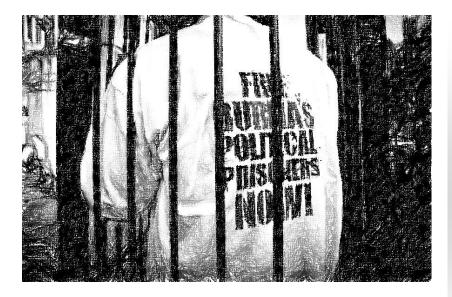


Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

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March, 2014

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

Summary of the current Situation

Although the Burmese government maintains that no political prisoners remain in Burma, AAPP's numbers have been steadily increasing since the end of 2013. At the end of May, there was exactly sixty confirmed political prisoners, with another eighty-seven awaiting trial.

The Committee for Scrutinizing the Remaining Political Prisoners has continued to face institutional barriers that inhibit its effective operation. The difficulties faced by the committee, in addition to the government's official position that no prisoners remain, indicates that we have yet to see sufficient governmental reform to address the ongoing political incarcerations.

MONTH IN REVIEW

This month, AAPP has recorded nine arrests, ranging from political party activists to land-rights protestors. The detentions have involved searches and beatings, as was the case with AikKyein. However, this month only saw one recorded release. If the numbers of arrests continue to increase at this rate, the prospect of the government fulfilling TheinSein's promise is improbable. Twenty-six political activists were sentenced this month. The number of farmers that continue to be arrested is also of great concern, as the ongoing problem of land grabs in Burma continues.

The Committee for Scrutinizing the Remaining Political Prisoners members plan to officially recognize six additional activists—consisting of five human rights defenders and a reporter, KoZawPe—as political prisoners. A committee member U Ye Aung is reported as saying, "According to the committee's list in 2013, the total number of current political prisoners is thirty. At as of May 14, six more activists: Ko Nay MyoZin, Ko Win Cho, Ko Thaw Zin, KoYarzar, KoZawPe and U HlaingHlaing are supposed to be added.

(14 May 2014 - RFA)

DETENTIONS

Villagers Arrested During Protest

On May 14, two villagers, DawNyo and KoMaung Win, were arrested during a suppression of farmers' protest in Thegon Township in Pegu Division. Additionally, it was reported that DawNyo was beaten.

(15 May 2014 - DVB) / (16 May 2014 - RFA) / (15 May 2014 - DVB)

Detention of a Palaung Farmer

On May 12, a Palaung farmer was temporarily detained by government troops in a village of Shan State's Namkham Township. The detention followed a raid of the villages of Man Ong, Man Kong and Pha Danby soldiers of the Burma Army's Namkham-based Brigade 88 and Infantry Regiment No. 301. Irrawaddy sources report that the detainee was a twenty-five-year-old Ta'ang farmer who was released late into the night after his detainment. The army had accused the farmer of being a member of the Ta'ang National Liberation Army.

(14 May 2014 - Irrawaddy)

Two MDCF Members Detained

Ko Tin MaungKyi and KoZaw Win, two members of the Movement for Democracy Current Force ("MDCF"), were arrested under section 505 (b) of public mischief by the police from Rangoon Divisional Police Force on May 9, 2014, for distributing leaflets that called on the Pyidaungzu Government to resign. They were arrested while distributing leaflets outside Kyauktada Township Court where MDCF member KoHtinKyaw was brought from Insein Prison to appear before the court. Afterwards, Ko Tin MaungKyi and KoZaw Win were sent to Insein Prison.

(10 May 2014 - RFA)

Human Rights Watch Activist Arrested

On May 9, TunTunOo, an activist from Human Rights Watch, was arrested for speaking out against Section 18 in front of administrative, judicial, and police offices in Daydaye Township, Irrawaddy Division. He has now been charged under Section 18, the law against which he was protesting.

