Myoma Police Station against 25 members of the Peacock Generation Thangyat troupe.

4. Sayadaw U Thawbita, who heads the Bawa Alin charity, was filed with a complaint by Lieutenant Colonel Myo Khaing Win of the military's Central Command in Mandalay in September 2018, and Lieutenant Colonel Aung Myo Kyaw of the Central Command, had submitted a lawsuit under Section 505(b) of the Penal Code to the Amarapura Township Court against Sayadaw U Thawbita in April.

5. Activist Naw Ohn Hla and five protest leaders Maung Oo, Thandar Oo Nge and Naw Thein were filed with a lawsuit against them under Section 19 and Section 20 of the Peaceful Assembly and Peaceful Procession Law (PAPPL) by the Myawaddy Police Force.

A total of seven people had been charged under Section 505(a)(b) of the Penal Code by military in April and all these people had been denied bail. Freedom of speech is under attack by the widespread use of Section 505(a)(b) of the Penal Code, Section 66(d) of the Telecommunication Law and the Peaceful Assembly and Peaceful Procession Law. Hence, the Assistance Association for Political Prisoners (AAPP) urges the government to protect the freedom of speech in accordance with 2008 Constitution and respect international conventions which are protected the freedom of speech. Furthermore, we urge the government to promote the rights of citizens by amending or repealing the oppressive laws.

Worryingly for National Reconciliation, Press freedom has continued to deteriorate alongside Freedom of Expression. [In the 2019 World Press Freedom Index, Press Freedom of Burma has fallen one place since 2018.](#) It also highlights that the Supreme Court had rejected the appeal of two Reuters reporters. Further, the military's Rangoon Region Command filed the case under Section 66(d) of the Telecommunication Law against the Irrawaddy news agency's Burmese edition editor U Ye Ni at Kyauktada Police Station in April. Brigadier General Zaw Min Tun, a military spokesman, said [they directly filed a complaint under section 66\(d\) instead of the News Media Law, as the News Media Law has a lesser sentence.](#) Here, the use of other laws which carry heavier sentences is an effort to control the writing and publication of sensitive stories. Accordingly, the Assistance Association for Political Prisoners (AAPP) urges the government to drop the charges against media, release journalists and reporters and protect the media sector in Burma.

Furthermore, media outlets have been threatened by the armed organizations. Prominent news organizations in Burma have received threatening messages from unknown senders warning them not to refer to the Arakan Army (AA) as an "insurgent group." As media facing sensitive conditions are still under threatening, we suggest the government to address this issue immediately.

### **Ethnic Issues**

In April, ethnic minorities and civilians are continued to be arrested, charged and sentenced due to accusations of association with unlawful organizations. Besides that, ethnic minorities have died and been injured as a result of conflicts between the military and ethnic armed groups. Torture is still being used for investigations and some people died during this

torture. This has been occurring for decades and there is no justice for victims. The cases below in April show this dire situation.

### 1. Charges and Sentences

In April, four men including Publisher and Seller of Rakhita Calendar Thein Aung Myat were arrested and charged under Section 17(1) of the Unlawful Association Act, five Auk Thar Kan villagers in Mrauk-U Township, Arakan State were charged under Section 17(1) of the Unlawful Association Act, Vice chairperson Aung Swe Oo and Lt Maung Oo of the All Burma Students' Democratic Front (ABSDF), were sentenced to two years imprisonment under Section 17(1) of the Unlawful Association Act. Three Chin Let Wa Villagers in Paletwa Township, Chin State were sentenced to three years imprisonment under Section 17(1)(2) of the Unlawful Association Act, two monks and three civilians were detained under the Unlawful Association Act for suspected ties to the Arakan Army (AA) and Villager Kyaw Thein from Mawrawady village, Maungdaw Township in Arakan State has been filed Section 50(a) of the Anti-terrorism Law.

### 2. Arrests

In April, 27 villagers from Letkar village in Mrauk-U Township, Arakan State, had been arrested by the military and three out of 27 villagers had died during the military investigation. Military spokesman Brig-Gen Zaw Min Tun [acknowledged to The Irrawaddy](#) that the three men died during detention, saying that the causes of death were heart attack, suicide and drug addiction withdrawal, Four Letkar Villagers and three Lay Nyin Taung Villagers in Mrauk-U Township, Arakan State, [were arrested and taken](#) as to serve as guides for the military. In the afternoon of this day, four Letkar villagers were released and the other three Lay Nyin Taung Villagers are still in detention.

Moreover, the Arakan Army (AA) has stated they [abducted 13 construction workers](#) from Hsu Htoo Construction Company and [abducted 52 Khumi villagers](#) from Paletwa township in Chin State

### 3. Killings and Injuries

In April, ethnic minorities from Kyauktaw Township, Mrauk-U Township, Buthidaung Township, Ann Township in Arakan State, and Yebyu Township in Taninthayi Division, were injured and shot dead.

On April 30 the government's National Reconciliation and Peace Center (NRPC) and the four-member Northern Alliance comprising the Kachin Independence Army (KIA), Ta'ang Nationalities Liberation Army (TNLA), Arakan Army (AA) and Kokang's Myanmar National Democratic Alliance Army (MNDAA) held peace talks. We welcome these positive discussions. On the other hand, the government must sign and ratify the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(UNCAT\)](#) and [International Covenant on Civil and Political Rights \(ICCPR\)](#) to protect its citizens' safety and freedom.

### Land Issues

Farmers continue demand the return of their confiscated land, however, they face the loss of their land rights. Therefore, the government needs to address the land issues occurring across the country and respect the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#) that has already been signed and ratified by the government. The issues of military confiscated lands continues. Approximately 200 farmers from Lashio in Shan State and 50 farmers from Mae King Kone Village, Patheingyi Township in Mandalay Division, staged demonstrations to get back land confiscated by the military. Approximately 100 farmers from Si Thar Yar Village, Patheingyi Township in Mandalay Division, staged a protest to give back their 80 acres of lands which were rented by the military. Even though seven officials of #360 artillery battalion wearing plaintiff clothes had prohibited farmers who were cultivating on their ancestral land in Demoso Township, Kayah State on April 20, farmers continued cultivation together. Locals from Lashio in Northern Shan State have faced trouble because they were not allowed to go their land through military's confiscated land.

Additionally, farmers also continued asking for to return their lands confiscated by the governmental departments. Farmers from Sule Kone Village Tract in Kyause Township, Mandalay division held a 'plough protest' to demand the return of their lands. A conflict occurred between authorities from agricultural department and farmers who stay on their confiscated land near Bu Kone Village, Kanbalu Township in Sagaing Division. State Counselor Aung San Su Kyi said the government is working to return confiscated lands to the original owners immediately. We urge the government to address the confiscated land issues effectively and immediately to protect the land rights of Burma's farmers.



## For more information:

Assistance Association for Political Prisoners (AAPP)

Tate Naing (Secretary) +95(0) 9428 023 828

Bo Kyi (Joint Secretary) +66(0) 81 9628 713



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နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand

E-mail: [info@aappb.org](mailto:info@aappb.org), [info.aappburma@gmail.com](mailto:info.aappburma@gmail.com) Website: [www.aappb.org](http://www.aappb.org)

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