



Assistance Association for Political Prisoners (Burma)

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Summary of the current Situation

March saw the Scrutinizing Committee face continued difficulties when working with the government. Ongoing attempts to gain clear information, access to political prisoners and discuss the remaining political prisoner situation have yet to gain results.

There still remain 30 political prisoners from the end of 2013 as well as numerous arrests and detentions of political activists at the start of the New Year.

In March, 21 activists were arrested, 54 were indicted, and four sentenced. A majority of these individuals face charges or were charged under section 18. At the end of March approximately 170 activists are still awaiting trial.

March, 2014

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

MONTH IN REVIEW

The Scrutinising Committee for the Remaining Political Prisoners (SCRPP) has been refused a request to visit four prisoners in Myitkyina prison. The SCRPP wished to gain access to gather the facts of each case, but will now be unable to do so. SCRPP Chairman U Soe Thein has also agreed to attend a future meeting of the group, after failing to attend the meeting at the beginning of this month. His continued cooperation is needed to ensure the release of the remaining 30 political prisoners.

[\(23 March 2014 – Eleven\)/\(19 March 2014 – Myanmar Freedom Daily\)](#)

In a press conference this month, the 88 Generation Peace and Open Society urged the government to aid in the healing of former political prisoners. Records of the SCRPP show around 1000 individuals who may be eligible for government assistance. Despite this, governmental cooperation has been limited and it has been organisations such as AAPP, 88 Generation Peace and Open Society and the Former Political Prisoners Society that have contributed to compiling the list of former political prisoners and offering assistance to individuals and their families. This comes several days after the Human Rights Defenders and Promoters (HRDP) also called for the government to assist in the rehabilitation of victims of the past regime. The Myanmar National Human Right Commission, backed by the Burmese Government, said they welcome such activism, however it should “be in accordance with existing laws.” However, existing laws, such as Article 18, continues to swell the number of activists detained within Burma.

[\(8th March 2014 - Eleven\)/\(March 5th 2014-DVB\)](#)

The Pakokku district court in Burma’s Magwe Division has begun hearing the trial against the four Unity journalists and CEO. The beginning of proceedings has been marred by accusations of falsifications and mistreatment by the public prosecutors. One journalist has been denied his bail request, applied for on medical grounds, and the defendants have asserted the prosecution have used false witnesses and erected ‘no trespassing’

signs, only after the article was published. During the fifth court hearing on 17 March the plaintiff claimed to have a letter from the director-general of the President’s Office calling for the five to be charged under existing laws. The five have continued to call for more media freedom as their trial continues.

[\(19 March 2014 – DVB\)/\(27 March 2014 – Eleven\)](#)

Three NGOs - AAPPB, Former Political Prisoners Society (FPPS) and the 88 Generation Peace and Open Society - are compiling a list of all political prisoners arrested in Burma since the 1962 military takeover. The NGOs are gathering evidence that each person placed on the list was arrested for political reasons. However, many individuals have been unwilling to discuss their past due to the trauma they suffered or fear of future repercussions. A majority of the former political prisoners the NGOs have spoken to continue to suffer from health issues caused by their incarcerations.

[\(7th March 2014 - DVB\)](#)

Vice President Nyan Htun stated on 7 March that over 150,000 acres of military-seized lands would be returned to the original owners. According to the Parliamentary Land Commission, over 500,000 acres of land has been grabbed, and AAPP records show that over 100 farmers have been detained for protesting for the return of their land since the beginning of 2014.

[\(8th March 2014 - Eleven\)](#)

Legislation was approved in the Lower House of Burma’s Parliament, which would amend the Peaceful Assembly and Peaceful Procession Law. It must now be passed for approval in the Upper House. The amendment would reduce the maximum sentence for holding a protest without a permit from local authorities from one year to six months. Authorities could also be punished for refusing a permit for a protest without good cause. The Peaceful Assembly and Peaceful Procession Law is commonly used as grounds for arrests of activists.

[\(March 6th 2014 - DVB\)](#)

DETENTIONS

Four people have been arrested and detained following a protest in which 50 people took to the streets in Mandalay, carrying candles to object to a government backed electricity price hike. When a struggle broke out with police the four were removed in police trucks. Similar protests in Rangoon saw the two organisers charged under section 18. They were shortly detained and released on bail. The protests are being held amid concerns that local MPs are not representing the interests of their constituents. A similar protest against electricity charges in Pakkoku District lead to the arrest of two protesters on 7 March and a further four on 12 March. The protesters were detained under section 18, as they did not have permission to protest, despite repeated requests.

