

# MAY CHRONOLOGY 2017

## Summary of the Current Situation:

There are **249** individuals oppressed in Burma due to political activities.

**40** are currently serving prison sentences,

**87** are awaiting trial inside prison,

**122** are awaiting trial outside prison.



Picture from Irrawaddy © 2017  
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**Assistance Association for Political Prisoners (Burma)**

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# MONTH IN REVIEW


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**AAPP are extremely happy to announce that the second amnesty of 2017 on May 24 saw the release of 89 political prisoners. AAPP welcome this release, however AAPP would like to be clear that there are still 40 political prisoners as defined by AAPP remaining in prison. Burma cannot claim to be truly democratic until the last political prisoner is freed. AAPP therefore urge the government to immediately and unconditionally release all political prisoners.**

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This month, 24 people were arrested, 20 of whom are farmers, one was a labor rights activist, one land rights activist, and two individuals were arrested under Section 66(d) of the Telecommunications Law. In May, 13 people were charged, including one student under Section 19 of the Peaceful Assembly and Peaceful Procession Act (PAAPPA) ten farmers, and two civilians. There were 21 sentences in the month of May. 89 political prisoners were released, the majority who had been originally sentenced for unlawful association. 21 individuals were incarcerated in May, four individuals under Section 19 of the PAAPPA, two under Section 66(d), 14 farmers, and one labor rights activist. In May, three incarcerated political prisoners were reported to be in bad health.

In May, individuals from ethnic minorities continued to be arrested and detained on suspicion of association with ethnic armed groups (EAGs). On May 6, the two Baptist Church officials Naung Lat and Gam Seng, arrested in December 2016 in Mong Ko Township, Kachin State, under Sections 17/1 and 17/2 of the Unlawful Associations Act, were transferred from Muse Township Police Station to Lashio Prison, Northern Shan State. On May 9, the two men appeared before the Lashio Township Court, where their trial had also been transferred. As some of the ten prosecution witnesses did not come to the hearing, the trial was postponed once again. According to Mrauk-U Township Police Force, Arakan State, a warrant was issued against Arakanese youth activist Ann Thar Gyi for delivering a speech commemorating the founding of the Arakan Army on April 10. A case was filed against him by Light Infantry Battalion #540 under the Unlawful



Associations Act. As this goes against the 21<sup>st</sup> Century Panglong Conference held at the end of the month, AAPP urges the government to respect the citizens' fundamental rights to freedom of association enshrined in Article 20 of the Universal Declaration of Human Rights (UDHR) and to proceed with the reconciliation measures it has initiated with ethnic minorities. AAPP strongly recommends the government make appropriate amendments to the Unlawful Associations Act so that people are not arrested for associating with EAGs, which is often inevitable given the widespread conflict in Burma.

This month, farmers continue to be arrested and sentenced over arbitrary land confiscation disputes. On May 11, eight out of twelve farmers from Kone Mone Village and Bant Bway Village Tract in Naung Cho Township, Northern Shan State, were sentenced to one month imprisonment under Section 447 of the Penal Code and to an additional three months in prison under Section 427 of the Penal Code for trespass and mischief causing damage respectively. The defendants have been facing trial since August 2016, when businessman Soe Thein filed a complaint against them for destroying his fence. In 1992, 242 acres of lands, which were owned by the farmers, were confiscated under the military regime for implementing a coffee project. The project was however abandoned and the seized lands were instead given to businessmen. As the lands were never cultivated by the businessmen, the farmers decided to use them. On May 13, seven farmers from Dawei City, Tanintharyi Division, who prevented the Dawei Development Public Company (DDPC) from working on their lands, were arrested under Sections 447 and 427 of the Penal Code for criminal trespass and mischief. They were released the same day. The lands were confiscated by the authorities as part of the Dawei City Project Area which allowed the DDPC to build a private school on these lands. But according to one of the seven farmers Ye Htwe, the lands were seized without notice or compensation. As land grabbing issues remain unresolved, farmers try to come into contact with the authorities to argue their case. On May 9, farmers from Loikaw Township, Karenni state, contacted the State Counselor's Office, requesting the Government to interfere with building plans of Township Officials on alleged farmlands. In 2013, the land was allocated to the building of 34 government buildings. Farmers say they were never informed about these plans, and have continued to work on what to their knowledge is their land. Despite the claims, Loikaw Township Administrator Kyaw Moe said that the process of measuring the land