(16 May 2014 - Irrawaddy)

Five Detained Thegon Farmers Appear Before Court

On May 6, five farmers—Thant ZinHtet, PaukSa, DawNyo, DawMone and Kyaw Thuappeared in Thegon Township Court under Article 505(b) of Burma's penal code for public protests against the government. The five Thegon farmers are alleged to have violated Article 505(b) for performing a ritual that was intended to curse the government protestation of land confiscation. The ritual included burning a coffin at a shrine. The ritual took place in response to police actions that forcibly dispersed a rally back in February. The February rally formed to demand the return of 1,000 acres of farmland that was allegedly confiscated by the military in 1997. Subsequent to the forcible dispersion by the police, four farmers were charged with conducting a protest without official permission under Article 18 of the Peaceful Assembly and Peaceful Procession Act. Two of the four farmers charged in February—Daw Win and PaukSa-were charged under Article 505(b) on May 7 for actions relating to the ritual. One of the five farmers facing charges, PaukSa, was denied bail and remains in custody at Paungde Prison. After the court hearing on the 7, a brawl broke out in front of the prison gates between police and local Thegon farmers. During the fracas, Daw Win, who is currently on trial for charges relating to a separate case of protesting without permissiono suffered (a) head (injury and was takentozonearby hospital.

AikKyein Detention

On May 5, AikKyein, a.k.a. Sai Jan,—a village chairman of Shan Nationalities League for Democracy Party ("SNLD") and a resident of Nant Linn Mai Village in Kengtung Township—was arrested and beaten by approximately thirty

DETENTIONS

Burmese soldiers in the Light Battalion, MAS members believed No.245. AikKyein was in possession of a gun obtained from Restoration Council of Shan State, Shan State Army ("RCSS/SSA"), and as a result, MAS beat AikKyein to learn of the gun's location. Because MAS could not obtain the guns location from AikKyein, they searched his residence. As of May 9, AikKyein was being held in Kentung Prison. After MAS's search of AikKyein's residence proved unsuccessful, MAS raided the communication office of RCSS/SSA based in Kengtungtownship on May 6th, according to Sat Soe Mai, a representative of SNLD working in the communication office. On May 9, AikKyei, was charged under section 17(1) of the Unlawful Association Act, which criminalizes aiding or contacting "an unlawful association." This raises the question of whether the government considers RCSS/SSA an unlawful association in spite of the recent ceasefire agreement. The Shan National League for Democracy made an official statement claiming that the allegations against AikKyein are "false" charges. After being held for a month in Kentung Prison, AikKyein was released on May 30, and the government dropped all charges.

(10 May 2014 - DVB) / (19 May 2014 - DVB) / (16 May 2014 - Irrawaddy) / (23 May 2014 - DVB) / (30 May 2014 - DVB)

For the SNLD's official statement, please see <u>Link.</u>

MDCF Member Detained

On May 5, Activist Ko Htin Kyaw, leader of Movement for Democracy Current Force ("MDCF"), was arrested by SothOkkalapa Township police for giving speeches and circulating flyers that called for the resignation of Pyidaungsu Government. After protesting and distributing leaflets in eleven different townships, he was arrested while speaking at Nandawun Market in SothOkkalapa. KoHtinKyaw has been indicted

under eleven counts of Article 505(b) of Burma's penal code, which outlaws statements statements conducive to public mischief, and he has been detained in Insein Prison without bail according to his wife, Than Than Maw. On On May 20, HtinKyaw was indicted in Thingangyun Township Court, Rangoon, on all all eleven counts of violating Section 505(b).

(5 May 2014 – RFA) /(6 May 2014 – Eleven) / (20 May 2014 - RFA)

Fourteen Kachin Refugees Detained

On May 3, fourteen Kachin refugees seeking shelter in Lagat Yang Displacement Camp in Mansi were arrested and detained by Burmese soldiers. In April, the Burmese Army's 88th Infantry Division went to Lagat Yang to compile a record of the of the camp's current residents. However, according to the camp's coordinator, La Sang, the soldiers returned on May 3 and arrested fourteen new refugees when the army found that the refugees were not listed in the Army's record, compiled in April. The Army released thirteen of the fourteen detainees the following day. However, one detainee was retained in custody for additional "questioning" according to the military members. As of Monday, May 4, the last detainee has not yet been released. According to La Sang, the event has had a detrimental impact on the camp's disposition. "It makes everyone feel like there is no safety in the camp, with armed troops coming in and detaining people – this is demoralizing for the camp's residents," he said. In addition to the May 3 events, DVB has reports of Burmese soldiers frequently entering the camp to interrogate the refugees and to solicit them to register.

