



Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

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Dear loyal supporters of AAPP,

The transition to Burma's first democratically-elected civilian government in half a century has presented new opportunities for legislative and policy reform, and some progression on the political prisoner issue. Close monitoring and documentation of the situation in Burma continues to be essential as violations of human, civil and political rights continue throughout the country, as well as the continued existence of political prisoners. With the changing nature of the political climate, AAPP have felt the need to change the scope of the organisation to mirror these changes. The core focus of the organisation will continue to centre around the abolishment of political prisoners in Burma, however we will expand to advocate for civil and political rights nationwide.

Across Government, there are approximately 120 former political prisoner Members of Parliament (MPs). AAPP hold relationships with each of these individuals. It is these invaluable contacts, as well as 16 years' expertise in the protection of civil, political and human rights which make us uniquely qualified to expand AAPP in this way and stand aside from other organisations working in the same area. AAPP, is, and will continue to be, an independent organisation unaffiliated with any political parties in Burma.

AAPP will continue the monitoring and documentation of the situation in Burma. Alongside ND-Burma, for whom AAPP is a key member, document human rights abuses across the country. We will lobby for legislative, judicial, penal and institutional reform; and we aim to continue and increase the scope of our transitional justice training, expanding into human rights and human rights documentation trainings. AAPP work closely with other human rights organisations including Amnesty International and Human Rights Watch, and hold good working relationships with the United Nations and OHCHR. On request we will provide help to organisations and MPs, and actively engage with Civil Society Organisation and Human Rights Defender Forums.

Specifically regarding monitoring, documentation, and evaluation, these changes will become evident with the publication of our December Chronology, in early January 2017. Our hope is to create a more efficient, and analytically effective document which can be used as an advocacy tool. AAPP is going to focus not only on the documentation of political prisoner issues, detailing information regarding arrests, charges, detentions, trials, sentences, conditions of imprisonment, releases and restrictions on former political prisoners, but also more broadly document restrictions on civil and political rights, legislation and policy developments, and institutional reform.

The structure of the Chronology will change. Publicly disseminated will be a one-two page analysis of the month's events. The media stories, collected and verified by AAPP, will be available for download (alongside our political prisoner's lists) on the AAPP website.

The figures presented in the 'Summary of the Current Situation' on the title page will follow the current format. In accordance with our definition for Political Prisoners, we will continue to present total numbers for all three categories of political prisoner:

- 1) Convicted individuals currently serving sentences in prison for political activities;
- 2) Individuals who are currently awaiting trial inside prison for political activities;
- 3) Individuals who are currently awaiting trial outside prison for political activities.

On behalf of all members of staff at AAPP, we want to thank each and everyone one of you for your continued support, and hope you will continue to stand by us in our fight for the freedom of all political prisoners, the absence of all violations of human, civil and political rights, and the formation of a truly democratic nation.

In solidarity,



**Tate Naing,
Secretary.**



**Bo Kyi,
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NOVEMBER CHRONOLOGY 2016

Summary of the Current Situation:

There are **195** political prisoners in Burma.

87 are currently serving prison sentences,

24 are awaiting trial inside prison,

84 are awaiting trial outside prison.



Picture from The Voice Journal © 2016
Accessed Month 11, 2016



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MONTH IN REVIEW

This month, 85 people were arrested, 84 of whom are from ethnic areas. Nine people were arrested under Section 66(d) of the Telecommunications Law. 18 people were charged, including 10 people under 66(d) of the Telecommunications Law. Two people were sentenced this month, and 13 individuals were released following the end of their prison sentences. Two incarcerated political prisoners are reported to be in bad health.

The Peaceful Assembly and Peaceful Procession Law is yet to become obsolete under the new Government. Solo protestor Khin Win (pictured on cover pager), was arrested under Section 19 of the Peaceful Assembly and Peaceful Procession Act for staging a protest, holding a sign requesting that President U Htin Kyaw and State Counselor Daw Aung San Suu Kyi meet with farmers facing difficulties due to decreasing prices of rice fields. He was arrested under Section 19 for failing to obtain prior permission for the protest.

