

JANUARY CHRONOLOGY 2019

Summary of the Current Situation:

There are **345** individuals oppressed in Burma due to political activity.

33 are currently serving prison sentences,

78 are awaiting trial inside prison,

234 are awaiting trial outside prison.

Thayet Pyin Village Administrator and villager were charged under 17(1)(2) of the Unlawful Association Act.



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Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW

January in Numbers

Sentenced: 27
Arrests: 12
Charged: 14
Released: 15

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“In areas embroiled with conflict between the military and ethnic armed groups, both state and non-state actors should be held accountable for their actions.”

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● ● ● January Month in Review

The clashes between the military and the Arakan Army (AA) have worsened in January, leading to local Arakanese people being arrested, charged and tortured over suspicions of association with the armed group, which has not signed the NCA. This has been a challenge to the basic sectors of governance with village administrators submitting

letters of resignations due to the arrests and charges. Even worse, indigenous people have been used as human shields in clashes between military and ethnic armed groups (EAGs). The following incidents that occurred in January illustrate the impact of the armed clashes in various townships:

Buthidaung Township

- Administrator Mg Thein Nyunt was charged under Section 505 (a) and (b) of the Penal Code for telling media outlets that 11 villagers had been taken by the military to be used as human shields.
- On January 13, Maung Than Hlaing, the head of Thayetpyin village, and villager Maung Kyaw Win were arrested and charged under Section 17(1) and (2) of the Unlawful Associations Act for being accused of collecting tribute money for Arakan Army (AA) and having reported the Burmese Military troop movements to the AA.
- Thayetpyin villager Maung Htay Aung was arrested on December 31, 2018 under Section 17 (1) and (2) of the Unlawful Associations Act in connection to an explosion in Buthidaung Township.
- On January 20, Aung Tun Sein, a Ten Households Leader of Alel Chaung village, was detained for an investigation and later filed lawsuit against under Section 17 (1) and (2) of the Unlawful Associations Act

Rathedaung Township

- On January 14, 60 year old Sein Thar Kyaw and 56 year old Sein Oo of Jein Thar village, who were going to herd buffaloes and cows, ran into the military and

were arrested. The two men were later charged under Section 17 (1) of the Unlawful Associations Act on suspicion of association with the AA.

- On January 25, Rathedaung Township Court prosecuted a village administrator and a traditional medic of Raykaungchaung village under Section 17 (1) and (2) of the Unlawful Associations Act for suspicion of association with the AA. The traditional medic was arrested under Section 58 of the Myanmar Medical Council Law.
- On January 26, troops ran into Thamee Hla village and beat three villagers during an investigation, whereas three Ohn Chaung villagers were arrested and investigated on January 28 and later released on the next day.
- On January 15, around 30 village administrators have submitted resignation letters to their local General Administration Department in fear of being accused of association with the Arakan Army (AA).

In areas embroiled with conflict between the military and ethnic armed groups, both state and non-state actors should be held accountable for their actions and take into consideration the safety and wellbeing of local populations affected. Oppressive laws and the Government's failure to sign international treaties violate basic human rights through actions such as arbitrary arrest and detention. Meanwhile, EAGs continue to participate in arrests, forced recruitments, and extortion that negatively impact the lives of local populations. In both cases, civilians have become caught in the crossfires of the military and EAGs and their perpetrators have largely been exempt from punishment. The Government must revoke vague and repressive laws such as the Unlawful Associations Act and enact a Reparation Law and Victim Law in order to provide remedial programs to rectify the losses of victims. Whereas, EAGs must recognize that they must adhere to minimum protection of non-combatants and, in all circumstances, treat them humanely in accordance with Common Article 3 of the Geneva Convention, which has been ratified by Burma.

A number of EAGs have abused human rights in January: Myanmar National Democratic Alliance Army (MNDAA) forcibly recruited 27 villagers of Kunlong Township in Northern Shan State, Ta'ang National Liberation Army (TNLA) detained 18 villagers from Nanhkam Township in Shan State and demanded three million Kyats (\$1968) for each person's release, an unknown armed group detained activist Pyone Pyone Htay in Hpakant Township, Kachin State, and another unknown armed group also detained Tun Nu, a Mru ethnic and Taung Min Kalar Village Track Administrator in Kyauktaw Township in Arakan State. EAGs must stop these violations and the Government must also cooperate with parties regarding the NCA in order to continue the process of peace and national reconciliation.

