



## Assistance Association for Political Prisoners (Burma)

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Source: Eleven Myanmar

### Summary of the Current Situation

As of the end of June, there are 169 political prisoners incarcerated in Burma, with 446 activists currently awaiting trial for political actions.

June, 2015

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*"There can be no national reconciliation in Burma, as long as there are political prisoners"*

## MONTH IN REVIEW

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This month, 24 political activists were charged in total. One of the 24 was arrested and imprisoned. Seventeen were sentenced, and seven were released. Four political prisoners are reported to be in bad health.

On June 25, the Union Parliament voted on the amendment of the Constitution. While 75 percent of votes were needed for the amendments to pass, only 67 percent of the 538 lawmakers present voted in favor. The result confirms the hold of the military over the legislature, as their veto right will not be lifted. Another major consequence of the refusal of the amendment is that the military can still block the continuing attempts to amend the Constitution to allow Aung San Suu Kyi to run in the 2015 general election. Following the vote she made a statement claiming that the failure to amend the Constitution would benefit her party, the National League for Democracy (NLD), as people can now clearly see who is working for reforms in the country.

On June 18, the Union Parliament had passed the controversial bill amending the National Education Law. Students were further angered by the vote as lawmakers had made several commitments to student activists earlier this year and failed to honor them; the amendment bill failed to include key provisions agreed upon in its amendments. The now-enacted National Education Law “is very different, both in concept and essence” from the 11 demands student leaders had managed to impose in the talks. One student activist commented: “They have broken their promises and agreements.”

The trial of the detained students and activists who were arrested in March 2015 in Letpadan for opposing the National Education Law is still ongoing. In response to the violence used against them during the crackdown, the All Burma Federation of Student Unions (ABFSU), with the assistance of the human rights NGO Equality Myanmar, plans on suing the police responsible for the violent crackdown. They plan to write complaint letters, collect evidence and involve the Myanmar National Human Rights Commission in the process.

In light of the draft Prison Law released earlier this month, which contains no provisions for political prisoners, former political prisoner groups have demanded that any law enacted must include provisions specifically pertaining to political prisoners. Currently the government denies the existence of political prisoners in Burma’s jails and as such, political prisoners are treated as criminals. One of the provisions the former political prisoner groups want included in the Prison Law is the prohibition of hard labor for political prisoners.

[\(9 June 2015 - Myanmar Times\)](#) [\(19 June 2015 - The Irrawaddy\)](#) [\(19 June 2015 - RFA\)](#) [\(25 June 2015 - The Irrawaddy\)](#) [\(27 June 2015 - RFA/Burmese\)](#)

## DETENTIONS

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### **Monk Defrocked and Detained for Alleged Illegal Mining**

Yay Pu Sayadaw, a monk residing in Yay Pu Monastery in Mogok Township, was arrested, defrocked and detained on June 9. The Gem Traders' Association had filed a lawsuit against him under Section 41(a) and (b) of the Gems Law for destroying five old pagodas and precious stones when he tried to build a new pagoda. Even though the demolition was approved by the Township Sangha Nayaka Committee, Yay Pu Sayadaw was arrested on the allegation that the work entailed "illegal mining".

As well as taking a leading role in the 2007 Saffron Revolution, Yay Pu Sayadaw had previously played a major role in protests against the construction of the headquarters of the Gem Traders' Association on the shores of the Mogok's iconic lake.

He is currently detained at Mogok Township Police Station. Soe Htay, a member of 88 Generation Peace and Open Society, Mogok Township said Yae-Pu residents have collected the signatures for the release of Yay Pu Sayadaw and they plan to send the signatures to state level authorities and judiciary departments.

[\(10 June 2015 - BBC/Burmese\)](#) [\(17 June 2015 - Myanmar Times\)](#)

# INCARCERATIONS

## **Naw Ohn Hla Sentenced to Six Months**

On June 26, 2015, activist Naw Ohn Hla was sentenced to six months imprisonment with hard labor at the Dagon Township court while she was detained in Insein Prison. The sentence was handed down two years after she was charged in 2013, under Section 296 for disturbing a religious assembly, for leading a prayer campaign at Shwedagon Pagoda for the release of Aung San Suu Kyi in 2007.

