

OCTOBER CHRONOLOGY 2019

Summary of the Current Situation:

There are 612 individuals oppressed in Burma due to political activity.
59 are currently serving prison sentences,
181 are awaiting trial inside prison,
372 are awaiting trial outside prison.

Filmmaker Min Htin Ko Ko Gyi Sentenced to one-year imprisonment under Penal Code



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Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand

E-mail: info@aappb.org, info.aappburma@gmail.com Website: www.aappb.org

[WEBSITE](http://www.aappb.org)



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October in Numbers

- Sentenced: 20
- Arrests: 29
- Charged: 23
- Released: 16

Month in Review for October

Freedom of Speech and Expression

Freedom of Speech and expression in Burma has continued to regress. In October, Nay Myo Zin, Naw Ohn Hla, two Karen Youths Saw Albert Cho and Sa Thein Zaw Min and five members of the Peacock Generation Thangyat Troupe were sentenced, three civilians including the elder sister of former child soldier Aung Ko Htwe were prosecuted, three supporters of Naw Ohn Hla - Sein Htwe and Zarchi Linn of Democracy, Peace and Women (DPW) group, and Naw Larshée Htoo of the Karen Women's Union (KWU), and three civilians were charged for exercising their rights to freedom of speech and expression. These incidents show not only the limitations of freedom of expression in Burma but also creates the fear amongst citizens. Moreover it threatens to disrupt the already faltering reconciliation process. It should be lost on no one that the techniques and laws used by the authorities to control freedom of speech and expression are the same which were used by the military dictatorship when it persecuted dissidents.

The Assistance Association for Political Prisoners (AAPP) continues to urge the government to address the issues of freedom of expression and to amend or repeal Section 500, 505(a)(b) of the Penal Code, Peaceful Assembly and Peaceful Procession Law and Telecommunication Law which are all undemocratic legislation which is used to oppress Burmese civilians.

Consequences of Conflicts Occurring in Ethnic Areas

Alongside an increase in intensity of armed conflicts in ethnic civilians, there is a simultaneous rise in human rights violations suffered by the local populations.

Arrests

As a result of continued conflict in October, a total of 26 civilians from Arakan State had been arrested. Two of this 26 are Moe Hnin Phyu and Kyaw Naing, sister and brother in law of AA Chief Commander Tun Myat Naing, whom are now facing charges under Section 52(a)(b)(c) of the Counterterrorism Law.

Disappearances

Seven Civilians in Buthidaung Township in Arakan State have disappeared while they were fleeing from fighting between the military and the Arakan Army (AA). Moreover, two brothers from Ywar Thar Yar Village in Myebon Township, Arakan State disappeared while they were looking for their cattle.

Shootings

In Arakan State, a number of local residents died after being hit by military fire. Soe Naing from A Pauk Wa Villag, Kalar Maung from Sitt Aung Village in Kyauktaw Township, Mar Mauk Ce De from Sin Thay Pyin Village in Buthidaung Township all died and third year student of the University of the Distance Education Nay San Win from Shwe Hlaing Village in Kyauktaw Township, five grade student Maung Than Soe from Yoe Sanwin Village in Myebon Township, Kyaw Naing Khin a.k.a Maung Maung Chay and Kyaw Win from Yay Boke Village in Rathedaung Township, Ma Kyar Sein and Aye Kywat Khin from Sitaung Village in Buthidaung Township all received injuries due to the fighting.

Torture

- Three villagers from Mi Kyaung Tat Village in Myebon Township in Arakan State, who were arrested by the military column, were only released after they had been interrogated and tortured, said Mi Kyaung Tat Village Administrator Than Hla Maung.
- Nga Mae a.k.a Saw Maung Thein and Tun Wai from Kyauktan Village and a Yay Poke Villager in Rathedaung Township in Arakan State, who were detained by the military, escaped from military captors. They had received several injuries while they were being held for interrogation.
- A Ta'ang monk was repeatedly tortured by soldiers from the Infantry Battalion 45 in Kutkai Township, northern Shan State on suspicion of association with the Ta'ang National Liberation Army (TNLA).

Forced Labour

- Eight women and two men, from in Pauktaw Pyin Village in Mrauk-U Township in Arakan State, were taken as guides by the military column, they later managed to escape.
- Tun Aye Mya a.k.a Pauk Chay, lived in A Pauk Wa Village in Kyauktaw Township in Arakan State, died after being shot while he was being taken as a guide by the military column.
- Over forty civilians, from Let Khote Village in Minbya Township in Arakan State were taken as guides by the military column and forced to work for a day.
- Locals in Meezar Village and villagers in IDP camp in Paletwa Township in Chin State have been forced to serve as porters for the Military, said village administrator Mobine. These people went to the military battalion controlled by #77 Brigade and carried rice and rations.

