

NOVEMBER CHRONOLOGY 2015

Summary of the Current Situation:

There are **127** political prisoners incarcerated in Burma.

477 activists are currently awaiting trial for political actions.



Picture from Irrawaddy News ©2015
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MONTH IN REVIEW

This month, twenty-three political activists were arrested in total. Thirty-two were sentenced, and one was released. Six political prisoners are reported to be in bad health.

A hunger strike that was launched on October 23 spread to several prisons across the country with a total of 20 individuals participating. A number of participants are suffering poor health as a result, mainly caused by acts of torture committed by prison staff. Two victims of torture pressed a lawsuit against the commander of Myingyan Prison. On November 17, the hunger strike was ended after requests from Aung San Suu Kyi, associates of the Saffron Revolution Monkhood, and a group of civil society organizations.

The National Elections on November 8 were praised for being mainly free. However, new politically motivated arrests continued to be made. Most recently, five men were charged under Article 505 (b) of the Penal Code for printing a calendar. In addition, student protesters and land rights activists continued to face harsh charges and punishments for their involvement in peaceful demonstrations. This month, thirty-two people have been sentenced to serve between one month and two years imprisonment for political reasons.

Among this month's arrests was Lin Htet Naing aka James, vice chairman and member of Central Executive Committee of the ABFSU. He was arrested on November 3, after eight months in hiding, for his involvement in the Hledan Student Protest in March. On November 19, Lin Htet Naing, along with five others, received additional charges under the Peaceful Assembly and Peaceful Procession Act for this protest.

Three prominent detainees, Chaw Sandy Tun, Patrick Kum Ja Lee and poet Maung Saung Kha, all of them accused of defaming the military, are currently awaiting trial for charges under the Telecommunications Law and/or the Penal Code in a recent crackdown on social media activity. Despite Patrick Kum Ja Lee's bad health, his request to be released on bail was denied for the fifth time. Human Rights Organizations have strongly criticized this decision.

Lastly, Burma's human rights situation has been internationally monitored on different occasions. In the first week of November, Burma underwent its second review under the Universal Periodic Review (UPR) process, a mechanism of the United Nations Human

Rights Council (HRC). The Burma government committed to adopting less than half of the 281 recommendations made by other state parties. Additionally, the National Human Rights Commission (MNHRC) of Burma was reviewed by a joint fact-finding mission, consisting of several human rights organizations, focusing on the Commission's compliance with the Paris Principles. Simultaneously, the International Coordination Committee for National Institutions for the Promotion and Protection of Human Rights (ICC-NHRI) reviewed the MNHRC. A report on the outcomes of this review is expected to be published at a later date.

DETENTIONS

Former Political Prisoner Arrested in Monywa

Yarzar aka Tun Lin Aung, who is a former political prisoner, was arrested by police force on November 30 when he returned from the praying ceremony in Shwe See Khone Pagoda for the release of all political prisoners.

On November 25, Mhone Gyi aka Phyzo Zafar Oo and Yarzar from All Burma Federation of Student Unions (ABFSU) were summoned to come to the police station. A local reporter stated that Yarzar was the only one who got arrested and that Mhone Gyi went to a civil war region and donated clothes.

[\(1 December 2015 - DVB/Burmese\)](#)

USDP Member Re-arrested for Posting Defamatory Image of Aung San Suu Kyi

Than Tun, who was arrested on October 20 for allegedly sharing a photoshopped image of opposition leader Aung San Suu Kyi's head on the body of a naked woman and who was released on bail on November 2 was re-arrested on November 25 under Article 66 (d) of the Telecommunications Law. Prior to the re-arrest, Police Lieutenant Ye Lwin indicated that the case may be dropped given a lack of directive from "our higher levels, to take legal action against him". He was released on bail because the Ministry of Communications and Information Technology had yet to issue an authorization for his arrest, which is required under the charge. Local civil society volunteer Sithu Aung had been disappointed with Than Tun's release and argued that the unlikelihood that the case will move forward demonstrates the double standard existing in the justice system. Than Tun is currently detained in Patheingyi Jail and, according to a local police officer, his case had been brought to court in Kangyidaung Township, with the first hearing scheduled for December 2.