She is currently serving four years and four months of prison in Insein Prison for calling for an investigation into the death of Khin Win in Letpadaung region in December 2014. Furthermore, she was charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act by Ahlon, Kyauktada and Sanchaung Townships, and is still facing trial for a protest outside the Chinese Embassy.

[\(26 June 2015 - DVB/Burmese\)](#)

## **Chinese Embassy Protesters Sentenced**

On January 1, 2015, three Democratic Force Party members, 69 year-old Ba Myint, Soe Zaw and Htay Aung, staged a rally in front of the Chinese embassy and called for an investigation into the death of Khin Win, who was shot dead at the Letpadaung copper mine.

They were sentenced on June 19 to four months in prison with hard labor under Section 18 of the Peaceful Assembly and Peaceful Procession Act at the Dagon Township Court.

Ba Myint had already been sentenced to three months in prison for a protest against Ohn Myint, the Union Minister for Livestock, Fisheries and Rural Development, and to another three months for a rally against the arrest of Burma citizens on Koh Tao in Thailand.

He is currently serving a total of one year and 11 months in prison.

[\(4 June 2015- Eleven \) \(June 2015 - Eleven\)](#)

## **Protesters Sentenced to One Month in Prison Under Section 18**

Htain Lin Aung, Kyaw Zin Oo, Tin Soe, Hla Hla Aye, Than Than Htwe and Thu Zaw Kyi Win, were sentenced to one month in prison on June 3, 2015 and are currently detained in Insein prison.

In June 2014, Kyaw Hein had been sentenced to one month in prison for organizing a Buddhist preaching ceremony without permission; Htain Lin Aung, Kyaw Zin Oo, Tin Soe, Hla Hla Aye, Than Than Htwe and Thu Zaw Kyi organized a protest against the verdict and were indicted under Section 18 in June 2014.

## **Htin Lin Oo Sentenced to Two Years with Hard Labor**

Htin Lin Oo, information officer for the National League for Democracy (NLD), was sentenced to two years in prison on June 2 with hard labor by the Chaung-U Township Court. He was arrested in October 2014 for arguing at a literary festival that discrimination on racial and religious grounds was incompatible with the central tenets of Buddhism.

He was found guilty under Article 295 (a) of the Penal Code which prohibits “deliberate and malicious acts intended to outrage religious feelings”. He was acquitted of his charge under Article 298 of the Penal Code, which proscribes “uttering words [...] with

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deliberate intent to wound religious feelings”,  
because of insufficient evidence.

Htin Lin Oo had already spent six months in  
custody whilst awaiting trial.

[\(2 June 2015 - The Irrawaddy\)](#)

## RELEASES

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### **Zaw Win Freed After Completion of Sentence**

Activist Zaw Win, who was sentenced under section 505 (b), for calling for the resignation of the government, was freed on June 26, after his prison sentence ended. He has been arrested and sentenced to one year and a half in prison by three different townships for staging a protest with Myanmar Democratic Current Force (MDCF) members.

### **Six More Activists Freed**

Six more activists were freed in June 2015 on completion of their prison sentences:

Luu Aye and Theingi detained in Insein Prison; the gold miner Ma Thu Thu Aye detained in Nyaung Oo Prison; Ma Htwe detained in Pegu Prison; Pho Kyaw detained in Mandalay Prison; and Chit Min Oo detained in Pakokku Prison.

## CONDITIONS OF DETENTIONS

### **Student Activists Banned from Receiving Visits**

Thirty-five activists currently on trial for their involvement in the National Education Law protest in Letpadan have been banned from receiving visits in Tharyarwaddy prison amid allegations of family members smuggling prohibited items in jail.

Prisoners were found with cigarettes and betel nut on June 16, after a court hearing. However, their lawyers assured them that the prison manual allows prisoners to have cigarettes.

[\(24 June 2015 - DVB\)](#)

### **MP Says Handcuffing in Court Is Against Human Rights**

NLD MP, Win Myint, has denounced the practice of handcuffing prisoners during their court appearances as a violation of the Universal Declaration of Human Rights as well as of the Myanmar Police Manual.

