

JANUARY CHRONOLOGY 2017

Summary of the Current Situation:

There are **250** individuals oppressed in Burma due to political activities,
86 political prisoners are serving prison sentences,
90 are awaiting trial inside prison,
74 are awaiting trial outside prison.



Picture from the Irrawaddy © 2017
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Assistance Association for Political Prisoners (Burma)
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MONTH IN REVIEW

AAPP were deeply shocked and saddened to hear of the tragic and premature death of U Ko Ni and taxi driver U Nay Win on January 30. U Ko Ni was a fantastic lawyer, a man of great integrity and an integral part of the democratization process and human rights movement in Burma. As an important figure in the mass release of political prisoners in April last year and a close friend and ally of AAPP, U Ko Ni will be sorely missed. AAPP urge the Government to ensure an immediate, transparent, and impartial investigation into both deaths. AAPP would like to take this time to honour U Nay Win who gave his life trying to apprehend the perpetrator. AAPP would like to extend our sincere condolences to the families and friends of U Ko Ni and U Nay Win during this time.

This month, 30 people were arrested, 25 of whom are farmers, four from ethnic areas, and one under Section 66(d) of the Telecommunications Law. In January, 36 people were charged, including 25 farmers, nine students, and 2 individuals from ethnic minorities. There were no sentences in the month of January. 60 individuals were released, 58 of whom are farmers, one who had been charged under Section 66(d) and one activist. Two incarcerated political prisoners are reported to be in bad health.

In January, farmers continued to be arrested and detained over arbitrary land confiscation disputes. On January 16, 37 farmers from Nan Nwin Grat Village, Ayeyarwady Region had a complaint made against them for mischief and trespassing after Zay Zay Aung, the son of retired military officer, Thein Win accused them of cutting bamboo on his land. On January 3, 21 farmers from Khan Lu Village in Sintgaing Township, Mandalay Division were arrested and charged with trespassing and destruction of property. The arrests were made in the wake of a dispute over confiscation of more than 70 acres of land by the military in 2011. On January 10, all 21 farmers were released on bail. These cases highlight the ongoing issue of farmer's rights and arbitrarily confiscated land in Burma. AAPP urges the government to promptly resolve pending land confiscation matters to ensure farmers are no longer criminalized for trying to return to, and cultivate, their own land.

The Unlawful Association Act continues to be used as a tool for the arrest and detention of civilians accused of being associated with ethnic armed groups (EAGs). On January 19, the army finally confirmed the detention of two pastors, Naung Lat and Gam Seng from Mong Ko Township who went missing on December 24, 2016. The pair were held in

detention without charge for almost a month, before being transferred to the Muse Police Station on January 24, where they are currently being investigated under Sections 17(1) and 17(2) of the Unlawful Association Act. The military has accused them of providing information, recruiting troops and transporting fuel to the Kachin Independence Army (KIA). Under international human rights law, arrest and detention without valid reasons is illegal. Arbitrary detention in this manner leaves people extremely vulnerable to severe human rights abuses. It took the military exactly a month to disclose the whereabouts of the two pastors following a huge amount of international pressure. AAPP urge officials to follow due process, be transparent, and document any and all arrests and/or detentions in order to protect individuals from human rights abuses.

Min Htay, senior member of the All Burma Students Democratic Front (ABSDF) who was arrested and detained at a military checkpoint last month on December 28, was brought before the court and officially charged under Section 17(1) of the Unlawful Association Act for alleged contact with the KIA on January 16. Deputy Spokesperson for the Arakan Liberation Party (ALP) and human rights activist, KhineMyoHtun, was denied bail for the second time on January 13, despite concerns for his health. He was detained on July 25, 2016 under Sections 505(b) and 505(c) of the Penal Code for sedition and incitement respectively, after the ALP accused the military of breaching the Geneva Conventions by subjecting civilians to torture and forced portering. Mandalay Divisional Court rejected an appeal submitted by two interfaith activists, PwintPhyuLatt and ZawZawLatt who were sentenced to four years' imprisonment under Section 17(1) of the Unlawful Association Act in April 2016. On January 21, two residents from Hu Mann Village, Palaung Autonomous Region in Namhsan Township, Northern Shan State, were detained by the military. The military suspected them to be members of an ethnic armed group. Not only are arrests and detention in this manner likely to severely impede the peace process and the national reconciliation measures initiated by the government, they also violate citizens' fundamental right to freedom of association enshrined in Article 20(1) of the Universal Declaration of Human Rights (UDHR) AAPP strongly recommends the government make appropriate amendments to the Unlawful Association Act, and ensure that pre-trial detention is used as a method of last resort. AAPP also recommends granting bail to those suffering from health conditions and ensuring detention and investigations are conducted in an impartial, and transparent manner.