[\(3 November 2015 - Irrawaddy\) \(27 November 2015 - Coconut Yangon\) \(27 November 2015 - Irrawaddy\) \(27 November 2015 - Eleven/Facebook Page\)](#)

Five Men Re-Arrested and Charged for Printing Rohingya Calendar

On November 24, five men, Kyaw Kyaw, Ye Thu Aung, Win Naing, Zaw Min Oo and Win Htwe, were re-arrested by Pazundaung Township Police and charged with

creating fear or alarm to the public under Article 505 (b) of the Penal Code for printing a calendar for 2016 states that the Rohingya are an ethnic group of Burma. The accused are currently detained in Insein Prison.

The day before, these five men, including Kyaw Kyaw, the owner of a printing house in Rangoon, and his manager Ye Thu Aung were already arrested and sentenced to pay a fine of about \$800 (one Million Kyat) each and released. The men were found guilty of having violated Chapter 4, of the 2014 Printing and Publishing Law, which illegalizes publishing materials that could damage national security and law and order. Another man, Aung Khin from Rangoon's Shwepyithar Township, is being sought for assigning the printing and currently avoiding arrest.

On Sunday, November 22, during a full-day meeting of Ma Ba Tha in Rangoon, members of the organization had condemned the calendar which they had previously brought attention to on social media. A day later, Monk Pamukha, a leading Ma Ba Tha member, expressed that the authorities in Rangoon had agreed to take action in the case.

[\(23 November 2015- The Voice/Burmese\)\(24 November 2015 - RFA/Burmese\) \(24 November 2015 - Mizzima\)\(24 November 2015 - DVB\)\(24 November 2015 - Irrawaddy\)\(25 November 2015 - Irrawaddy\)\(25 November 2015 - Eleven/Burmese\)\(25 November 2015 - MyanmarTimes\)\(25 November 2015 - Irrawaddy/Burmese\)\(27 November 2015 - RFA\)\(28 November 2015 - ABNA\)](#)

Six Individuals Face Trial for Involvement in Hledan Student Protest in March

On November 3, Lin Htet Naing aka James, vice chairman and member of Central Executive Committee of the ABFSU, was arrested after eight months in hiding, for his involvement in Hledan Student Protest which were launched on March 10 to protest the violent dispersal of a student protest in Letpadan earlier that day. He was arrested by Special Branch police on a bus to Shwepyithar Township. According to Lin Htet Naing's mother, Daw Kyi Myint, police showed up at his house after his arrest, interrogated a family member and confiscated some of his personal belongings. Lin Htet Naing is the husband of student activist Phyoe Phyoe Aung, who was arrested on March 10 and charged with similar offences.

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On November 4, he was brought to Kamaryut Township Court for his first hearing and was later sent to Insein Prison. He was charged under Articles 143, 145, 147 and 505 (b) of the Penal Code, for taking part in an unlawful assembly, joining an unlawful assembly after it has been dispersed, rioting and inciting the public to commit offences against the state, respectively. Other individuals involved in the Hledan student protest; Kyaw Ko Ko, Nanda Sit Aung, Win Kyawt Hmu, Po Po and Htet Khine Soe were charged under these laws in April. Nanda Sit Aung and Win Kyawt Hmu have been awaiting trial in detention, with the former one being held in Tharawaddy Prison and the latter one in Insein Prison, since their arrest on March 27 and April 4, respectively.

Po Po was released on bail July 30 to sit her exams in September. Kyaw Ko Ko was arrested on October 29 after evading arrest since March 10 when he had been involved in the Hledan Protest. Htet Khaing Soe continues to evade arrest.

On November 19, Lin Htet Naing aka James, Kyaw Ko Ko, Nanda Sit Aung, Po Po and Htet Khine Soe- all leading members of the ABFSU- and one supporter, Win Kyawt Hmu, received additional charges under Article 18 of the Peaceful Assembly and Peaceful Procession Act from Kamayut Police Station in Rangoon for the Hledan protest.