(5 May 2014 – DVB) / (5 May 2014 – Irrawaddy)

Five Kachin Men Detained

On May 2, five Kachin men—residents of the Mone-Paw region of Muse Township in Northern Shan State—were arrested by the

DETENTIONS

brigades under Burmese Government Main Body of Troops No. 88 that planned to attack the region in Northern Shan State currently occupied by KIA Battalion No. 36 and KIA Brigade No. 4. They have been detainees without cause. The five detained men are listed as follows: Sayar Shajan Saun Yeain (a Christian preacher), U Shajan Saun Chan (Lwal-Dan Village), U Lagaway Brann Kun, Ko Lahtaw Naw Kham, and Ko Lapaung.

INCARCERATIONS

Nine Landowners—U Win Aung, KyawThiha, U Win Ko, U OhnKyaw, Ma New Yin Thin, Ma Win Cho, Ma MyoMyo Thin, and Ma ShweLant, a.k.a. Ma Shan Ma-that were indicted back in March, 2013, were convicted under sections 353, 447, and 114 of Assault or Criminal Force to Deter Public Servant from Discharge of his Duty. They were allegedly accused of disturbing the government project that led by Mandalay City Development Committee, and trespassing. However, the defendants allegedly had proper documentation of ownership of the land in question, Myayi-Nandar Field No-537 in Chan MyaTharzi Township, Mandalay Division. In an attempt to remove the landowners from their the Mandalav City Development homes. Committee had sent a group of committee members, police, and adolescents in committee uniforms to physically damage the landowners' properties on Myayi-Nandar Field No-537. After the committee's violent attack, the activist Ko Ave Their requested that the committee's authorities refrain from attempts to resolve the dispute with violence. As a result of his involvement, Ko Aye Thein was indicted under section 353, 447, and 114 on March 3, 2013. The landowners' trial has taken fourteen months and twenty days, and on May 23, 2014, they were all sentenced to six months of hard labor under section 353. In addition, the defendants' alleged, after the hearing, that the Chan MyaTharzi Township Judge U Ni Tun accepted bribes from the defendants. Nonetheless, the judge did not rule entirely in the defendants' favor.

Source: (AAPP)

On May 20, at Yemethin Township Court, a group of protesting gold miners and their family members—Moe Hti Moe Mi, Daw Yee Win, Daw Yee Myint, Ma Thu Thu Aye, Ma Htwe, KoMyo Tint, Ko Ant Kyaw, KoPhoeKyaw, KoMaungKyaw, Ko Chit Min Oo, and Ko Le Sue—were sentenced to imprisonment for three months under section 143; three months under section 188; and one year under section 505(b). This sentencing

totaled to one year and six months of imprisonment for each defendant. However, defendants' family members were not about the verdicts by the authorities.

Source: (AAPP) / (26 May 2014 - DVB)

RELEASES

Regional Chairman for the Shan Nationalities League for Democracy, AikKyein, a.k.a. Sai Jan, was released from Kengtung Prison after being detained for over a month.

(30 May 2014 - DVB) / (30 May 2014 - Eleven)

CONDITIONS OF DETENTIONS

AAPP has received no updated information regarding the condition of detentions this month.

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

Trishaw Driver Indicted for Leading Protest

On May 29, 2014, trishaw driver Ko Win Hlaing was indicted under section 18 of Peaceful Assembly and Procession Law at Myo-Ma police station, Prome Township, for leading a protest against licensing fee increases. Trishaw owners had submitted a request to hold the protest; however the request was denied.

(29 May 2014 - Irrawaddy)

UEC Warns SuuKyi That Her Speeches on Reform Are Illegal

The Union Election Commission ("UEC") sent SuuKyi notice that her speeches on amending the 2008 constitution are illegal. The National League for Democracy—the organization responsible for coordinating SuuKyi's speeches—plans to protest the UEC's notice letter.

(28 May 2014 - Eleven)

AAPP Mental Health Counselors Tailed by Government

The counsellors with AAPP Mental Health Assistance Project in Burma are frequently followed and investigated by government intelligence officers who eavesdrop on the counsellors' sessions with political prisoners suffering from trauma.