[\(28 March 2014 – DVB\)/\(12 March 2014 – RFA/Burmese\)](#)

Following a demonstration in Pakkoku, Magwe Division, four prominent members of the 88 Peace and Open Society group were detained for several hours. The protest was in support of changing the 2008 constitution before the 2015 elections, there are many similar protests taking place around Burma currently. The four 88 Peace and Open Society members were leading thousands of people on the demonstration and gave speeches. They were detained under section 18 as they had been denied permission to hold the protest as the police

claimed it would cause a disruption to traffic in the town. They are now likely to face charges, though the authorities were not able to give a definitive answer. The organizer of a similar protest in Magwe is now also facing charges under section 18.

[\(26 March 2014 – Irrawaddy\)/\(27 March 2014 – DVB\)](#)

This month, more than 50 people were arrested in a camp in Yamethin, Mandalay Division. The group had settled in a monastery after being evicted from Moehti Moemi gold mine. Over 100 police raided the monastery after they had repeatedly issued warnings of eviction and detained around 50 people who were taken to Yamethin jail, apparently without violence. 16 of those remained in detention for a prolonged period, while the other miners were released and returned to their native towns by authorities. The miners have been protesting and staging demonstrations since the end of 2013 following a broken mining deal with the Myanmar National Prosperity Company Limited. The Moehti Moemi demonstrators have been attempting to raise national awareness in Rangoon about loss of work for Burmese miners, as mining is increasingly in the hands of large international companies.

[\(March 5th 2014-DVB\)/\(11 March 2014 – RFA/Burmese\)](#)

INCARCERATIONS

Following his involvement with the Letpaduang copper mine protests, activist Thaw Zin was sentenced to 15 months in prison. His sentence is comprised of three charges. He received three months for criminal trespassing, six months for “disturbing the public tranquillity” and six months for “disobedience duly promulgated by a public servant”.

[\(25 March 2014 – DVB\)](#)

Three farmers were indicted on 11 February following a protest against land seizure. The three protesters had led the demonstration, and were sentenced to three months under section 18. One of the protesters, Nyunt Swe, received an extra two years under section 505(b), which relates to conducting public mischief, on top of the three months also received by Sein Myint and Tun Linn. The verdict has led to concerns of manipulation of the judicial process. Nyunt Swe

was handed the maximum sentence and there were reports of fabricated evidence. The protesters were taken to Shwebo prison.

[\(10 March 2014-RFA/Burmese\)/\(12 March 2014 – Eleven\)](#)

A man who set off firecrackers in front of the Traders Hotel in Rangoon has been sentenced to eight days imprisonment. He set off the firecrackers in protest of the demolition of the Ledi Buddhist ordination hall in the Letpaduang Mine Project, and was sentenced under act 42, which prohibits causing people to be frightened.

[\(30 March 2014 – RFA/Burmese\)](#)

RELEASES

No releases were registered for March 2014.

CONDITIONS OF DETENTIONS

AAPP has received no new information regarding conditions of detention for March 2014.

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

On 29 March 13 activists were indicted under section 18 following protests over land confiscations in Prome Tsp. The farmers applied for a permit to protest but were denied. Several days later they resubmitted a request and did not receive a response. The 13 are now facing charges.

[\(01 April 2014 – Irrawaddy Blog/Burmese\)](#)

Prome Tsp resident Ko Win Hlaing was indicted under section 18 on 25 March following a solo protest against seemingly corrupt fines applied to motorcyclists who break regulations. Ko Win Hlaing believed he would be safe from charges due to amendments to section 18 passed in the Lower House of parliament in February. The changes mean that an individual who has applied for a protest permit cannot be refused. When Ko Win Hlaing applied for his permit he was refused, but protested regardless. He said he wished to “test whether the parliamentary judgment or police force’s rejection letter is confirmed.” While it is AAPP’s understanding at this time that the amendment has only been passed in the Lower House of parliament, and is still awaiting approval in the Upper House, the lack of transparency in the parliamentary process easily lends itself to ambiguities. Misinterpretations of law speak to the need for greater communication from the parliament with the public. As Burma’s democratic system is young the Thein Sein Government should be taking greater strides to ensure that the public is aware of the workings of the new parliamentary system and their rights under new laws.