[\(4 November 2015 - RFA\)](#)[\(4 November 2015 - Amnesty International\)](#)[\(4 November 2015 - RFA/Burmese\)](#)[\(4 November 2015 - Irrawaddy/Burmese\)](#)[\(4 November 2015 - Irrawaddy\)](#)[\(4 November 2015 - DVB/Burmese\)](#)[\(5 November 2015 - Myanmar Times\)](#)[\(5 November 2015 - Burmanet\)](#)[\(4 November 2015- Amnesty International/German\)](#)[\(5 November 2015 - MyanmarTimes\)](#)[\(19 November 2015 - Eleven\)](#)[\(19 November 2015 - RFA/Burmese\)](#)[\(19 November 2015 - Eleven/Burmese\)](#)[\(19 November 2015 - Irrawaddy/Burmese\)](#)

Detained Facebook Activist Attends her Fifth Court Hearing

Chaw Sandy Tun- the activist currently standing trial regarding a facebook post comparing the newly designed military uniform worn by Commander-in-Chief Min Aung Hlaing to a *htamein* worn by Aung San Suu Kyi- attended her fifth court hearing on November 24 at Maubin Township Court. She faces charges under Section 66 (d) of

the Telecommunications Law, as well as under Section 500 of the Penal Code for defamation. Chaw Sandy Tun's lawyer, Robert San Aung has requested the charges to be dropped drawing on Section 253, Subsection 2 of the Code of Criminal Procedure which allows a magistrate to dismiss a case if they deem it to be groundless. He argued that, according to Section 198 of the Code of Criminal Procedure, it is not possible to charge someone under Section 500 of the Penal Code if the plaintiff is not the target of the defamation. Since Lieutenant Colonel Kyaw Htin- the plaintiff- was not the target of the post, Chaw Sandy Tun's lawyer called for the magistrate to dismiss the case. This request was denied on November 24 as was the second request to release the accused on bail. Chaw Sandy Tun is currently held in Maubin Prison. Her sixth court hearing is expected to take place on November 30.

[\(17 November 2015 - Eleven\)](#)[\(24 November 2015 - Eleven\)](#)[\(24 November 2015 - VOA\)](#)[\(24 November 2015 - DVB/Burmese\)](#)[\(24 November 2015 - Irrawaddy/Burmese\)](#)[\(24 November 2015 - RFA/Burmese\)](#)[\(24 November 2015 - Mizzima/Burmese\)](#)[\(24 November 2015 - Eleven/Burmese\)](#)[\(25 November 2015 - VOA/Burmese\)](#)

Facebook Poet Arrested and Detained After one Month in Hiding

Maung Saung Kha aka Ko Aung Si Thu, who is a poet and criticizer of the government, that was charged under Article 66 (d) of the Telecommunications Law for defamation after he posted a poem on Facebook in October, insinuating that he has a picture of the president tattooed on his penis, was arrested on November 5 whilst he was attending the court hearing of five student activists in Kamaryut Township. He was taken out of the courtroom by police in civilian clothes and put into a car without licence plates at 11 am. He was brought to a police station in Shwepyithar Township and later transferred to Insein Prison. He faced his first court hearing on November 19 at Shwepyithar Township Court and another one on November 27. However not much happened during the second hearing, as Maung Saung Kha's lawyer requested a male judge instead of the woman presiding over the case due to Burmese culture.

[\(5 November 2015 - Coconuts Yangon\)](#)[\(5 November 2015 - RFA/Burmese\)](#)[\(5 November 2015 - Irrawaddy\)](#)[\(6](#)

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[November 2015 - The Voice/Burmese\)\(19 November 2015
- Coconuts Yangon\)\(27 November 2015 – Coconuts
Yangon\)](#)

SENTENCES

Two Hpa-an based Land Rights Activists sentenced to Two Years Imprisonment

On November 25, two Hpa-an based land rights activists and members of the 88 Generation Karen Student Organization, Saw Maung Gyi and Saw Al Sey, were sentenced to two years imprisonment under Article 17 (1) of the Unlawful Associations Act for association with an illegal organization by Hpa-an Township Court. The pair had been assisting local villagers to petition to have their confiscated land returned. They had been arrested on August 7 and were held at Pa-an Myoma Police Station. The police accuse Saw Al Sey of being a soldier from the Democratic Karen Benevolent Army (DKBA), which they consider to be an illegal organization. Saw Maung Gyi's charge relates to him allegedly providing assistance to Saw Al Sey. Human right activists explained that the DKBA already had been delisted from being an illegal organization as a result of the National Ceasefire Agreement.