The Telecommunications Law continues to be used to crack down on individuals expressing their opinions on social media. This month, Naypyidaw based Journalist Maung Maung Tun was arrested on November 29 for defamation under Section 66(d) of the Telecommunications Law (hereafter: Section 66(d)) for criticizing former state-aligned journalist Zaw Min Aung. Kyaw Kyaw Nyan Win, Press

Officer of the National League for Democracy (NLD), was detained on November 21 under Section 66(d) for a post on Facebook alleging misappropriation of relief aid by a village administrator. Shein Min Paing also shared Kyaw Kyaw Nyan Win's post on social media. For this, on November 21, he was also detained at Pyay Township Court. Both were subsequently granted bail at the price of 2 million Kyat (US\$1,524). Than Htut Aung (CEO) from Eleven Media Group (EMG) and Wai Phyo (Editor In-Chief) were arrested on November 11, also under Section 66(d), and sent to Insein Prison. They were denied bail twice despite serious health concerns for Than Htut Aung. Myo Yan Naung Thein was arrested on November 3, for violating Section 66(d) and sent to Insein Prison. On November 29, Sandy Myint Aung, was arrested after a defamation suit was filed against her by Lin Lai Lai Hlaing, a member of the NLD Information Committee in Pegu, alleging Sandy Myint Aung insulted State Counselor Daw Aung San Suu Kyi on Facebook. She remains detained awaiting her next trial scheduled for December 7. Wai Yang Kaung, who is in charge of discipline and security of the NLD youth group in Katha District, Sagaing Division, appeared in court twice in November under Section 66(d) for insulting Sagaing Region chief minister, Dr. Myint Naing, and MPs with insulting language. Tin Po, from Pengase Village in Sagaing Township was charged under section 66(d) on

November 2 for a Facebook post allegedly defaming Administrator of Pengase Village Nay Win Soe. He was arrested and detained without bail for the offense on October 27.

Restrictions on freedom of speech have continued in November. Activists distributing pamphlets calling for the amendment of the Telecommunications Law were told, on November 3, that they would not be allowed to continue their campaign by Zabu Thiri Township officials.

Charges and sentences under repressive legislation continued to be handed down at the expense of activists. On November 11, Hla Phone was sentenced to two years' imprisonment in Rangoon's Mayangone Township under Section 66(d) of the Telecommunications Law, Section 505(b) of the Penal Code, and Section 16 of the Union Flag Law for defaming the military. On November 18, Social and political activist Yar Pyae aka Myo Thu Win was sentenced to six months imprisonment but was released the same morning for time already served since his arrest. 12 labor right protestors, from Sagaing Region who were sentenced to five months imprisonment by a court in Naypyidaw's Tatkon Township on October 24 with unlawful assembly under Sections 143 and 145 of the Penal Code, and with sedition under Section 505 (b) of the Penal Code, were released on November 12. They are now fighting to get their jobs back at the Myanmar Veneer and Plywood Company where they were previously employed.

Freedom of Press and Freedom of Expression continue to be under threat in Burma following the dismissal of Myanmar Times Special Investigations Editor Fiona MacGregor this month. She was dismissed after government criticism of an article she wrote on October 27, 2016, reporting on the alleged rape of dozens of women by security forces in Shey Kya, a village in Arakan State's Maungdaw Township.

The Unlawful Association Act continues to be a tool for the arrest, detention and charge of civilians accused of being part of unrecognized organizations and ethnic armed groups. Four members of the Shan State Army-North (SSA-N) have been detained since November 4, 2016. The men were arrested by the Burma Army at a checkpoint, before being handed over to police and charged under Section 17(1) of the Unlawful Association Act, despite being unarmed and dressed in plain clothes. On November 20, eleven villagers from Namtu Township were arrested by the Ta'ang National Liberation Party (TNLA). They were accused of being informants for the Restoration Council of Shan State (RCSS), and its armed wing, the Shan State Army South (SSA-S). On November 2, 19 villagers were detained by the armed group of the Shan State Progressive Party (SSPP). The Shan State Army North (SSA-N) to be recruited as SSA-N members for forced military service. A promising advancement in November was the official amendment of the 'Midnight Inspection' provision (Section 13(g) of the Ward or Village Tract Administration Law), which

required households to notify
authorities of any overnight guests on
November 21.

DETENTIONS

Sandy Myint Aung Detained under Telecommunications Law

Sandy Myint Aung was arrested on November 29 after having a lawsuit brought against her under Section 66(d) of the Telecommunications Law on October 28. The lawsuit was filed by Lin Lai Lai Hlaing, a member of the NLD Information Committee in Bago. Sandy Myint Aung is accused of posting a defamatory post on Facebook, insulting State Counselor Daw Aung San Suu Kyi. She was remanded on November 30 and remains in custody awaiting her next trial, scheduled for December 7.