(26 May 2014 - Mizzimma)

Activists' Response to AungSoe Arrest

On May 18, Lepadaung Affair activist and member of Rangoon People Support Network, KoAungSoe, was arrested for his involvement in protests against land-grabs in Mandalay Division. In response, Lepadaung residents consisting of student activist and monks kidnapped three Wanabo Mining employees—one Burmese and two Chinese nationals—working on Letpadaung copper mine project in Sagaing Division. The Burmese national was released soon after, but the kidnappers hoped to

use the two Chinese nationals to negotiate for the termination of the mining project. In response to the kidnapping, on the evening of the 18, the police raided a local monastery, employing tear gas in an attempt to recover the hostages—an attempt which locals sought to fend off by throwing bricks. Following several negotiations and after holding the hostages for thirty hours, the activists released the remaining two employees.

(19 May 2014 - Irrawaddy) / (19 May 2014 - DVB) / (19 May 2014 - RFA) / (19 May 2014 - RFA)

HtetKyaw Beaten During Protest

On May 14, All Burma Federation of Students Union ("ABFSU") member KoKaungHtetKyaw was beaten by police during a suppression of farmers' protest in Thegon Township in Pegu Division. KoKaungHtetKyaw sustained severe head injuries. ABFSU responded by releasing a statement denouncing police mistreatment. Additionally, two other villagers, DawNyo and Ko Win were arrested, and it is reported that DawNyo was beaten. The beating occurred after some students and farmers held a prayer campaign and called for the release of detainees who were arrested during a protest on May 7. As a result, some protesters including KoKaungHtetKyaw were arrested and beaten by the police. DawKhin Mar Aye wife of Aung-Kone village farmer KoPauk Sa who is now detained in Paungde prison-was beaten and sustained injuries. Additionally, two farmers DawNyo and KoKhingMaungWin, were arrested. On May 15, ABFSU called for the government to cease suppression of the protesters who have been protesting for the return of 1,000 acres of farmland-allegedly confiscated by the military in 1997. The ABFSU's statement came in response to the violent police suppression that occured in Thegon Township in Pegu Division on May 14,

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

2014.

(15 May 2014 - DVB) / (16 May 2014 - RFA) / (15 May 2014 - DVB)

DVB Reporter Deported

On May 8, Angus Watson, a foreign correspondent for DVB, was deported by Burma's immigration department after investigating a rally on May 7th to protest the detention of a fellow DVB journalist, ZawPe. According to a presidential spokesman and deputy minister of information, the grounds for deportation were that Watson breached the terms of his visa by participating in an unlawful protest. However, Toe ZawLatt, DVB's bureau chief in Rangoon, said, "Watson did not participate in the rally. He only went to cover the news." Moreover, he added that "DVB is a registered multimedia group, in accordance with Burmese law, and our reporter had a business visa to work at the Rangoon office. I wonder why he can't cover the news." Some believe that Watson's deportation is the first time that the government has forced a journalist to leave the country since President TheinSein's administration began easing press censorship in 2012. The presidential spokesman said that Watson would not have been deported had he obtained a "journalist visa" rather than the business visa that Watson had. According to Irrawaddy news network, "[e]arlier this year Burma's Ministry of Immigration began denying applications for three-to-six-month journalist visas to foreign passport holders working at formerly exiled media groups, including DVB." These restrictions have forced many journalists to begin successfully applying for business visas rather than journalist visas-a practice that some journalists had been using before the restrictions were imposed.

<u>(8 May 2014 – DVB)</u> / <u>(8 May 2014 –</u> Irrawaddy)

Responses to ZawPe Charges

On May 3, Information Minister AungKyi

commented on the arrest and conviction of journalist ZawPe, saying that he believed "The charges were filed within the legal rights of the individual who was offended by the reporter, and I assume that the court's verdict was in conformity with legal guidelines." ZawPe was arrested in August 2012 for investigating a Japanese scholarship program in Magwe's schools. Last month, he was sentenced to for one year on the charges of trespassing and disturbing a civil servant. On May 7, more 200 activists marched through Magwe in an unauthorized protest ZawPe's detention

(5 May 2014 - DVB)(7 May 2014 - DVB)

RESTRICTIONS ON FORMER POLITICAL PRISONERS

AAPP received no updated information regarding restrictions of former political prisoners this month.

LAND ISSUES

On May 24, in Pantanaw Township, approximately twenty farmers were indicted by Phoe-Lamin Company. The remaining thirteen farmers' trials will likely conclude on May 28th.