[\(28 November 2015 - BNI\)\(1 December 2015 - Mizzima\)](#)

Eleven Protesters Sentenced to Two Months Imprisonment

Four members of the 88 Karen Generation Student Organization and seven farmers were sentenced to two months imprisonment each under Article 18 of the Peaceful Assembly and Peaceful Procession Act by Hpa-an Township Court on November 18, 2015. The military, Irrigation Department and private companies confiscated approximately 5,000 acres of farmlands in 1986 from eleven villages in Hpa-an and Hlaingbwe Township. Members of the 88 Karen Generation Student Organization organized and staged a protest with 200 farmers in March 2015 to reclaim these lands. These eleven protesters were sentenced during their 15th court hearing and incarcerated in Taungkalay Prison.

[\(18 November 2015 - RFA/Burmese\)](#)

Michaungkan Land Rights Activists Sentenced to Additional Four Months

13 Michaungkan land rights protesters were sentenced on November 13 by Latha Municipal Court to additional three months imprisonment under Article 68 of the Yangon City Development Act for their involvement in a protest camp

near Sule Pagoda in Rangoon, which had been dissolved in February this year. In October they had already been sentenced to four months imprisonment under Article 18 of the Peaceful Assembly and Peaceful Procession Act for the same incident. Win Shwe aka Maung Maung continues to evade arrest.

[\(13 November 2015 - Eleven/Burmese\)\(13 November 2015 - RFA/Burmese\)\(14 November 2015 - The Voice/Burmese\)\(14 November 2015 - Eleven\)\(14 November 2015 - Asia One\)](#)

Five Activists Sentenced to Four Months With Hard Labor for protesting against Proportional Representation (PR) System

On November 13, five political protesters, Kyaw Swe, Kyaw Hsan, Maung Maung Toe, Wunna and Ko Myo Thu Htut, were sentenced to four months imprisonment with hard labor under Section 18 of the Peaceful Assembly and Peaceful Procession Act by Pyay Township Court in western Bago Region. They had been protesting against the PR System in Pyay Township, Bago Region, on August 4, 2014 without permission from authorities. One of the sentenced, Ko Myo Thu Htut is evading arrest.

[\(13 November 2015 - Eleven/Burmese\)\(14 November 2015 - Irrawaddy/Burmese\)](#)

Two Activists Sentenced to Five Months Imprisonment

On November 13, Kyaw Swe was also sentenced to one month imprisonment for a protest against the Myitsone Dam Project, along with Win Hlaing. The pair was charged under Article 19 of the Peaceful Assembly and Peaceful Procession Act for staging a protest against the Myitsone Dam Project.

On the same day Kyaw Swe and Win Hlaing received another sentence, four months imprisonment, under Article 18 of the Peaceful Assembly and Peaceful Procession Act for a protest in Pyay Township in June 2014 where they publicly demanded the release of all political prisoners.

In total, Kyaw Swe is now serving nine months imprisonment, including four months with hard labor. With this additional sentences, Win Hlaing, who is currently serving time under other charges, now faces a

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total sentence of three years and one month imprisonment.

[\(13 November 2015 - Eleven/Burmese\)\(14 November 2015 - AsiaOne\)\(14 November 2015 - Eleven\)](#)

RELEASES

Activist Wai Lu Released from Prison

Activist Wai Lu was released on November 13, 2015 from Insein Prison. Wai Lu was arrested on December 18, 2014 for staging a protest in front of Rangoon City Hall in support of the Michaungkan land rights protesters. On April 8, 2015, he was sentenced to one year in prison under Section 505 (b) of the Penal Code by Kyauktada Township Court.

[\(13 November 2015 - Eleven/Burmese\)](#)

One Letpadan Student Released on Bail

Detained student, Aung Si Thu, was released on bail on November 3 after injuring his face during a fall. Aung Si Thu has been awaiting trial for his involvement in the Letpadan student protest in March 2015. He slipped and fell in the toilet and injured his face on the concrete floor whilst attending his trial. His appeal for bail at Tharyawaddy Court, which was endorsed by the hospital, was granted on November 3. His next court hearing is on November 11.