[\(30 November 2016 - Irrawaddy/Burmese\)](#) [\(30 November 2016 - Eleven/Burmese\)](#)

Yangon Government Filed a Defamation Suit against Eleven Media Group

The Yangon Regional government has filed a defamation suit against Eleven Media Group (EMG) and its CEO Than Htut Aung, at Tamwe Township Police Station. Than Htut Aung posted a story on Facebook claiming Rangoon Division Chief Minister Phyo Min Thein had accepted a bribe from businessman Maung Weik. Phyo Min Thein said initial legal action pertained to the Facebook post under Section 66(d) of the Telecommunications Law. He stated a separate lawsuit will be brought over a print article published in the *Daily Eleven* newspaper on

November 6, carrying similar insinuations without naming names, adding that “The government would consult with the Myanmar Press Council (MPC) before filing a formal charge.” The Yangon Regional government had sent a letter to Eleven Media Group on November 7, asking for a more detailed explanation of the article and its accusations, but the request was denied by EMG, which cited its ethical obligation to protect freedom of the press. That Htut Aung (CEO) and Wai Phyo (Editor In-Chief) did not appear as scheduled for police questioning on November 10, were arrested on November 11, and sent to Insein Prison.

The MPC and four other press organisations (Myanmar Journalists Association, Myanmar Journalists Network, Myanmar Lawyers Network, and Burma News International) have issued a joint statement calling for the quick resolution of this case in accordance with Media Law. This law prescribes rules, guidelines and a code of ethics for media organizations as well as provisions for the MPC to act as an arbitrary body to resolve disputes. The statement claims the lawsuit against EMG ignores the Media Law and role of the MPC, and is an attempt to limit freedom of expression and the important check and balance function of the media. The pair were formally charged under Section 66(d) of the Telecommunications Law on November 25 and denied bail. On

November 30, an appeal for bail was again denied.

[\(9 November 2016 - RFA/Burmese\)](#) [\(9 November 2016 - BBC/Burmese\)](#) [\(9 November 2016 - Irrawaddy/Burmese\)](#) [\(10 November 2016 - Myanmar Times/Burmese\)](#) [\(10 November 2016 - 7 Day Daily/Burmese\)](#) [\(10 November 2016 - RFA/Burmese\)](#) [\(10 November 2016 - DVB/Burmese\)](#) [\(10 November 2016 - VOA/Burmese\)](#) [\(10 November 2016 - The Voice/Burmese\)](#) [\(10 November 2016 - Myanmar Times\)](#) [\(10 November 2016 - Irrawaddy\)](#) [\(10 November 2016 - DVB\)](#) [\(11 November 2016 - Mizzima\)](#) [\(11 November 2016 - RFA\)](#) [\(11 November 2016 - DVB\)](#) [\(11 November 2016 - Myanmar Times\)](#) [\(11 November 2016 - 7 Day Daily/Burmese\)](#) [\(11 November 2016 - BBC/Burmese\)](#) [\(11 November 2016 - DVB/Burmese\)](#) [\(11 November 2016 - VOA/Burmese\)](#) [\(11 November 2016 - Mizzima/Burmese\)](#) [\(11 November 2016 - The Voice/Burmese\)](#) [\(11 November 2016 - Irrawaddy/Burmese\)](#) [\(12 November 2016 - Eleven/Burmese\)](#) [\(12 November 2016 - 7 Day Daily/Burmese\)](#) [\(14 November 2016 - BBC/Burmese\)](#) [\(14 November 2016 - Eleven/Burmese\)](#) [\(15 November 2016 - China Post\)](#) [\(24 November 2016 - Mizzima\)](#) [\(26 November 2016 - Mizzima\)](#) [\(30 November 2016 - Irrawaddy\)](#) [\(30 November 2016 - Eleven/Burmese\)](#) [\(30 November 2016 - Irrawaddy/Burmese\)](#) [\(30 November 2016 - Mizzima/Burmese\)](#) [\(30 November 2016 - The Voice/Burmese\)](#) [\(30 November 2016 - BBC/Burmese\)](#)

Journalist Detained Under 66(d)

Naypyidaw based Journalist Maung Maung Tun was arrested on November 29 for defamation under Section 66(d) of the Telecommunications Law for criticizing freelance journalist Zaw Min Aung, who used to work for a state-run newspaper, in a letter to the editor and on social media. He was remanded at an initial hearing in Pyinmana Township Court on November 30. His next hearing is scheduled for December 12. [\(30 November 2016 - Irrawaddy\)](#) [\(30 November 2016 - Irrawaddy/Burmese\)](#) [\(30 November 2016 - Mizzima/Burmese\)](#) [\(30 November 2016 - BBC/Burmese\)](#)

NLD Party Member Detained under 66(d) for Facebook Post

San Shwe, vice Chairman for the NLD, Patheingyi Township was arrested on November 24 under Section 66(d) of the Telecommunications Act. He is accused of insulting another NLD party member, administrator of Sinma village, also from Patheingyi Township, Aung Ko Lwin, on Facebook. The post, which has since been removed, claimed Aung Ko Lwin was forcing unlicensed liquor shops to buy alcohol from him by saying he is the nephew of Lower House Speaker Win Myint. The post called for an investigation into the matter because of the damage it is likely to bring to the image of the Speaker, Party and Parliament. San Shwe claims that since being arrested, he is in poor health and requires medical treatment. [\(25 November 2016 - Eleven/Burmese\)](#) [\(25 November 2016 -](#)