The above are serious human rights violations. Yet both ethnic armed organizations and the military deny that they committed these abuses. Human rights violations in these conflict areas have not decreased. [Section 7 and 8 of the Rome Statute](#) refers to crimes against humanity and war crimes. Thus, an armed group, which has been officially formed, must follow and address [the Geneva Convention](#) and [the International Humanitarian Law \(IHL\)](#) and [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#) and has to protect its civilians. Further, the government has not signed and ratified yet [the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(UNCAT\)](#). Besides, the government must discuss with the ethnic armed organization which have not signed yet [the Nationwide Ceasefire Agreement \(NCA\)](#). For the well-being of all civilians living in these conflict affected ethnic areas the immediate implementation of the peace process is necessary. Accordingly, we, AAPP, urge the government to work towards the peace process and to ratify the above international treaties and provide protection and safety to all of its civilians.

Human Rights Violations Committed by Ethnic Armed Groups

The human rights violations committed by some ethnic armed organizations pose a serious threat to indigenous people. Highlighted incidents from October are shown below;

- Seven civilians were wounded by shrapnel from heavy weapons fired by the Ta'ang National Liberation Army (TNLA) during an attack on a military motorcade in downtown Hsenwi, located in Northern Shan State.
- The Arakan Army (AA) stopped a passenger bus in Mrauk-U, Arakan State and arrested 12 civilians and 19 trainee firefighters; took 58 passengers hostage from a ferry travelling in Arakan State from Sittwe to Buthidaung; arrested military ex-servicemen Bo Ni from Thayet Oak Village in Mrauk-U Township, Tun Min Thein from O Pone Taung Village in Minbya Township and the education general staff Taung Pang from Pe Wone Village in Auk Thel Ma Wa Village Tract in the border of the Paletwa Township in Chin State and Arakan State; detonated remote mines a police truck in Buthidaung Township and seven including two women prisoners injured.
- Local Men in villages in Kyaukme Township in Northern Shan State are being arrested and recruited by the Restoration Council of Shan State (RCSS)

We strongly urge ethnic armed organizations involved in such HRV's to protect the indigenous and local population and to immediately end these abuses.

Conditions of Imprisonment

The deteriorating prison situation in Burma is an indication that prison reform is urgently needed. The lack of adequate medical healthcare and ongoing issue of overcrowding in prisons are highly detrimental to prisoners well-being. These cases are shown that prisoners' rights are being lost.

- Medicines and food are needed for over a hundred people, who have been arrested for suspicion of association with the AA and are facing trial in Sittwe Prison in Arakan State. As their family members are from IDP camps, they are not able to visit them in prison. Some prisoners whom are facing trial are suffering from dengue and the quality of medical healthcare is poor because of lack of doctors in prison. In addition, infectious and highly contagious diseases are common in prisons and prison labour camps due to overcrowding, as reported by the Three Millennium Development Goal Fund (3MDG) who are supporting the medical healthcare in prisons.

The aforementioned incidents indicate the need for urgency when dealing with prison reform process. The Assistance Association for Political Prisoners (AAPP) urges the government to comply with International standards for the implementation of prison reform such as the: [Standard Minimum Rules for the Treatment of Prisoners \(SMRs\)](#) and [Basic Principles for the Treatment of Prisoners](#). Moreover, we also urge the government to cooperate with the organizations working on prison reform.

Land Issues

Farmers protesting land confiscation and land disputes are still facing arrests and lawsuits. After three farmers from Dawso Shay Village in Demoso Township, Kayah State, had been charged under Section 6 (1) of the Public Property Protection Act by #360 artillery, they were arrested in October. In addition, ten farmers from Shwe Taung Township, Bago Division, had charges filed against them under Section 10 of the Law Protecting the Privacy and Security of Citizens by #509 artillery. Although the government is in the process of returning some confiscated land and paying for compensation, the farmers have not received the farmland area at the time of confiscation and they are not being fully compensated and issues such as the loss of farmland to the original owners are still ongoing. Therefore, the government needs to take an action strictly to solve the land confiscation and land disputes. Furthermore, the Assistance Association for Political Prisoners (AAPP) urges the government to comply with [the law on the Protection of Farmers' Rights and the Promotion of the Rights of the Farmer](#) and [Land Acquisition, Resettlement and Rehabilitation Law](#), and to promote and protect the human rights and livelihood of farmers.

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For more information:

Assistance Association for Political Prisoners (AAPP)

Tate Naing (Secretary)

+95(0) 9428 023 828

Bo Kyi (Joint Secretary)

+95(0)942530 8840



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