“This practice contravenes Article 5 of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as well as the directives of the Myanmar Police Manual,” said Win Myint.

[\(18 June 2015 - The Myanmar Times\)](#)

### **Three Detained Student Activists Have Health Issues**

Three student activists, Ye Win Aung, Mya Gyi and Lwin Ko Ko Aung, were arrested and beaten during the Letpadan crackdown on March 10, 2015.

They were sent that same night to the

hospital. As they have not been provided with adequate healthcare in prison since then, they are currently suffering from dizziness and are occasionally vomiting after eating.

### **Two Jailed Activists Hospitalized for Letpadan Injuries**

Khin Hlaing, a 26-year old student, had to be transferred from Tharyarwaddy Prison to Rangoon General Hospital after he coughed up blood on the bus on the way to his court hearing on June 9. According to former ABFSU leader Ba Thad Aung, this was the result of the injuries sustained during the violent Letpadan crackdown of March 10, 2015. The hearing was postponed to June 16. Khin Hlaing collapsed again in court on June 30 and was rushed to the hospital. The doctors discovered that he was suffering from a gastrointestinal rupture.

Another activist who was arrested during the Letpadan crackdown - 44-year old Tin Win - collapsed on June 3 during a court hearing and was brought to Rangoon General Hospital where he was admitted for throat surgery. The injuries sustained during the crackdown had crushed his esophagus and damaged his nervous system. He is now recovering from the surgery.

Both patients are now seeking release on bail so they can recover at home after being discharged from hospital, but it is unclear whether their request will be granted.

[\(9 June 2015 -DVB\)](#) [\(9 June 2015 -RFA\)](#) [\(9 June 2015 - RFA/Burmese\)](#)

[\(9 June 2015 - Eleven Myanmar\)](#) [\(11 June 2015 - Irrawaddy\)](#) [\(30 June 2015 - DVB\)](#)



## DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

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### **Two NLD Members Charged for Trespassing while Examining Voters List**

Two NLD members, Tin Htay and Sein Mya Maung, who have observed the voters list in Zabuthiri Township, Naypyidaw, on June 18, were charged under section 447 for trespassing on June 20.

According to Nyi Nyi Zaw, a member of NLD, Naypyidaw Council, the two observers were given permission to enter the house and examine the list; however, they were charged for trespassing.

[\(27 June 2015 - RFA/Burmese\)](#) [\(27 June 2015 - 7 Day Daily\)](#)

### **Seventeen Journalists Charged for Contempt of Court**

On June 17, the Chief Editor of Daily Eleven News, Wai Phyo, announced that he and 16 other journalists from Daily Eleven News were being sued by Burma's Ministry of Information. The Minister pursued charges for contempt of court, which carries a penalty of up to six months in prison, for reporting on its own legal proceedings in a separate defamation case brought by the government. The trial will be held in Mandalay Division.

[\(17 June 2015 - The Irrawaddy\)](#)

### **Nay Myo Kyaw Sentenced Under Section 18**

Nay Myo Kyaw, NLD secretary of Magwe Division, was sentenced by the Magwe Township court to one month of prison or to pay a 20,000 Kyat fine on June 15, 2015. He

was charged in June 2014 under Section 18 of the Peaceful Assembly and Peaceful Procession Act for organizing without permission a campaign rally to amend Article 436, Section 27 for using a loudspeaker without permission and Section 447 for trespassing.

Nay Myo Kyaw chose to pay the fine.

[\(15 June 2015 - RFA/Burmese\)](#)

### **Three Protesters and 88 Generation Leaders Summoned to Court**

Four protesters, including 88 Generation Peace and Open Society leader Ko Ko Gyi, were charged under Section 19 for staging a protest to take back the sports ground in South Okkalapa Township park that had been confiscated by the Union Solidarity Party (USDP), were summoned by South Okkalapa Township court on June 15.

Ko Ko Gyi was summoned six months after the facts, after he announced his intention to run in the election in June.

[\(15 June 2015 - BBC/Burmese\)](#)

### **Journalists Banned from Upper House**

After being banned from the Lower House on May 26, journalists have also had their access to the Upper House restricted as of June 1. They can no longer follow the debates and votes in person but have to observe them from a special room. The deputy director general of the Upper House explained that the decision was for "security". Nevertheless, journalists suspect that it has more to do



with threats to politicians' image rather than their physical safety.