[Mizzima/Burmese](#) (26 November 2016 - Eleven)

Eleven Villagers Arrested in Namtu Township

On November 20, eleven villagers from Namtu Township were arrested by the Ta'ang National Liberation Party (TNLA). They were accused of being informants for the Restoration Council of Shan State (RCSS), and its armed wing, the Shan State Army South (SSA-S). Sai Ba Nyan from the assistance group said that these people are villagers and are not involved in any armed group and asked the Pa Long National Party for their release.

[\(23 November 2016 - DVB/Burmese\)](#)

NLD Member Charged Under Section 66(d)

Kyaw Kyaw Nyan Win, Press Officer of the National League for Democracy (NLD) of Pyay, Pegu Division, has been sued under Section 66(d) of the Telecommunications Law by Maung Maung, village administrator of Nawin Ward in Pyay Township. He was detained on November 21 at Pyay Township Court. The charges were filed after the Press Officer shared an article on Facebook alleging the Administrator of misappropriated 100,000 kyat (US\$76) and clothes intended as relief aid for flood victims. On November 21, he had his first court hearing. Pyay Township Judge granted his bail at 2 million Kyat (US\$1,524) Kyaw Kyaw Nyan Win claims that it is within his duty as Press Officer to disseminate such information and that he is not guilty as the post was made “In the

interest of the people.” Maung Maung maintains the claims are false and therefore amount to defamation under 66(d). His next court hearing is scheduled for December 5. On November 21, Shein Min Paing shared Kyaw Kyaw Nyan Win’s post on social media and was also detained at Pyay Township Court. He was also granted bail at 2 million Kyat.

[\(22 November 2016 - Irrawaddy\)](#) [\(22 November 2016 - Irrawaddy/Burmese\)](#) [\(22 November 2016 - The Voice/Burmese\)](#) [\(22 November 2016 - Eleven/Burmese\)](#)

NLD Activist Detained for Criticizing Commander-in-Chief, Senior General

Myo Yan Naung Thein, National League for Democracy (NLD) member and founder of the Bayda Institute, was arrested on November 3, for violating Section 66(d) of the Telecommunications Law, which prohibits “Using a telecommunications network to extort, threaten, obstruct, defame, disturb, inappropriately influence, or intimidate.”

Police would not confirm whether the arrest was related to a Facebook post Myo Yan Naung Thein posted criticizing Commander-in-Chief Senior General Min Aung Hlaing regarding the Maungdaw Border Post attacks. In the post, Myo Yan Naung Thein criticized Senior General Min Aung Hlaing for failing to resign even though ultimate responsibility for failing to repel the attacks rested with him. A colleague who was present at the time of Myo Yan Naung Thein’s arrest says that he was detained by six people near NLD

headquarters, some of whom were in police uniforms. The NLD has pledged to provide legal support if necessary, but otherwise will remain neutral and allow the trial to proceed unimpeded. Myo Yan Naung Thein was denied bail by Hlaing Township Court on November 9 and sent to Insein Prison. At a court hearing on November 17, he was denied bail and set another court hearing on November 25. At the end of November, AAPP were not able to confirm details of his hearing.

[\(3 November 2016 - Irrawaddy/Burmese\)](#) [\(3 November 2016 - Mizzima/Burmese\)](#) [\(3 November 2016 - The Voice/Burmese\)](#) [\(3 November 2016 - Eleven/Burmese\)](#) [\(3 November 2016 - Irrawaddy\)](#) [\(3 November 2016 - Mizzima\)](#) [\(4 November 2016 - 7 Day Daily/Burmese\)](#) [\(4 November 2016 - Mizzima/Burmese\)](#) [\(4 November 2016 - DVB\)](#) [\(4 November 2016 - Irrawaddy\)](#) [\(4 November 2016 - Myanmar Times\)](#) [\(5 November 2016 - Eleven/Burmese\)](#) [\(7 November 2016 - Myanmar Times\)](#) [\(9 November 2016 - DVB/Burmese\)](#) [\(9 November 2016 - The Voice/Burmese\)](#) [\(9 November 2016 - RFA/Burmese\)](#) [\(9 November 2016 - Eleven/Burmese\)](#) [\(10 November 2016 - 7 Day Daily/Burmese\)](#) [\(10 November - Myanmar Times\)](#) [\(10 November 2016 - Myanmar Times/Burmese\)](#) [\(November 18 2016 - Myanmar Times\)](#)