(24 May 2014 - RFA)

On May 23, seven farmers from Pya-Lin-Chaung-Gyi, Htein-Kalar-Kone, and Kya-Khat-Taw villages in Pantanaw Township, Irrawaddy Division, were each sentenced to one month of imprisonment at Pantanaw Township court. The farmers' were charged for re-cultivating land that is currently owned by Phoe-Lamin Company Ltd, said Ko Chan Min Soe, a family member of one of the farmers.

On May 22, forty-eight farmers from Htan-Kone and Kyaw-Tan-Gyi villages, Kyar Ye village tract, Thabaung Township, Irrawaddy Delta region, were tried under two sections of laws including trespassing at ThabaungTsp court. In 1997, more than 500 acres land that owned by around forty farmers from two villages were confiscated by AyarShwe War Company for the purpose of cultivating the land. Afterwards, the land was leased for AyarShwe 2012, cultivation. In Company handed the land over to the government. In June 2013, farmers began plowing the land on the basis of reports by Thabaung Township Director, who told farmers that part of the aforementioned land will be returned to the farmers. The farmers were indicted for their attempts to recultivate the land.

(22 May 2014 - RFA)

AAPP IN THE MEDIA

Irrawaddy reports updated reports from AAPP regarding the present number of political prisoners in Burma. Currently, at least fifty-nine political prisoners remain behind bars with eighty-five awaiting trial.

(28 May 2014 - Irrawaddy)

Mizzima reports on AAPP's Mental Health Assistance Project ("MHAP") in Rangoon. MHAP provides counseling and therapy to former political prisoners suffering from anxiety, depression, and trauma.

(26 May 2014 - Mizzima)

Assistance Association for Political Prisoners ("AAPP") and Former Political Prisoners Society ("FPPS"), have begun documenting all political prisoners in Burma, detained since 1962. AAPP has announced that it plans to release the comprehensive list by the end of 2014. The recording process has required that each former political prisoner fill out a twelve-page form, requesting personal data such as (1) the means of imprisonment; (2) their prison experience; and (3) their current health, economic, education, and social conditions since their release. At the moment, data from 1,600 former political prisoners, has already been collected from across Burma. The process is expected to reach completion within the following six months. AAPP expects that the total number of political prisoners detained since 1962 will reach between 7,000 and 10,000.

(7 May 2014 - BBC)

KEY INTERNATIONAL DEVELOPMENTS

The European Union has initiated a human rights dialogue with Burma. The EU foreign ministers laid out a list of 21 "benchmarks" which it expects the Burmese authorities to fulfill. One of which is the release of all political prisoners.

(17 May 2014 - DVB)

On May 12, Irrawaddy reported that the Burmese government is now reviewing citizenship applications for those who had left the country for various reasons under the former military regime, according to the Minister of Immigration and Population Khin Yi. Each application is screened by three ministries then sent to the President's office for an individualized review. However, in the application, the government has demanded that the applicants "stay clear of political activities," according to a recent applicant, Moe Thee Zun. MaungMaungThan from the Ministry of Immigration and Population said "There are some misunderstandings. We are not asking the applicants about their political background. But we ask whether or not they have a criminal record. We do not discriminate based on political background." KhinOhmar, Chairwoman of the Network for Democracy Development, a Burmese organization based on the Thai-Burma border, said it would be important for the government to be as receptive to citizenship applications as possible. She also added "They need to declare a general amnesty. It is hard for us to return because they have not done so."

(12 May 2014 - Irrawaddy)

On May 2, International Federation of Human Rights ("FIDH"), a Paris-based human rights organization, demanded the release of five detained journalists: Democratic Voice of Burma video journalist, U ZawPe; and four reporters with Unity Weekly journal, Ko Lu Maw Naing, KoYarzarOo, KoPaingThetKyaw and KoSithuSoe. Additionally, FIDH president KarimLihidjiclaimed "The increasing

persecution of journalists under President TheinSein is reminiscent of the ways in which the military junta behaved under Senior General Than Shwe."

(2 May 2014 – Mizzima)

United States Under Secretary of State for Public Diplomacy and Public Affairs, Richard Stengel, expresses U.S. concern about concerning the recent sentencing of Burmese journalists, notwithstanding the Burmese government's recent steps to promote a free and independent media sector.