[\(25 March 2014 – Irrawaddy Blog/Burmese\)](#)

On 24 March, demonstrators from Mei-Chaung-Kan set up a new protest camp in front of City Hall in Rangoon. This is the group’s second camp, their first was disbanded in December 2013. The group is calling for a solution to land problems. The Mei-Chaung-Kan residents were forced to relocate in 1991 after their land was confiscated for the military. The demonstrators are also calling for the withdrawal of cases against 25 Mei-Chaung-

Kan residents who protested last year and are now charged under sections 447 and 186.

[\(24 March 2014 – RFA/Burmese\)](#)

Former political prisoner, Ko Pae Pae, has been indicted under section 505(b) for allegedly distributing leaflets to farmers regarding a General Farmers’ Strike. However, Ko Pae Pae’s lawyer denies that Ko Pae Pae was involved in the distribution of any fliers, claiming that he just helped the farmers of the region rally together. Ko Pae Pae was first arrested in 2009 and sentenced to six years, however was released on presidential amnesty in 2012. He was granted bail at his initial court hearing.

[\(18 March 2014 – Irrawaddy Blog/Burmese\)](#)

Following a public talk regarding environmental conservation and the preservation of mangrove forests in Irrawaddy Division’s Dedaye Township, four men are facing charges under section 18. Three of the men, Cho Lwin, Myint Lwin and Khin Shwe, are environmental campaigners, but one man, Cho Lwin, claims he is not an activist. Cho Lwin said he only accompanied the activists to introduce them to the villagers, but did not speak about environmental conservation himself. However, all four men face the same charges under section 18.

[\(17 March 2014 - The Irrawaddy\)](#)

19 farmers in villages of Kyauksayit and Yae-Nan-Thar villages in Madaya Tsp in the Maladaly District have been indicted under section 447 following a protest over land confiscations. The farmers were participating in a re-harvesting protest that covered 600 acres of land. The farmers have been released on bail and plan to re-plough their lands despite the charges.

[\(16 March 2014 – RFA/Burmese\)](#)

A plough protest against land seizures has led to four men being charged with trespassing and vandalism in Madaya. The four men, all farmers, were part of a protest of over 100 farmers who were ploughing the lands that had belonged to their families before they had been confiscated. The protest still continued despite the four men being charged under section 447 and 427 of the penal code. The farmers involved in the protest said they have been attempting to negotiate for their land for 28 years and now live in “poverty and hardship.” Dozens have been charged recently throughout Burma regarding plough protests against land confiscation.

[\(03 March 2014- DVB\)](#)

Four protesters who were arrested last month began their trial on 11 March at Thegon Tsp Court. The four men, three farmers and one land rights activist, had been involved in a sit-in protest calling for a solution to the land confiscation problem. All four were indicted under section 18. As the group’s defence attorney was not able to appear the hearing was postponed until 25 March.

[\(11 March 2014 – RFA/Burmese\)](#)

RESTRICTIONS ON FORMER POLITICAL PRISONERS

AAPP has received no new information regarding restrictions for former political prisoners for March 2014.

AAPP IN THE MEDIA

In an interview with *Karen News* this month, AAPP's joint-secretary Bo Kyi discussed the continuing issue of political prisoners inside Burma. "The issue of political prisoners is not yet solved. The government are still using oppressive laws to restrict freedom of expression, freedom of movement and freedom of assembly. There is a lack of rule of law, and arbitrary detention and torture are ongoing in Burma." Bo Kyi further added, "ongoing arrests shows that President Thein Sein has not kept his promise to release all political prisoners by the end of 2013. I think this is because of a lack of political will. There are around 170 activists including farmers and journalists awaiting sentencing," He highlighted that protests by farmers against land confiscations are driving up the number of people being detained and charged for activism, usually charged under section 447 and 427 as criminals. This, Bo Kyi noted, is a continuing issue in defining and identifying political prisoners; "one of our biggest concerns is that we cannot confirm the government's assertion that the remaining 30 prisoners that we think are political, are criminals. In fact, we can't investigate any prison in Burma to verify what the government says."

[\(21 March 2014 - Karen News\)](#)

Three NGOs - AAPPB, Former Political Prisoners

Society (FPPS) and the 88 Generation Peace and Open Society - are compiling a list of all political prisoners arrested in Burma since the 1962 military takeover. The NGOs are gathering evidence that each person placed on the list was arrested for political reasons. However, many individuals have been unwilling to discuss their past due to trauma suffered or fear of future repercussions. A majority of the former political prisoners the NGOs have spoken to continue to suffer from health issues caused by their incarcerations. Win Tin, patron of the National League for Democracy (NLD) and a former political prisoner, said that the list will "create a political force in the country which can provide a great deal of assistance for public interest works, the country's politics and achieving political goals."