Four Soldiers Detained by Authorities in Defiance of NCA

The Nationwide Ceasefire Agreement (NCA) signed between the Government and the Shan State Army-North (SSA-N) (amongst others), allows members

of the SSA-N to travel freely throughout Shan State as long as they are unarmed and not in uniform. Despite this, four members have been detained since November 4, 2016. The men were arrested by the Burma Army at a checkpoint, before being handed over to police and charged under Section 17(1) of the Unlawful Association Act. All four men were dressed in plain clothes and unarmed. Colonel Sai Phone Han of the SSA-N has been cited as saying that not only are the charges pointless, they detrimental to the trust building and peace process that the NCA was established to achieve. [\(16 November 2016 - Irrawaddy\)](#) [\(16 November 2016 - Irrawaddy/Burmese\)](#)

Solo Protestor Arrested under the Peaceful Assembly and Processions Act

Solo protestor Khin Win, was arrested under Section 19 of the Peaceful Assembly and Peaceful Procession Act by Kyauktada Township Police. On November 14, he staged a protest in front of Rangoon City Hall, holding a sign requesting President U Htin Kyaw and State Counselor Daw Aung San Suu Kyi meet with farmers facing difficulties due to decreasing prices of rice fields. He was arrested under Section 19 for failing to obtain prior permission for the protest.

[\(14 November 2016 - The Voice/Burmese\)](#)

19 Villagers Detained by Shan State Army North in Mong Shu Township

A Burma military-run newspaper reported that on November 2 that 19 villagers were detained by the armed group of the Shan State Progressive Party (SSPP), the Shan State Army North (SSA-N). The Burmese military's Eastern Central Command has demanded the villagers be released immediately. The SSA-N has not yet signed the Nationwide Ceasefire Agreement (NCA).

[\(5 November 2016 – Eleven/Burmese\)](#)
[\(5 November 2016 – Myanmar Times\)](#)

SENTENCES

Individual Imprisoned for Facebook Insults

[\(12 November 2016 - Eleven\)](#) [\(15 November 2016 - Myanmar Times\)](#)

On November 11, Hla Phone was sentenced to two years prison in Rangoon's Mayangone Township under Section 66(d) of the Telecommunications Law, Section 505(b) of the Penal Code, and Section 16 of the Union Flag Law. Hla Phone was charged in August after allegedly defaming the military using the Kyat Pha Gyi, aka "Big Rooster", Facebook account. He was accused of ridiculing Burma's Commander-in-Chief Senior General Min Aung Hlaing and former president Thein Sein on social media after posting three images on Facebook. The first depicted Commander-in-Chief Senior General Min Aung Hlaing wearing a traditional female skirt on his head, the second depicted a caricature of former president Thein Sein including the words "We are murderers," and the third showing the national flag imprinted on a shoe. The court has ordered his nine months already spent in custody be considered and he will therefore spend one year and three months in prison, rather than two years.

[\(11 November 2016 - DVB\)](#) [\(11 November 2016 - DVB/Burmese\)](#) [\(11 November 2016 - Mizzima/Burmese\)](#)

RELEASES

Individual Sentenced to Six Months Imprisonment for Defamation on Social Media Walks Free

Social and political activist Yar Pyae aka Myo Thu Win, who was detained on May 22 and charged with defaming Commander-in-Chief General Min Aung Hlaing on social media under Section 66(d) of the Telecommunications Law, was found guilty on November 18. He was sentenced to six months imprisonment but was released the same morning for time already served since his arrest. Yar Pyae continues to maintain that the Facebook account was fabricated under his name in an attempt to defame him. ([17 November 2016 - DVB/Burmese](#)) ([18 November 2016 - DVB](#)) ([18 November 2016 - 7 Day Daily/Burmese](#))

Released Sagaing Protesters Fighting to Regain Employment

On May 18, 2016, 71 workers from Sagaing Region demanding better labor rights were arrested and 51 were detained after defying orders by authorities to end their peaceful protest march into Naypyidaw. Of the 51 workers arrested, 36 were released on May 31. Three women were initially charged with sedition under Section 505(b) and Unlawful Association under

Sections 143 and 145 of the Penal Code. The charges for sedition were

eventually dropped and they were sentenced to serve two month in prison each. 12 men were charged with unlawful assembly under Sections 143 and 145 of the Penal Code, and with sedition under Section 505 (b) of the Penal Code. They were sentenced to five months imprisonment by a court in Naypyidaw's Tatkon Township on October 24, 2016. The men were both sentenced to five months imprisonment - three months for sedition and two months for unlawful assembly, to be served concurrently. The workers were credited with time served since their arrest in May and were released on November 12. They are now fighting to get their jobs back at the Myanmar Veneer and Plywood Company where they were previously employed. The company, terminated the employment of 162 of the protesting workers and have since hired foreign workers to take their place.