[\(3 November 2015 - RFA/Burmese\)](#)

CONDITIONS OF DETENTIONS

Patrick Kum Jaa Lee's Fifth Appeal for Bail Denied Despite Serious Health Concerns

Patrick Kum Ja Lee's fifth appeal for bail was denied on November 23 by Hlaing Township Court. Patrick applied for bail because of health concerns relating to his history of stroke. He also suffers from severe asthma and hypertension. On October 27, he was admitted to the Intensive Care Unit (ICU) in the Insein Prison Hospital. He faces charges under Section 66 (d) of Telecommunications Law for having posted an offensive facebook post. The judge who denied the bail justified his decision by saying that the section of Law in use is non-bailable. However, according to Section 497 (1) of Code of Criminal Procedure, the court may direct that any person who is sick or infirm accused of a non-bailable offence be released on bail. During his court hearing on November 23, the accused suffered from severe asthma and thus had been taken to a state run dispensary in Hlaing Township afterwards. A doctor there wrote a medical certificate, stating that Patrick must be immediately admitted to the government general hospital which had sufficient facilities for treatment and he warned that the authorities bear responsibility for the accused's health.

[\(13 November 2015 - Irrawaddy/Burmese\)\(13 November 2015 - Eleven/Burmese\)\(23 November 2015 - DVB/Burmese\)\(23 November 2015 - Irrawaddy/Burmese\)\(24 November 2015 - Asian Human Rights Commission\)](#)

Student Activists Suffer from Diseases in Tharyarwaddy Prison and Lack Treatment

Honey Oo, one of the student activists detained in Tharyarwaddy Prison as a result of the brutal crackdown on the Letpadan protests, has been suffering from a skin disease for the last eight months. Despite receiving medical treatment in prison, her skin disease has worsened. Honey Oo stated that the prison hospital's doctor informed her that the disease could not be treated inside the prison, and that she had to go to Yangon General Hospital or a skin clinic for treatment. Fellow activist Min Min Zaw is reported to suffer from Miliary Tuberculosis, according to X-rays taken in the district hospital, but still receives no treatment.

Other political prisoners, detained in Tharyarwaddy for their involvement in the same protest, were vomiting blood, and some still suffer pain in their stomachs, heads

or limbs sustained from police beatings during the crackdown. They haven't received sufficient or regular medical treatment.

[\(23 November 2015 - Soundcloud/Burmese\)\(25 November 2015 - Myanmar Times\)](#)

DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

Hunger Strike for the Release of All Political Prisoners

On October 6, students and activists detained in Tharrawaddy Prison following the violent crackdown on protests of the National Education Bill on March 10 appeared in court for their twentieth session. During this session they held a banner demanding the release of all political prisoners before October 15. Following the hearing, Aung Mhine Hsan, one of the student leaders, sent a letter to President Thein Sein stating his intention to go on hunger strike if this demand was not met. As a consequence of the authorities' default to meet the arrested activists' demand to release all political prisoners before October 15, Aung Mhine Hsan launched a hunger strike on October 23. During the consecutive weeks, up to 20 activists and students detained in different prisons joined the hunger strike. The hunger strike ended on November 17 after several requests were made by Aung San Suu Kyi, members of the Saffron Monkhood and civil society organizations. Following is a chronological oversight of the events:

October 23: Aung Mhine Hsan member of the Central Working Committee of the All Burma Federation Student Unions (ABFSU) initiates the hunger strike in Tharrawaddy Prison. Within the first week of his hunger strike, Aung Mhine Hsan suffered from several health concerns, including blood sugar dwindling to a dangerously low level and rapidly declining weight.

October 26: Aung Mhine Hsan receives a forced IV on October 26 in prison while four men are holding him down.

October 28: Five days after the strike began, Aung Mhine Hsan's comrades Than Htike, Myo Myat San and Myo Htet Paing, all members of the ABFSU and also detained at Tharrawaddy Prison, joined the hunger strike. From that day, Aung Mhine San, Myo Myat San and Myo Htet Paing are deprived of a sufficient amount of drinking water.

November 2: In Tharrawaddy Prison, Mar Naw, Phyo Dana Chit Lin Thike, Swe Lin Tun and Kyaw Zwa Lin, join the hunger strike. On the same day, the hunger strike spreads to Insein Prison, where Generation Youth

organization's member Tin Htut Paing and labor activist Naing Htay Lwin join the strike. Furthermore, Myo Htet Paing ends his strike due to severe health concerns after being deprived of water since October 28. In addition, Than Htike ends his participation due to bad health related to his asthma.