Defamation laws, under Section 66(d) of the Telecommunications Law and Section 500 of the Penal Code continue to be used to silence individuals expressing their right to freedom of expression. On January 17, the military filed a complaint against nine students for defamation under Section 500 of the Penal Code by the military. They staged a critical drama of armed clashes between ethnic groups and the military during a peace discussion at the Bassein Hotel in Patheingyi, Irrawaddy Division on January 9. Also in January, secretary of the National League for Democracy (NLD) Research Committee, Myo Yan Naung Thein, was denied bail three times by the Kamayut Township Court on January 7, 11, and 17. He is facing trial under Section 66(d) of the Telecommunications Law for Facebook posts said to have defamed the Commander-in-Chief of the Defence Services,

Senior General Min Aung Hlaing, after criticizing the army's response to alleged attacks by Rohingya Muslim militants. A lawsuit was also filed against local newspaper 'ThuriyaNaywun', for defamatory articles about Thura U Shwe Mann, and his son Toe Naing Mann. The complaint was filed by retired military officer, MyintZaw, against the newspapers publisher Khin Aye, author of the article, Htaung Thu Ye Ba Oak; and the Administrator of the newspaper, Kyaw Tint. ThaHlaHtun also had a complaint brought against him by Local Chairman of the Arakan National Party (ANP) Maung Tin Tun for defamation under Section 66(d) of the Telecommunications Law. He is accused of posting defamatory content against senior officials of the ANP and using Maung Tin Tun's photograph on Facebook without permission. Enquiries into these two complaints have begun but no arrests have been made so far. AAPP will continue tracking these developments.

Section 66(d) also continues to be a tool for arbitrary detention in civil cases. Shine Htet Aung was denied bail on January 5 by the Thingangyun Township Court, Rangoon, after being sued under Section 66(d) of the Telecommunications Law. He is accused of defaming a Member of a Stray Dog Lovers Group, KyuKyu Thein Lwin.

Section 66(d) of the Telecommunications Law and Section 500 of the Penal Code continue to be used in an arbitrary manner. From the cases AAPP has tracked since October 2015,

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to the present date, 75% of the complaints were not brought about by the target of the defamatory post, but by a third party. This reflects the vagueness in the wording of defamation law that leaves it open to interpretation and results in its liberal application. These laws are not proportionate to the crimes committed and criminalize fundamental human rights. In this month's chronology, we have also included an example of a civil case under Section 66(d). Although these cases are not directly related to freedom of political expression, Section 66(d) is

also widely used to suppress freedom of expression from a civil perspective, resulting in unnecessary detention. While AAPP recognizes that cases of legitimate defamation do arise from time to time, Section 66(d) urgently needs to be amended to end the criminalization of these cases. Charges amounting to defamation should be pursued in a civil manner to reduce the high amounts of resources spent on pre-trial detention and lengthy trials pursuing these matters in the criminal justice system. AAPP urges the government to immediately and unconditionally amend or repeal these laws, and others, that prohibit civilians from exercising their rights to freedom of speech and expression.

On January 20, 55 farmers were released from Taung Lay Lone Prison in Shan State. On December 22, the farmers were sentenced by Taunggyi Township Court to one month imprisonment with hard labour after trespassing charges were brought against them by the military's Eastern Command. On January 3, 21 farmers from Khan Lu Village in

Mandalay Division, Sintgaing Township were arrested and charged with trespassing and destruction of property. They were released on bail on January 10. The arrests were made in the wake of a dispute over confiscation of more than 70 acres of land by the military in 2011. Maung Thein Nyunt was released from Sittwe prison on January 12. On January 6, the CEO of Eleven Media Group (EMG), Than Htut Aung, and Chief Editor Wai Phyو were finally granted bail at 50 million kyat (US\$36,750) after numerous applications and serious health concerns, including Than Htut Aung suffering a heart attack in prison. Despite this, the men were detained for almost two months even after issuing a statement apologizing and retracting the statement that lead to their charges. AAPP welcomes this court ruling, but would like to stress that the conditions Than Htut Aung and Wai Phyو were subjected to while incarcerated are unacceptable. This case is another example of the dangerous and excessive use of pre-trial detention in Burma. AAPP recommends that pre-trial detention in Burma urgently be brought in line with Article 9(3) of the International Convention on Civil and Political Rights (ICCPR).

Fifty police officers in Rangoon Division attended a two-day human rights training on January 25-26, at Rangoon's Divisional Police Headquarter Hall. The training was organized by the Myanmar National Human Rights Commission (MNHRC). The purpose of the training was to better equip police to carry out their tasks in accordance with the rule of law, and reduce crime rates in the region, whilst upholding international human rights standards. Human rights training of this nature is fundamental in protecting citizens' rights however, having long campaigned for the reform of the MNHCR. AAPP urge MNHCR to increase training to government department on international human rights standards.

Although the Government continue to take measures to achieve national reconciliation and promote the rule of law in Burma, the country's human rights situation continues to deteriorate. The stories 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, restrictions on civilians' freedom of expression and other human rights. We strongly urge the government to immediately and unconditionally release all remaining political prisoners as recognized by AAPP. The peace process must be prioritized and legislative reform undertaken urgently in order to secure civil and political rights for all people in Burma.

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