([11 November 2016 - RFA/Burmese](#)) ([11 November 2016 - Eleven/Burmese](#)) ([15 November 2016 - Myanmar Times](#))

CONDITIONS OF DETENTIONS

LGBTI people targeted and abused in detention

LGBTI people continue to be abused and intimidated in Burma, targeted by several repressive and outdated laws. After being arrested in Rangoon for the third time in a year, transgender woman Chaw Su Khin was detained under the so called “Shadow Law” of the Rangoon Police Act that allows police to arrest anyone if they are found acting suspiciously between sunset and sunrise, to be taken into custody and be liable for up to three months imprisonment. During her detention Chaw Su Khin was made to remove her clothes and hair extensions, which were set on fire, and forced to perform sexual acts with other prisoners under the threat of violence from guards who filmed the incidents with their phones. She was detained in a male jail cell and raped by fellow prisoners as guards looked on. She was made to pay a fine of 35,000 kyat (US\$27) in order to be released the following day. Activists say police officers also use Section 377 of the Penal Code, which forbids “Carnal intercourse against the order of nature” to persecute LGBTI people.

[\(15 November 2016 - Reuters\)](#)

Severe Human Rights Abuses Found at Myingyan Prison

Inmate protests in Mandalay’s Myingyan Prison in October caused the Myanmar National Human Rights Commission (MNHRC) to conduct an inquiry into the conditions in the prison. The MNHRC discovered abuses with regard to medical care, physical conditions, food and water supplies, and corruption. The commissioners found that patients receiving treatment for tuberculosis or anti-retroviral therapy for HIV were not receiving enough food for their bodies to withstand their medical treatments. Commissioners also found 80 prisoners were being held in a cell designed for 40. Commissioners confirmed that prisoners have been subject to demands for bribes, and are required to pay taxes in order to fund the prison’s operating expenses. The MNHRC has recommended that the prison administration request additional funding from the government in order to meet the needs of the prisoners.

[\(8 November 2016 - Myanmar Times\)](#)

Arakan Activist Appeals Charges

Khaing Myo Tun, environmental activist and spokesperson for the Arakan Liberation Party (ALP), is appealing charges against him for defamation and sedition. Lieutenant Colonel Tin Naing Tun, of Sittwe’s Regional Operations Command filed a complaint with the Sittwe Court in May, after Khaing Myo Tun published a

statement accusing the military of torture and forcing civilians to work as porters. He has been detained since July 25, 2016, and his trial is ongoing. Khaing Myo Tun's legal counsel requested the charges be dismissed for procedural defects, as well as for violating the conditions of the Nationwide Ceasefire Agreement (NCA). The NCA includes mechanisms for resolving disputes between parties to the agreement, including the military and the ALP, and for investigating human rights abuses such as torture and forced portering. The ALP has threatened to withdraw from the NCA over the treatment of Khaing Myo Tun. [\(4 November 2016 - Irrawaddy\)](#)

DEMONSTRATIONS & RELATED RESRICTIONS ON POLITICAL & CIVIL LIBERTIES

NLD Youth Group Member Charged under 66(d)

Wai Yang Kaung, who is in charge of discipline and security of the National League for Democracy (NLD) youth group in Katha District, Sagaing Division, was arrested on October 31 after complaints were brought against him in March under Section 66(d) of the Telecommunications Law. Min Min of the NLD Katha claims that Wai Yang Kaung “Insulted MPs and the chief minister, who are elected by people’s votes” and insulted the Sagaing region Chief Minister, Dr Myint Naing, and other MPs with bad language. He appeared in court on November 11 and was given a second court appearance on November 25. At the end of November, AAPP were unable to confirm the details of his court hearing.

[\(18 November 2016 - Eleven/Burmese\)](#)
[\(20 November 2016 - Eleven\)](#)

Telecommunications Law Trial Delayed Indefinitely

The trial of Myo Chit, a Union Solidarity and Development Party

(USDP) official charged with violating Section 66(d) of the Telecommunications Law, has been delayed due to the disappearance of critical evidence. The charges stem from Myo Chit’s use of an audio file saved on his mobile phone and a loudspeaker to broadcast a profanity-laced tirade directed at State Counselor Daw Aung San Suu Kyi and President U Htin Kyaw.

Kyaw Kyaw Nyan Win, the National League for Democracy (NLD) official who filed charges against Myo Chit, stated that when the phone was confiscated by township police the audio file was saved on the phone, but when the phone was turned over to investigators the audio file had vanished. The chief minister of Bago Division has reportedly opened an investigation into the police superintendent’s handling of the evidence.