November 3: Naing Zaw Kyi Win, a labor activist who is detained in Insein Prison joins the hunger strike in solidarity with his comrades. He is immediately transferred to solitary confinement and deprived of water. In addition, Mar Naw reports that Aung Mhine Hsan and Myo Myat San receive medical attention as a result of deprivation of water.

November 5: Two activists detained in Myin Chan Prison in Mandalay Region join the hunger strike; Si Thyu Myant and Soe Hlaing.

November 6: Si Thyu Myant and Soe Hlaing are tortured by prison officers. They are covered with blankets and severely beaten and deprived of water. The pair end their hunger strike on **November 9**, as a result of their injuries they are not able to continue.

November 7: Another five individuals detained in Tharrawaddy Prison, Aung Myint Han, Ko Thein, Khant Aung, Ye Htut Win and Soe Moe Niaing aka Dane Daung, join the hunger strike.

November 11: Swe Lin Tun ends his hunger strike after he is too weak to continue.

November 12: Phyo Dana Chit Lin Thike ends his hunger strike after being hospitalized, suffering from gastrointestinal problems and blood in his stool.

November 13: Aung Mhine Hsan and Myo Myat San are forcibly hospitalized in Yangon General Hospital. They are told by prison staff to stop their hunger strike or they will be refused water.

November 14: NLD member Win Htein visits Aung Mhine Hsan and Myo Myat San in the hospital on behalf of Aung San Suu Kyi. He requested that the students end their hunger strike because of the current political context. A group of CSOs and 2007 Saffron Revolution monks asked the students the same.

DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

November 15: Two students detained in Myin Chan Prison, Nyan Myint Than from Myin Chan Degree College and Zin Ko Thant from Yadanarbon University, join the hunger strike and are denied water from that day. Shortly after, Zin Ko Thant's urine contains blood. Additionally, Zin Ko Thant is put into solitary confinement, causing mental health problems and forcing him to stop his strike on **November 16**.

November 17: As a response to the requests made to the students on November 14, Aung Mhine Hsan, Myo Myat San, Aung Myint Han, Ko Thein and Ye Htut Win and Soe Moe Niaing aka Dane Daung decide to pause their strike and continue in March if not all political prisoners are set free. In addition, Mar Maw and Kyaw Zwa Lin and have ended their strike previously; however AAPP has no exact data on what date.

November 18: Nyan Myint Than ends his hunger strike.

The treatment of the participants of the hunger strike reveals that torture is still rampantly present within Burma's prisons. According to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the deprivation of water and solitary confinement of some hunger strikers amounts to acts of torture. Moreover, the beating of Si Thyu Myant and Soe Hlaing is a severe case of torture that resulted in extreme physical injuries. These acts were solely intended to stop the activists participating in the hunger strikes. Based on the information presented above, 12 of the student strikers are considered victims of torture. Si Thyu Myant and Soe Hlaing are so far the only ones to press charges against the Myin Chan Prison Commander for torture.

[\(3 November 2015 - Irrawaddy\)](#)[\(3 November 2015 - RFA/Burmese\)](#)[\(11 November 2015 - AHRC\)](#)[\(11 November 2015 - Irrawaddy\)](#)[\(11 November 2015 - BBC/Burmese\)](#)[\(12 November 2015 - DVB/Burmese\)](#)[\(12 November 2015 - The Voice/Burmese\)](#)[\(12 November 2015 - Eleven/Burmese\)](#)[\(12 November 2015 - DVB\)](#)[\(12 November 2015 - RFA/Burmese\)](#)[\(12 November 2015 - Eleven/Burmese\)](#)[\(13 November 2015 - Irrawaddy\)](#)[\(13 November 2015 - Eleven\)](#)[\(14 November 2015 - Mizzima\)](#)[\(16 November 2015 - DVB\)](#)[\(17 November 2015 - Coconuts Yangon\)](#)[\(17 November 2015 - Irrawaddy\)](#)[\(17 November 2015 -](#)