[\(2 June 2015 - Myanmar Times\)](#)

## LAND ISSUES

### **Army Removes Gold Miners from Land**

Around 300 gold miners who worked in Taung-Lal village, Thabeikkyin Township, Mandalay Division were removed by Battalion No. 13 on June 24, as the Burma Army owns the land. Already on June 22, the soldiers had come to the village and started living in the miners' houses. While most of them left, few remained in their houses.

In 2007, the army put a sign near the land stating that the land was now owned by them. In 2009, the gold miners could use the land by giving 150,000 Kyat to the army for one gold mining machine per month. Later the price decreased to 35,000 Kyat.

[\(24 June 2015 - RFA/Burmese\)](#)

### **Five Land Leaders Sentenced for Trespassing**

In 2013, land owners were charged under Section 447 for trespassing by the Department of Agriculture at Kyauk Padaung Township. They had tried to take back their land in Pho-Kone, Zay-Kone, Oho-I, Sipin-Thar and Ilyar villages, that had been confiscated under the Burma Socialist Program Party era in 1979.

While most were sentenced to pay a fine, five leaders were sentenced to prison in early 2015 (this case was made known to us this month - it is not certain when the sentencing took place). Htay Win was sentenced to five months, Win Naing Oo to 22 months and Eaik Mahn to 20 months.

### **Seventeen Farmers and One of Karen Peoples Party Chairman Charged**

Seventeen farmers and Mhan Ohn Myint Thein, Karen Peoples Party chairman in

Southern Rangoon District, were charged under Section 447 for trespassing by the Rangoon Divisional Military Headquarters.

The farmers had re-plowed land in Yae-Twin-Kone and Ah-Bay villages, Twante Township, Rangoon Division, which had been confiscated by the army. Mhan Ohn Myint Thein had helped them try to take back their land.

[\(16 June 2015 - RFA/Burmese\)](#)

### **Village Destroyed. Four Villagers Hospitalized**

A village was destroyed and four residents and Zaykabar Company Limited staff received serious injuries and were hospitalized after a clash between residents and around 500 company-hired security forces broke out over disputed land in Sinphon, in Shwe Pauk Kan Township, Rangoon, on June 12. Zaykabar Company Limited, owned by a government official, confiscated the land from residents 17 years ago and informed the residents they had to leave the land, however some refused. One of the injured residents filed a case at the Mingaladon Township Myoma police station and Zaykabar Company did the same, as some company staff were injured. 48 houses were destroyed by the company-hired security forces and as a result, 400 people are homeless and have sought shelter in a local monastery.

[\(13 June 2015 - RFA/Burmese\)](#) [\(14 June 2015 - DVB/Burmese\)](#)

### **Nieces of Self-Immolated Farmer Charged for Trespassing**

Maw Maw Oo and San San Myint, nieces of the farmer who died after self-immolating

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during a protest against land confiscation in Taunggyi District on May 21, were charged on the same day under Articles 427 and 447 of the Penal Code for trespassing and vandalism. They only discovered they had been charged in June. They were charged for working at the farm without permission, even though other farmers also work without permission and have not been charged. Maw Maw Oo said they are targeted because of their relation to their uncle. The local police chief Tun Myat Kyaw confirmed Maw Maw Oo and San San Myint were facing charges under trespassing but could not confirm the vandalism charge.

[\(2 June 2015 - DVB\)](#) [\(2 June 2015 - The Irrawaddy\)](#)

### **Three People Charged After Lobbying a Chinese-owned Company**

Tint Aung Soe, a member of the Myanmar Alliance for Transparency and Accountability (MATA), and villagers Khaing Moe Oo and Thawadar Aung, were charged by the Salingyi Township police with trespassing, intimidation and obstructing the sidewalk at the end of May. They were charged after pressing the Myanmar Yang Tse Copper Ltd (MYTCL) Company to release more information on land issues, local and regional development, recruitment of workers, and environmental sustainability.