[\(7 November 2016 - DVB\)](#)

Activists Prohibited from Campaigning Against Telecommunications Law

Activists distributing pamphlets calling for the amendment of the

Telecommunications Law were told, on November 3, that they would not be allowed to continue their campaign by Zabu Thiri Township officials. Activists were distributing pamphlets at the trial of Pho Htaung, who has been charged under Section 66(d) of the Telecommunications Law. Zabu Thiri Township police brought the activists to the office of the Naypyidaw Council, but they were told that they would not be allowed to continue their campaign. The activists were also threatened with charges under Section 18 of the Peaceful Assembly and Peaceful Procession Act, and the Printing Act if they continued to distribute pamphlets. [\(4 November 2016 - RFA/Burmese\)](#) [\(4 November 2016 - Eleven/Burmese\)](#) [\(5 November 2016 - Eleven\)](#) [\(5 November 2016 - 7 Day Daily/Burmese\)](#) [\(7 November 2016 - Myanmar Times\)](#)

Individual Charged with Defamation after Facebook Post Alleging Village Administrator took Bribe

Tin Po, from Pengase Village in Sagaing Township, was arrested and detained without bail on October 27 after being accused of defaming Administrator of Pengase Village Nay Win Soe on Facebook. The Facebook post claimed that the official received five million kyat (over US\$3,800) from Myat Noe Thu Company. Tin Po was charged under section 66(d) of the Telecommunications Law for the post on November 2. Nay Win Soe has been cited as saying Tin Po intended to “Disunite residents.” He distributed

pamphlets from one house to another. He intended to undermine peace and tranquility. He wrote in the post “I took 5 million kyat from Myat Noe Thu Company. He defamed my reputation. If he amends his mistake, I will give the green light to him.”

[\(November 3 2016 -Eleven\)](#)

LEGISLATION AND POLICY DEVELOPMENTS

‘Midnight Inspection’ Provision Officially Amended

The long debated and controversial Midnight Inspection provision under Section 13(g) of the Ward or Village Tract Administration Law, which required households to notify authorities of any overnight guests, was officially amended on November 21 after it was passed by the National Parliament. The bill was initially repealed by the Lower House in August and Upper Houses in September, amongst growing criticism of the way in which it was used to track and stifle political dissidents and activists who opposed the military regime.

Amendments to the law have been debated for many months now, with opponents to the amendments arguing the registration process is essential for national and regional security. The provisions requiring overnight registration have now officially been removed however amendments have been made to require house-guests staying more than one month to report to the relevant authorities.

[\(22 November 2016 - 7 Day Daily/Burmese\)](#) [\(22 November 2016 - Myanmar Times\)](#) [\(23 November 2016 - Myanmar Times/Burmese\)](#)

RELATED HUMAN RIGHTS ABUSES

Dismissal of Journalist Renews Concerns About Freedom of Press

Freedom of Press and Freedom of Expression continue to be under threat in Burma following the dismissal of Myanmar Times Special Investigations Editor Fiona MacGregor this month. She was dismissed after government criticism of an article she wrote on October 27, 2016, reporting on the alleged rape of dozens of women by security forces in Shey Kya, a village in Arakan State's Maungdaw Township. Her dismissal followed public criticism of her article on the Facebook page of Presidential Spokesperson Zaw Htay and a subsequent complaint made to the paper by the Ministry of Information.

Zaw Htay's Facebook criticisms claim that MacGregor sourced her information from another publication rather than contacting the President's Office directly, however MacGregor claims to have attempted to contact Zaw Htay for comment prior to the publication of her article, without response. Zaw Htay has been cited dismissing the allegations, claiming "There's no logical way of committing rape in the middle of a big village of 800 homes, where insurgents are hiding". He insinuated that allegations of this nature, which have also been made by journalists other than MacGregor, had been fabricated to bring the government and their security forces into disrepute.

With the Ministry yet to publish official guidelines for reporting on events and military actions in Arakan State, many

journalists and media advocates have expressed concern that MacGregor's dismissal represents a renewed attack on the freedom of the press and of expression, fundamental human rights detailed in Article 19 of the Universal Declaration of Human Rights, despite the formal end of Burma's pre-publication censorship regime in 2012.