[Eleven\)](#)[\(17 November 2015- Mizzima\)](#)[\(17 November 2015 - DVB/Burmese\)](#)[\(17 November 2015 - DVB/Burmese\)](#)[\(17 November 2015 - Irrawaddy/Burmese\)](#)[\(17 November 2015 - RFA/Burmese\)](#)[\(17 November 2015 - Eleven/Burmese\)](#)[\(17 November 2015 - Mizzima/Burmese\)](#)[\(18 November 2015- Myanmar Times\)](#)[\(24 November 2015 - Eleven\)](#)[\(28 November 2015 - Eleven\)](#)

Students and Activists Charged Under Section 18 of the Peaceful Assembly and Peaceful Procession Law

On November 1, Yan Naing Htwe, a labor rights activist, and ten students of the All Burma Federation of Student Unions (ABFSU) were charged under Article 18 of the Peaceful Assembly and Peaceful Procession Act by the Pabedan Police Station for staging a protest without being granted prior permission in front of the Theingyizay Market in Rangoon on November 1. They were protesting for the unconditional release of detained students, workers and farmers.

[\(2 November 2015 - Eleven\)](#)[\(2 November 2015 - The Voice/Burmese\)](#)

KEY INTERNATIONAL DEVELOPMENTS

Amnesty International and FIDH Express Need for UNGA Resolution on Human Rights

Amnesty International and the International Federation for Human Rights (FIDH) released a press statement on November 17 calling on UN member states to formulate a strong resolution on the status of human rights in Burma at the 70th session of the United Nation General Assembly (UNGA). The statement noted that the November 8 election only makes the need for a UNGA resolution on the situation of human rights that addresses the multiple human rights abuses that are still ongoing in Burma more important. As the transition period is such a monumental time in the country's history, a UNGA resolution can assist in ensuring Burma responds to human rights abuses and implements recommendations that have largely been ignored in the past.

The statement specifically called attention to various human rights abuses in Burma, including arbitrary detentions and violations of freedom of expression, association and peaceful assembly.

[\(16 November 2015 - FIDH\)](#)

Burma Adopts Less Than Half of the Recommendations from the UPR

On November 6, the Universal Periodic Review (UPR) process of the UN Human Rights Council (HRC) took place in Geneva. 281 recommendations were issued by member states, rights groups and civil society organizations for improving Myanmar's human rights record and practices, 91 more than the last UPR in 2011. Several countries submitted advanced questions related to political prisoners and prisoners of conscience in Burma. However, only those using undefined terms, such as the continued release of political prisoners instead of releasing *all* political prisoners, had been accepted. Furthermore, the Burma government stated that it will examine a potential ratification of the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), which are the two most relevant treaties concerning political prisoners. In total, the government decided to adopt 122 recommendations, promised to examine another 90 recommendations and rejected the remaining 69. The accepted recommendations

are not binding and are written in vague terminology, indicating Burma's lack of intention to ratify the treaties.

[\(9 November 2015 - UPR Info\)\(13 November 2015 - Myanmar Times\)\(17 November 2015 - Irrawaddy\)](#)

Fact-Finding Mission measures MNHRC's Compliance with Paris Principles

Between November 16 and 18, the impact and effectiveness of Myanmar's National Human Rights Commission (MNHCR), since its reconstitution in 2014, was assessed by a joint fact-finding mission consisting of several human rights organizations, including FORUM-ASIA. A focus was laid on the MNHCR's compliance with the Paris Principles both in law and practice; however its response to critical and widespread human rights issues in the country was also taken into account. While the mission team appreciated some improvements in the country's overall human rights record, especially in relation to democratization, it criticized the failure to address illegal land grabbing and abuses related to extractive industries, restrictions on the rights to freedoms of expression, association and assembly, ongoing human rights violations in ethnic areas and the fragile peace process. The MNHRC was also criticized for lacking sensitivity when liaising with victims, with some site visits found to have caused discomfort and stress to the people concerned. Another point of criticism was the lack of independence of the MNHCR from the government, demonstrated by serious deficiencies in the commission's investigation into the death of a journalist last year. Moreover, according to the mission, the MNHRC lacks trust and credibility by the public, as the institution is often seen as acting in the interest of the government.