(30 April 2014 - Mizzima)

Conclusion / Analysis

During 2014, May, the Burmese government continued practicing policies that further distance itself from fulfillment of President Thein Sein's promise that we would see all political prisoners released by the end of 2013. There have been continued detentions, arrests. incarcerations for political speech, which indicate that the year-end releases of 2013 were merely a superficial fix. Until the government makes substantial changes to its enforcement of laws, like Section 18 of the Peaceful Assembly Law and Section 505(b) of the Penal Code, people will not experience true political freedom.

The month's deportation and incarceration of journalists may signal the beginning of renewed press censorship. It is important that the government allow the press to keep citizens informed, if the government is to further the progress that we have seen over the past three years.

The continuing obstacles faced by the Committee for Scrutinizing Political Prisoners have made it difficult to ensure that no political prisoners remain behind bars. The committee has been unable to hold periodic meetings, the lack of which have obstructed its ability to achieve rudimentary goals, such as agreeing on a standard definition of political prisoner. The absence of a uniform classification, coupled with the government's failure to comply with the committee's information requests, potentially pose insurmountable

problems.

With a present total of sixty recorded political prisoners, the number of prisoners since year's end has doubled, and with eighty-seven awaiting trial, the year-end total could potentially quadruple in the near However, it seems that the future. international community has failed to acknowledge political the current incarcerations, for most sanctions against Burma remain lowered. With the removal of sanctions conditioned on the actual release of all political prisoners, it is important that the international community continue to monitor the state of Burma's political incarcerations, rather than accept the government's official position that all political prisoners have been released.

Links / Resources

May 30

Charges against AikKyein dropped (DVB)
AikKyein released with charges dropped (Eleven)

May 29

Trishaw driver indicted for illegal protest (Irrawaddy)

May 28

<u>UEC warns that SuuKyi</u> <u>speeches are illegal (Eleven)</u> <u>Irrawaddy reports AAPP's</u> <u>political prisoner numbers</u> (<u>Irrawaddy</u>)

May 26

Gold miners detained (DVB)
AAPP counselling support
for political prisoners
(Mizzimma)

May 25

Eleven reports AAPP's political prisoner numbers (Eleven)

May 24

Twenty farmers indicted (RFA/Burmese)

May 23

<u>AikKyein charged with</u> <u>unlawful association (DVB)</u>

May 22

Forty-eight farmers tried (RFA)

May 20

MDCF activist indicted (RFA)
Five Kachin men detained
and indicted (RFA)

May 19

SNLD response to AikKyein detention (DVB)
AikKyein detention places strains on peace talks
(Irrawaddy)
Protesters kidnap Chinese workers (Irrawaddy)
Wanabo employees held hostage (19 May 2014 - DVB)
Chinese employees kidnapped in response to activist arrest (RFA/English)
Villagers arrest Chinese employees (RFA/Burmese)

May 17

<u>European Union's benchmarks</u> for Burma progress (DVB)

May 16

DawNyo and KoMaung Win arrested (RFA) Human Rights Watch activist arrested (Irrawaddy) ABFSU member beaten during protest (RFA)

May 15

DawNyo and KoMaung Win arrested (DVB/Burmese)(DVB/English) ABFSU member beaten (DVB) Police assault protesters (DVB)

May 14

The CSRPP members recognize six additional political prisoners (RFA) Palaung farmer detained (Irrawaddy)

May 12

Burma reconsiders citizenship applications (Irrawaddy)

May 10

Ko Tin MaungKyi and KoZaw Win arrested (RFA) AikKyein beaten and detained (DVB/Burmese)

May 8

DVB reporter deported (DVB)
Australian reporter working for
DVB deported(Irrawaddy)

May 7

Five detained Thegon farmers
(DVB)
Detained
Thegonfarmers(Irrawaddy)
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Activist march in protest of
ZawPe charges (DVB)
BBC reports on AAPP's
prisoner recording program
(BBC)

May 6

MDCF activist detained for protest (Eleven)

May 5

MDCF activist detained (RFA)
Kachin refugees detained
(DVB)
Kachin refugees detained
(Irrawaddy)
Information Minister
comments on ZawPe(DVB)

May 2

FIDH calls for release of incarcerated journalists (Mizzima)

Assistance Association for Political Prisoners

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