[\(4 November 2016 - Frontier Myanmar\)](#) [\(5 November 2016 - RFA/Burmese\)](#) [\(7 November 2016 - BNI/Burmese\)](#)

CONCLUSION

It has been one year since the election of Burma's first democratically elected civilian government, the National League for Democracy (NLD), however the political situation in Burma remains unstable and under pressure. Despite the 21st Century Panglong Conference being held at the beginning of September 2016 in a step towards national reconciliation, civil wars in the country continue to escalate and are becoming increasingly more severe. Civilians across the country are being forced to flee from their homes, and have been arbitrarily arrested and detained amidst clashes between the military and ethnic armed groups, an act, in direct violation of their human rights. These continued occurrences are detrimental to the overall peace process and the attempt to achieve national reconciliation.

Political and labor rights activists, farmers, and media personnel continue to be arrested, charged, and sentenced under the new government using outdated and oppressive laws designed to silence political dissent. These laws include the Peaceful Assembly and Peaceful Procession Act, the Telecommunications Law, Sections of the Penal Code and the Unlawful Associations Act. The Assistance Association for Political Prisoners (AAPP) continues to urge the government to repeal or amend these laws in accordance with international standards and to improve prospects for national reconciliation in Burma.

195 political prisoners remain in Burma, a slight decrease compared to the 206 AAPP recorded last month. The majority of Burma's political prisoners are members of ethnic minorities or farmers. As repeatedly stated by AAPP, the definition of a political prisoner used by the Government, needs to be broadened to be inclusive of these categories. The continued incarceration of political prisoners demonstrates the ongoing persecution of individuals for voicing their political beliefs in Burma under the NLD. The establishment of an inclusive definition of political prisoners, their official recognition, and unconditional release, are fundamental in achieving a democratic state.

The Peaceful Assembly and Peaceful Procession Act has continued to prohibit activists from engaging in peaceful protests. Solo protestor Khin Win, who staged a protest without permission, was arrested under Section 19. This is just one example how authorities use this law to suppress political dissidence and reinforces the need for the Government to bring this law into line with international standards, and end the use of this law as a tool for repression. The continued arrest of individuals under the Peaceful Assembly and Peaceful Procession Act is reminiscent of the abundance of arrests in 2014 and 2015 under the rule of Thein Sein. Article 20(1) of the Universal Declaration of Human Rights (UDHR) states 'Everyone has the right to peaceful assembly and association.' AAPP therefore urges the Government to not only respect this provision by amending sections 18 and 19 of the Peaceful Assembly and Peaceful

Procession Law but also immediately and unconditionally releasing Khin Win and all other individuals arbitrarily incarcerated under these sections of law.

This month, the freedom of the press and expression has continued to be restricted. The dismissal of Myanmar Times reporter, Fiona MacGregor, demonstrates the challenges and uncertainty faced by people working in media roles and reinforces the need for the Government to revise the Media Law in line with democratic standards.

The wide use of the Telecommunications Law to suppress and punish political dissidence for ‘defamation’ has also continued under the new government. This law is not only used to suppress activists but also individuals who criticize, challenge, or voice their opinions about government officials or policies on social media. This month, the arrests, charges and sentences of 13 people under Section 66(d) demonstrates that the rights to freedom of expression, and civil and political rights continue to be threatened under this law. Article 66(d) of this law has quickly become a popular tool to silence


• • •
“This law is used not only to suppress activists but also individuals who challenge, criticize or voice their opinions about Government officials or policies on social media.”
• • •

political dissent. Defamation is stipulated under Section 500 of the Penal code which states punishment as “Two years, or with fine, or with both.” The Telecommunications Law states punishment as “Three years, or with fine, or with both.” Not only is the existence of Section 66(d) unnecessary due to the Section 500 of the Penal Code, but the punishments are extreme and not proportionate to the ‘crimes’ being committed in this context.

AAPP recommends the Government should not be focusing on insulting social media posts. The Telecommunications Law should immediately be brought before Parliament to discuss its repeal or amendment. Furthermore, it is important to provide opportunities for education to increase awareness of the law more widely in Burma.

AAPP welcomes the revision of the ‘Midnight Inspection’ provision under Section 13(g) of the Ward or Village Tract Administration Law, which required households to notify authorities of any overnight guests, however its amendment is insufficient. The Section has been amended to include provisions requiring the registration of guests staying for longer than one month. AAPP calls for the complete and unconditional repeal of this law which, although amended this month, continues to directly contravene people’s right to freedom of movement, association and privacy enshrined in the UDHR and the International Covenant for Civil and Political Rights (ICCPR).

The events recorded in this month’s Chronology have occurred within a wider context of conflict and human rights abuses across the country. The continued violence, abuse and culture of impunity for offenders is demonstrative of Burma’s need to bring domestic legislation in line with international law and to recognize and ratify various international conventions; for example, the UN Convention against Torture (UNCAT) and its optional protocol. AAPP urges the Government to sign these agreements and



to amend and repeal the outdated and repressive laws that continue to threaten political, civil, and broader human rights in Burma.

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