[\(2 June 2015 - Myanmar Times\)](#)

## KEY INTERNATIONAL DEVELOPMENTS

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### **Former American President Bush Calls for the Immediate Release of Phyto Phyto Aung**

Former American President, George Bush, called for the immediate release of ABFSU General Secretary, Phyto Phyto Aung. He also urged Burma to hold a free and fair election.

[\(26 June 2015 - VOA/Burmese\)](#)

### **Second Burma-EU Human Rights Dialogue Held in Nay Pyi Taw**

The second Burma-EU Human Rights Dialogue was held on June 18 at the Ministry of Foreign Affairs in Nay Pyi Taw. Officials from the Czech Republic, France, Spain, Belgium and the Netherlands attended the dialogue. They discussed issues such as labor and land rights, illegal migration in the Mediterranean Sea and Indian Ocean, trainings in prisons, humanitarian and development efforts in Arakan State and participation in international core human rights instruments and cooperation in multilateral forum.

[\(19 June 2015 - The Global New Light of Myanmar\)](#)

### **Amnesty International Denounces Media Restriction in Burma**

Amnesty International published a report on June 16, 2015, denouncing the Burma government's threats, harassment and imprisonment meant to intimidate the media ahead of national elections. The report claims that efforts to restrict freedom of expression have intensified over the past year, with at least ten members of the media currently in prison, all of them jailed in the last 12 months.

Even if censorship is no longer used, the government has nonetheless aggressively prosecuted publications and journalists over stories it has found offensive.

"What we are seeing in Myanmar today is repression dressed up as progress," said Amnesty's Southeast Asia research director, Rupert Abbott. "Authorities are still relying on the same old tactics — arrests, surveillance, threats and jail time to muzzle those journalists who cover 'inconvenient' topics."

Amnesty cited the cases since 2014 of at least ten journalists imprisoned from two to seven years under criminal charges and "vaguely formulated laws" and the killing of the journalist Par Gyi in military custody.

[\(16 June 2015 - Amnesty International\)](#)

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**Phyo Phyo Aung received Citizen of Burma Award**

Phyo Phyo Aung, secretary of ABFSU, has been awarded the 2015 Citizen of Burma Award by the US based CoBA organization for her dedication to education reform, leading an effective movement, and being a good role model for other citizens. She received US \$10,000 as part of the award to assist her work in helping the community. She is currently detained in Tharyarwaddy Prison and faces up to nine and a half years of imprisonment.

[\(8 June 2015 - DVB\) \(8 June 2015 - Irrawaddy\)](#)

## Conclusion / Analysis

The result of the secret vote on the amendment of the Constitution was greeted with little surprise in both Burma and within the international community. In reaffirming the military power of veto over Constitutional reform, the vote has also ended any chance the Aung San Suu Kyi will run in the 2015 general election. Not only does this result impact strongly upon the upcoming elections, but it also shows that there is little real intention in conducting genuine lasting democratic reforms. The status quo of the Constitution keeps the former military powers in charge and operates as a serious barrier to the country's democratization. It also sends a warning for the elections, as there is no guarantee that the upcoming elections will be free and fair.

The fears regarding the upcoming elections are being reinforced by the imprisonment of activists who were charged months ago (some were even charged up to a year ago), yet their trials are only now being heard in court. Thus, the government can ensure that activists remain in prison in the run up to the election, and intimidate other activists who remain free. This tactic, in addition

to the vote against the amendment of the Constitution, demonstrates the current government's approach to the supposed democratic transition in Burma. With the additional attempts to detain and restrict the activities of journalists and media, there is currently little to encourage the idea that this government is really committed to genuine lasting change.

Journalists are now banned from the Upper House of Parliament as well as the Lower House. Seventeen journalists were charged for contempt of court because they were reporting on the ongoing trial of their newspaper against the government. The restrictions have been increasing the last few months, leading Amnesty International to denounce this practice in their June report.

Students charged and detained at the Letpadan crackdown on March 10 are being detained under conditions that are of serious concern. Two activists had to be rushed to hospital this month due to inadequate medical attention for the injuries they sustained during the crackdown. Moreover, their prolonged trial adds further weight to the notion that the government is attempting to keep activists imprisoned in the run up to the

## Conclusion / Analysis

election.