[\(7th March 2014 - DVB\)](#)

This month, joint-secretary of AAPP, Bo Kyi, addressed a meeting in Yangon in his capacity as a member of the Scrutinising Committee for Remaining Political Prisoners. He urged the committee to create a legal definition for political prisoners to ensure their fair treatment in the future. In his address, he questioned, "If there are political prisoners, what standards shall we set for them in jail? Even in the British colonial era, political prisoners were well treated. When it comes to the democracy era, we need to make changes in prisons."

[\(March 5th 2014 - Eleven\)](#)

KEY INTERNATIONAL DEVELOPMENTS

47 Burmese civil society groups have drafted an open letter calling on the UN Human Rights Council to maintain a resolution on the human rights situation in Burma. The letter addresses “grave ongoing issues such as constitutional reform, inter-communal violence, the lack of rule of law, repressive legislation, land confiscation and gross human rights abuses in ethnic areas as a matter of extreme urgency.” The groups urge the UN to continue the role of the Special Rapporteur following the completion of Tomás Ojea Quintana’s term. The letter states “it is clear that the Special Rapporteur plays a vital role in monitoring what is happening inside Myanmar, presenting his findings to the council and submitting recommendations for action.” The letter also impresses the importance of establishing a UN Office of the High Commissioner for Human Rights within Burma, despite the unwillingness of the Burmese government to do so.

[\(March 17th 2014-Myanmar Times\)](#)

The European Union is drafting a new Human Rights Council resolution on Myanmar. This would see the continuation of the special rapporteur’s role, despite pushes from the Burmese Government to put an end to the role when Tomás Quintana’s term expires in May. The continuation of the role of the special rapporteur has been much discussed recently as Mr. Quintana’s term draws to a close. Burma Partnership, drafted an open letter, signed by 47 Burmese Human Rights Groups stating the special rapporteur has a “vital role in monitoring what is happening inside Myanmar/Burma.” These protests were led by speculation that the new resolution would be tabled to the UN under item 10, which is a less critical mandate focused on “technical assistance and capacity building.” However, the EU ambassador to Myanmar has confirmed it will be tabled as an item 4 mandate, which requires the council to continue to inspect the human rights situation in Burma. The EU ambassador to Myanmar said the new resolution will “look at the

remaining challenges including the situation in Rakhine State, the issue of the Office of the High Commissioner for Human Rights [presence], as well as the mandate of the [special rapporteur].”

[\(March 17th 2014-Myanmar Times\)](#)

A statement was released this month by 14 NGOs that focus on human rights in Burma, urging the international community to continue scrutinising breaches of international law by the Thein Sein Government. As the UNHCR Resolution on Burma is being discussed by the EU, the Burma Campaign UK Director, Mark Farmaner, said “not only has the reform process slowed down, but we are starting to see some small reverses. This is undoubtedly connected to the fact that Thein Sein is no longer facing significant international pressure.” There has been an improvement in international relationships with the Burmese Government recently, such as the lift of trade sanctions on Burma within the European Union last year. The NGO groups assert that none of the 63 recommendations made by the Special Rapporteur on Burma, Tomás Ojea Quintana, have been completely fulfilled by the Burmese Government. In the UNHCR’s last resolution, many instances of human rights abuses constituting international crimes were recorded. These included arbitrary detention, use of child soldiers, rape and torture. One failure that is being used to highlight Thein Sein’s hesitance to fully comply with international edicts is the continued presence of political prisoners in Burma. The freedom of all prisoners of conscience was the first recommendation in Mr. Quintana’s report in September 2013. Due to human rights abuses such as these, and Thein Sein’s insufficient attempts to address them, The European Burma Network believes that “international law mechanisms are the most appropriate framework through which to address these crimes.”

[\(March 11th 2014-DVB\)](#)

Conclusion / Analysis

The ongoing arrests of political activists have not ended with the turn of the New Year. Peaceful protesters continue to be detained under numerous sections of law, with an ever increasing number of farmers detained in land confiscation cases of particular concern. Despite the proposed changes to Section 18 of The Peaceful Assembly Law, the lack of transparency and subsequent confusion has already resulted in one detention this month. Given the regularity with which political activists are arrested under this law, it is important that the public are informed as to their rights to peaceful protest. The general lack of transparency regarding the 'rule of law,' as well as the basic rights of the public needs to change in order to allow greater political freedom for the people of Burma.