and preparing to build will continue. Farmers in Nyaungshwe Township, Southern Shan State, have filed complaints with authorities over ownership applications for confiscated lands. The case concerns about 600 acres of farmlands that were confiscated in 2012. The former Shan Government had bought the land from the farmers for the development of a proposed hotel zone in 2012, but is now selling the land to businesses. Farmers complain that they did not agree with the purchase in the first place and did not receive adequate compensation. Despite these attempts however, the government has still not resolved the issues. By way of example, on May 30, Burma's Deputy Minister of Defense General Myint Nwe announced that the Ministry of Defense would not return more than 100 acres it confiscated in 1994 in Sittwe, Arakan State. According to him, the army's farming projects on seized lands have saved more than 75 billion kyats (about US\$51 million) annually from the state's budget. He added that he was not planning to provide compensation for land grabbing as those confiscations were legally conducted at the time. Given the lack of progress surrounding land disputes, demonstrations keep increasing. On May 10, farmers of Dawmukala Village in Loikaw Township, Karenni State, organized a press conference to ask for the return of their confiscated land. According to them, the military has confiscated over 900 acres belonging to 264 farmers in 12 different villages in Karenni State since 1990. Chairman of the Land Committee Khu Oo Rel said the military could keep the land it needed but that it should give the discarded land back to farmers. This conference occurred in the wider context of some ten protests which took place this month by farmers, which can be found in chronology of media stories available on our website.

Growing tensions and the increase of protests over land confiscation should prompt the authorities to take action and make the resolution of land disputes a top priority, especially when the Agricultural Development Strategy and Investment Plan initiated by the government requires the cooperation of farmers. AAPP therefore urges the government to review all cases of land grabbing, to amend and/or repeal relevant law, undertake a consultation initiative to determine adequate compensation for victims of illegal and arbitrary confiscation.

Defamation laws, under Section 66(d) of the Telecommunications Law and Section 500 of the Penal Code, continue to be used as a repressive tool to crack down on individuals exercising their right to freedom of expression. On May 12, two students named Aung Khant Zaw and Myat Thu Htet, were prosecuted under Section 500 of the Penal code by the Patheingyi Township Court for defaming the military after they staged a drama critical of the armed clashes between ethnic groups and the Army. The complaint was filed by General Staff Officer Lieutenant Colonel Aung Myo Khaing, claiming that the drama played by the students damaged the reputation of the Army and their families. On May 9, Nwe Oo Ko Ko, who was charged under Section 66(d) of the Telecommunications Law for a defamatory post against State Counselor Daw Aung San Suu Kyi and the National League for Democracy (NLD), was sentenced to six months imprisonment by the Patheingyi Township Court. Plaintiff Aye Aye Aung noticed the defamatory post in February and later filed a complaint against the defendant, who still remains in detention. On May 26, Sandi Myint Aung was sentenced to six months in prison by a Pegu Division Court under Section 66(d) of the Telecommunications Law for sharing Facebook posts deemed insulting to State Counselor Daw Aung San Suu Kyi last October. On April 25, 2017, the editorial team of The Voice Daily was informed by the Myanmar Press Council that the military filed a complaint against the local newspaper over a satirical article questioning the Burmese peace process. The piece was written by satire columnist Kyaw Zwa Naing, who goes by the pen name British Ko Ko Maung, and was published on March 26. According to Kyaw Zwa Naing, the article was aimed at satirizing ethnic armed groups to urge the end of the civil war. But the military feared that the piece would give the armed forces a bad image and cause internal divisions. On May 17, despite a mediation process initiated by the press council, the military filed a lawsuit against the paper's chief editor Kyaw Min Swe and satirist Kyaw Zwa Naing under Section 66(d) of the Telecommunications Law.

As can be seen from the cases above, fundamental rights enshrined in Article 19 of the UDHR continue to be violated. AAPP denounces the arbitrary use of the Telecommunications to silence individuals who are expressing their rights to freedom of speech and expression. Although AAPP recognizes that cases of genuine defamation may occur, it strongly recommends the amendment of defamation laws to address Section 66(d) vague terminology often resulting in needless pre-trial detentions and



inappropriate sentences. According to the Union Attorney General Office Permanent Secretary, Nu Nu Yin, the Ministry of Transport and Communications asked her office for advice regarding possible amendments to the Telecommunications Law. One of the recommendations suggested to the Ministry is to allow defendants charged under Section 66(d) to be granted bail in accordance with the Code of Criminal Procedure. AAPP welcomes this initiative and urges the government to follow this recommendation and immediately repeal and/or amend the laws which undermine the democratization process.