Prison Reform

Prison is one of the sectors in need of urgent reform. The Assistance Association for Political Prisoners (AAPP) has urged the Government time and time again to reform the prison system. AAPP published [the Prison Conditions in Burma and the Potential for Prison Reform report](#) in 2016 as well as [the Prison Overcrowding and the Need for Urgent Reform report](#) in December 2018, but prison reform continues to be delayed. According to Yu Lwin Aung, member of the Myanmar National Human Rights Commission (MNHRC), inmates are in need of healthcare in the camps of Kalewa Town, Kale Town and Monywa Town, Sagaing Division and in detention centers in Myeik

Township, Tanintharyi Division. These are extreme concerns and prisoners lacking access to fundamental healthcare shows the lack of respect and protection for the rights of citizens. Principle 367 of the 2008 Constitution stipulates that [every citizen shall, in accordance with the health policy laid down by the Union, have the right to health care](#). Moreover, Article 25 (1) of the Standard Minimum Rules for the Treatment of Prisoners (SMRs) enacts that [the medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed](#). Therefore, AAPP urges the Government to implement the necessary policies to ensure all citizens, even those incarcerated, are provided with adequate provisions of healthcare.

One factor behind the lack of healthcare is connected to prison overcrowding. In 2017, MNHRC finished checking 26 prisons and 25 labour camps in Burma before reporting what they had found to the President, including regarding prison overcrowding. In 2018, MNHRC checked more than 90 camps and prisons in the whole country and found out that some prisons are holding more inmates than twice its capacities, according to Yu Lwin Aung. The commission has been planning to send a report to the President regarding how to deal with the overcrowding situation. MNHRC found that Myitkyina, Nyaungshwe and Lashio prisons are holding more than twice their capacity of inmates and other prisons, including that Mandalay, Mohnyin and Insein prisons, are also holding more prisoners than their official capacities. For more information on prison overcrowding see our 2018 report mentioned above.

The MNHRC found that the issue of overcrowding has still not been solved. If you want to measure a country's human rights standard, you can look at the prison conditions of that country. With this in mind, AAPP calls for the Government to establish a prison system based on international human rights standards to alleviate the numerous human rights violations happening within Burma's prisons.

Constitutional Reform

In January, the Bicameral Union Parliament has agreed continue the formation of a committee to propose amendments to the constitution despite disagreement from a military lawmaker. AAPP welcomes this new step in order allow alterations to the 2008 Charter so that the constitution can align more closely with human right standards. Additionally, according to Defence Services C-in-C Senior Gen. Min Aung Hlaing, ["We have agreed to amend it before the tenure of the first government,"](#) on January 31. Therefore, AAPP calls for MPs who are involved in key roles of the legislative sector to cooperate in the amendment of the 2008 Charter.

Land Rights

Land issues illustrates that the economic, social and cultural rights of farmers continue to be violated in Burma. These following cases have occurred in January.

- On January 23, Pakokku Township court in Magway Division sentenced 16 farmers to three months imprisonment for the destruction of lands.
- On January 25, 500 farmers held a march to protest the Chin State Government's expansion in the area to develop an urban project in Hakha Town, Chin State.

- On January 18 at Thit Yar Shooe Kone Monastery, Light Infantry Battalion(LIB) 422 based in Moebyel Town in Southern Shan State held a meeting with farmers from Thit Yar Shooe Kone Village and Moebyel Village Tract to erect the signs of LIB 422 on 450 acres of lands which were owned by the farmers.
- Residents held a press conference in order to receive confiscated land which was seized by Military in 1993 to 1994 in Taikkyi Township, Rangoon Division.
- On January 18, more than 100 residents demonstrated against the Union of Myanmar Economic Holding Limited (UMEHL), commonly known as U Paing, for confiscating land in order to build a sugar factory and alcohol distilleries and demanded to receive compensation in Kanbalu Township, Sagaing Division.
- On January 1, Win Kyaw complained to the President's Office asking for an investigation of the death of farmer Khin Win, who was shot dead in a conflict at Letpadaung Copper Mine in Salingyi Township, Sagaing Division, but was told by Superintendent Ngwe Tun that the case had already been closed.

By looking at these cases, it can be seen that issues of land confiscations, which were seized by authorities and military, have not yet been resolved. This is not only a challenge in the transitional process, but also a loss for farmers who earn their livelihood by cultivating. Thus, AAPP suggests the Government to sign the International Covenant on Civil and Political Rights (ICCPR) and to comply with the International Covenant on Economic, Social and Cultural Rights, which it has signed already, by looking forward at the interests of the rights of farmers.

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