[\(18 November 2015 - Forum Asia\)\(19 November 2015 - Irrawaddy\)](#)

CONCLUSION

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It is important that the new government commits to change and show that human rights abuses, political prisoners and ongoing impunity are from the Burma of the past.

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This month, Burma was in the international spotlight because of the November 8 General Election. Most coverage on the election process following the elections has been positive. Media outlets and governments have praised the current government for holding the freest and fairest elections in Burma in 25 years. The Union Election Commission has announced the winners of nearly all of the contested seats, declaring the National League for Democracy (NLD) as the winner receiving almost 80% of the votes.

As of the end of November, the results show that 110 former political prisoners have been elected as Members of Parliament and will form the new Burma Government. The Assistance Association for Political Prisoners (AAPP) would like to congratulate these 110 former political prisoners on their dedication to political reform in Burma and their election victories. While electing former political prisoners to power is by no means a resolution to the political prisoner situation in Burma, it is a narrative welcomed by AAPP. Many former political prisoners have been imprisoned for fighting for the rights of the people of Burma and for a democratic future. Now, the political

beliefs and actions of the 110 elected former political prisoners have earned them the support of the people and the legitimate power to be leaders in the government's transition towards democracy. Despite the positive election coverage and positive results, it is important to realize that Burma has not made a significant shift towards democracy yet, considering the 2008 Constitution still grants the military significant power.

In the shadow of the election, restrictions on political freedoms and human rights abuses persisted under the current government.

The torture and brutal treatment of hunger strikers this month by prison authorities, including beatings, water deprivation and solitary confinement, evidences systematic violence in the prison system and stresses the need for urgent prison and security sector reforms. Many of the hunger strikers were forced to end their strike as a result of the brutal treatment they received. Those who were able to maintain their strikes eventually chose to end them after many, including Aung San Suu Kyi, urged them to stop so that they didn't hamper the transition process. To honor these hunger strikers and demonstrate legitimacy it is of utmost importance that the issue of political prisoners is immediately addressed once the new government takes seat in Parliament.

Sections from the Peaceful Assembly and Peaceful Procession Act and the Penal Code continued to be used and manipulated to suppress political dissent in the month that all eyes were on Burma. In all but one case these laws were used against perceived supporters of the opposition. The exception was the re-arrest of a USDP member who was charged with defamation for posting a photoshopped picture of Aung San Suu Kyi. However the delayed authorization for his arrest and the early granting of bail when compared with the swift decision-making and multiple bail denials of perceived supporters of the opposition charged with similar offences such as Chaw Sandy Tun, Patrick Kum Ja Lee demonstrates the discriminatory application and implementation of laws and the desperate need for rule of law.

Also this month, Burma received recommendations from the Universal Periodic Review (UPR). The Burma government accepted less than half of the recommendations made and only committed to *examining* recommendations to release *all* political prisoners, therefore not making any real commitments. Furthermore, the Minister of Home Affairs and for Immigration and Population, Lt. Gen. Ko Ko, who is accused of having involvement in human rights violations, war crimes, and crimes against humanity, led Burma's delegation; a choice that was highly criticized by several human rights organizations.

The country's National Human Rights Commission (MNHRC) was monitored by a joint fact-finding mission of several human rights organizations. The mission concluded that, even though some positive steps were made, significant improvements are necessary, before the MNHRC can truly counter and prevent human rights abuses in Burma and act in compliance with the Paris Principles. Furthermore, it concluded that the MNHRC lacks credibility among the broader population and is therefore rarely approached by person's whose rights have been abused. The researchers noted that the

CONCLUSION

human rights situation in Burma remains grave and, in some respects, is regressing. In line with this, Amnesty International and FIDH highlighted the need for a strong resolution on Burma at the United Nations General Assembly (UNGA) that will address the ongoing human rights abuses in the country. Past governments in Burma have largely ignored their commitments to address human rights violations. It is important that the new government commits to change and show that human rights abuses, political prisoners and ongoing impunity are from the Burma of the past. Lastly, the election results mean that the NLD will have absolute majority in Parliament after the new government takes office in March. A large part of the NLD's program is national reconciliation. AAPP has long maintained that there can be no national reconciliation in Burma, as long as there are political prisoners. Therefore, AAPP urges the NLD to immediately and unconditionally release all political prisoners.

[\(5 November 2015-FIDH\)](#)

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