The steady rise in political prisoner numbers and the persistent violations to fundamental freedoms of expression, assembly and association as the election draws closer is hardly indicative of a country on the road to democracy. If the current attitude towards democratic protest and peaceful assembly continues, then it is difficult to envisage that the outcome of this year's election will be free or fair.



## Links / Resources

### June 2

[Three People Charged After Lobbying a Chinese-owned Company \(Myanmar Times\)](#)  
[Journalists Banned from Upper House \(Myanmar Times\)](#)  
[Nieces of Self-Immolated Farmer Charged for Trespassing \(DVB\)](#)  
[Nieces of Self-Immolated Farmer Charged for Trespassing \(The Irrawaddy\)](#)  
[Htin Lin Oo Sentenced to Two Years with Hard Labor \(The Irrawaddy\)](#)

### June 3

[Students Denied Bail \(DVB\)](#)  
[Eight People Arrested on Suspicion of Arakan Army Involvement \(Burmanet\)](#)

### June 4

[Chinese Embassy Protesters Sentenced \(Eleven \)](#)

### June 5

[Students Denied Bail \(DVB\)](#)

### June 8

[Phyo Phyo Aung received Citizen of Burma Award \(DVB\)](#)  
[Phyo Phyo Aung received Citizen of Burma Award \(Irrawaddy\)](#)

### June 9

[Two Jailed Activists Hospitalized for Letpadan Injuries \(DVB\)](#)  
[Two Jailed Activists Hospitalized for Letpadan Injuries \(RFA\)](#)

### Two Jailed Activists

[Hospitalized for Letpadan Injuries \(RFA/Burmese\)](#)  
[Two Jailed Activists Hospitalized for Letpadan Injuries \(Eleven Myanmar\)](#)  
[All Burma Federation of Student Unions to Sue the Police for Violent Crackdown \(Myanmar Times\)](#)

### June 10

[Monk Defrocked and Detained for Alleged Illegal Mining \(BBC/Burmese\)](#)

### June 11

[Two Jailed Activists Hospitalized for Letpadan Injuries \(The Irrawaddy\)](#)

### June 13

[Village Destroyed and Four Villagers Hospitalized \(RFA/Burmese\)](#)

### June 14

[Village Destroyed. Four Villagers Hospitalized \(DVB/Burmese\)](#)

### June 15

[Eight People in Connection with Arakan Army Exempted from Charges \(Mizzima\)](#)  
[Nay Myo Kyaw Sentenced Under Section 18 \(RFA/Burmese\)](#)  
[Four Protesters and 88 Generation Leader Charged \(BBC/Burmese\)](#)

### June 16

[Amnesty International Denounces Media Restriction in Burma \(Amnesty International\)](#)  
[Seventeen Farmers and One of Karen's People Party's Chairman Charged \(RFA/Burmese\)](#)

### June 17

[Seventeen Journalists Charged for Contempt of Court \(The Irrawaddy\)](#)  
[Monk Defrocked and Detained for Alleged Illegal Mining \(Myanmar Times\)](#)

### June 18

[MP Says Handcuffing in Court Is Against Human Rights \(The Myanmar Times\)](#)

### June 19

[Second Burma-EU Human Rights Dialogue Held in Nay Pyi Taw \(The Global New Light of Myanmar\)](#)  
[Parliament Votes Education Bill Without Students Key Provisions \(The Irrawaddy\)](#)  
[Parliament Votes Education Bill Without Students Key Provisions \(RFA\)](#)

### June 24

[Student Activists Banned from Receiving Visits \(DVB\)](#)  
[Army Removes Gold Miners from Land \(RFA/Burmese\)](#)

### June 26

[Former American President Bush Calls for the Immediate](#)

[Release of Phyto Phyto Aung  
\(VOA/Burmese\)](#)

**June 27**

[Two NLD Members Charged for  
Trespassing while Examining  
Voters List \(RFA/Burmese\)](#)  
[Two NLD Members Charged for  
Trespassing while Examining  
Voters List \(7 Day Daily\)](#)

**June 30**

[Two Jailed Activists  
Hospitalized for Letpadan  
Injuries \(DVB\)](#)

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