Civil and political rights continue to be oppressed under the new government. The PAAPPA continues to criminalize peaceful protest and the right to assemble enshrined in Article 20 of the UDHR. On May 2, medical student Nyan Myo Aung, from Magwe Medical University, was sentenced to a K30,000 (US\$22) fine by the Magwe Township Court for protesting in front of Magwe City Hall on February 4 this year, holding a placard that stated, 'End Civil Wars Right Now!'. In response to the verdict, Nyan Myo Aung added that he was also protesting the restriction of freedom of expression and speech. On May 26, a case was filed against Myo Thant and Thein Zaw by the Jetty Loading and Unloading Team, Sagaing Division, under Section 18 of the PAAPPA. The plaintiff, Acting Township Police Captain Than Yu Maung, charged the two men for welcoming the Sagaing Regional Minister without prior permission. The demonstrators were holding placards reading "Welcome Minister", "Welcome the 21st Century Panglong Conference", and "Take action against National Unity Party which has captured land and building illegally". Farmers from Mandalay Region are planning to sue the Mandalay City Development Committee (MCDC) and Pyin Oo Lwin Township Municipal Department for cancelling permission to use the city hall to discuss land rights. On May 16, about 1,000 farmers were due to debate over farmers' issues, the General Administration Officer for Pyin Oo Lwin's Municipal Department Hla Myo forced the organizers to cancel the gathering because they did not ask for prior authorization to use the hall.

These cases highlight the continued infringement of the right to assembly and to association, thus hampering the peace process initiated by the government. Acting in line with the UDHR is an essential step towards a truly democratic society. AAPP therefore condemns the repressive use of the PAAPPA and calls for its immediate amendment.




As was made very public, a mass amnesty was declared on May 24 to welcome the 21<sup>st</sup> Century Panglong Peace Conference. There were a total of 259 prisoners released, among whom were 89 political prisoners. Among the freed Burmese inmates were Zaw Zaw Latt

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and Pwint Phyu Latt who were convicted on immigration and unlawful association offences in 2016, Hla Phone, who was sentenced under Section 66(d) of the Telecommunications Law last November, and the four students from Mandalay arrested and incarcerated under Section 19 of the PAAPPA in April. On May 17, former political prisoner and former student of the All Burma Federation of Student Unions (ABFSU) Than Htike was

granted bail. He was arrested on May 11 by Min Hla Township Police Station, Mandalay Division, under 228 of the Penal Code for interrupting a public servant sitting judicial proceeding.

While AAPP welcome these releases, there is still a total number of 40 political prisoners remaining in prison and 209 facing trial. As evidenced above, arrests and sentencing of individuals deemed to be anti-government continue, which contradicts the national reconciliation measures initiated by the authorities, and Myanmar National Human Rights Commission's claims according to which there are no political prisoners in Burma. AAPP therefore calls for the immediate and unconditional release of all political prisoners, and urges both the Government and Parliament to clearly define what makes one a "political prisoner" in Burma. In January 2016, NLD Spokesperson Tun Tun Hein said the party would provide a definition of a political prisoner once it takes office and "Would not arrest anyone for political reasons". Since coming to power however, the government refused twice to define what a political prisoner is and political activists continue to be detained, even though during a collaboration workshop, AAPP, together with the Former Political Prisoners Society (FPPS), 88 Peace and Open Society, NLD, Shan National, and the Shan League for Democracy (SNLD) established a draft definition which can be found on our [website](#). AAPP strongly suggest the authorities adopt and use this definition immediately in order to better address the plight of political prisoners. AAPP



also asks for the reestablishment of the Political Prisoner Review Committee which was disbanded in 2015, and for the inclusion of former political prisoners in this committee, to which they could greatly contribute.

May saw some promising advancements in the human rights context. It was agreed that land would be returned to farmers in Sagaing Division, Shan State and Bago Division. The proportion of lands given back to their original owners remains however very low compared to the number of land confiscation disputes which are still unresolved. Second, under the new government, the body responsible for recruiting and training civil servants no longer allows military transfers to civilian positions in the public sector. AAPP strongly supports this reform.

Although the government has been taking some measures towards national reconciliation and the promotion of the rule of law, Burma's human rights situation keeps deteriorating. Incidents 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 and restrictions on civilians' freedom of expression and other civil and political rights. In light of this report, AAPP urges the government to prioritize the review and amendment of repressive legislation in order to secure civil and political rights for its citizens and therefore achieve national peace and reconciliation. Moreover, AAPP appeals to the government to immediately and unconditionally release all remaining political prisoners.

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