The end of 2013 saw the government pronouncing to both the international and domestic communities that there were no longer political prisoners in Burma. This statement is testament to their continued lack of commitment to the Scrutinizing Committee process and an indictment of their intention to an agreed political prisoner definition, which is essential in securing these releases. The Scrutinizing Committee are continuing their efforts to hold regular meetings with government officials to gain accurate information on the number of remaining political prisoners. So far in 2014 the Committee has been met with a lack of government will to continue with this process. Without a concrete commitment from government members to continue and participate in the Committee process, the difficulties in defining what a 'political prisoner' is will continue.

The arrests and indictments this month demonstrate the problems organizations and the Committee face in trying to verify the number of political prisoners. The confusion and lack of information, particularly surrounding mass indictments, such as we saw in March 2014, make it hard to develop accurate lists of names for release. As further accounts of arrests and indictments come to light from all across Burma, it is likely political prisoner numbers will increase rapidly. It is important for the Scrutinizing Committee to continue in their attempts to work with the government and Prison Department. Despite the continuing problems they face in building these relationships, we hope that these efforts will lead to a finalized approved definition of a 'political prisoner' and this will ensure more transparency and freedom of information regarding the ongoing arrests of peaceful political activists.

With around 170 political activists awaiting trial that we are aware of, it is likely this number will only increase as AAPP and our colleagues attempt to carry out the documentation of political prisoners across Burma. The documentation process is likely to reveal more information regarding arrests in parts of Burma that have previously remained unreported. Freedom of information is essential in examining the true nature of political freedoms in Burma and to assess how the reforms of recent years have impacted on the rights of the people to free speech, political and ideological freedom.

Links / Resources

01 March

[The list of activists indicted under section 18 \(Irrawaddy Blog/Burmese\)](#)

30 March

[Protester sets off firecracker, arrested and sentenced to eight days \(RFA/Burmese\)](#)

28 March

[Energy price hike sparks outrage \(DVB\)](#)

27 March

[President pushes to charge Unity Journal reporters \(Eleven\)](#)
[88 Generation demonstrators may face charged \(DVB\)](#)

26 March

[Four detained, charged, at Burma constitutional amendment rally \(Irrawaddy\)](#)

25 March

[Latpadaung activist Thaw Zin sentenced to 15 months \(DVB\)](#)
[Promé Tsp protester tested the influence of parliament and the police force \(Irrawaddy Blog/Burmese\)](#)

24 March

[Mei-Chaung-Kan protesters open a second protest camp \(RFA/Burmese\)](#)

23 March

[President's office turns down request for meeting with political prisoners in Myitkyina \(Eleven\)](#)

21 March

[Burma arresting political activists, despite Presidential promise \(Karen News\)](#)

19 March

[Meeting to be held to discuss fate of 33 remaining political prisoners \(Myanmar Freedom Daily\)](#)
[Unity Journalists' Trial Begins in Pakokku \(DVB\)](#)

18 March

[Activist who helped farmers indicted \(Irrawaddy Blog/Burmese\)](#)

17 March

[Mangrove campaigners slapped with protest law charges \(Irrawaddy\)](#)
[Why the special rapporteur is needed as much as ever \(Myanmar Times\)](#)
[No changes likely for special rapporteur role \(Myanmar Times\)](#)

16 March

[Farmers plan to keep harvesting as their land problems are not resolved \(RFA/Burmese\)](#)

12 March

[Residents call for rule of law as more convicted for land grab protests \(Eleven\)](#)

11 March

[UN urged to maintain human rights pressure on Myanmar \(DVB\)](#)
[16 Moehthi Moemei gold miners and their family members still detained \(RFA/Burmese\)](#)
[Thegon Tsp farmers initially tried \(RFA/Burmese\)](#)

10 March

[Protestors against land confiscation sentenced \(RFA – Burmese\)](#)

8 March

[Vice President Nyan Htun calls for a push in returning seized lands \(Eleven\)](#)
[Government's cooperation needed in rehabilitation tasks of former political prisoners: AAPP \(Eleven\)](#)

7 March

[Activist group to register political prisoners past and present \(DVB\)](#)

6 March

[Lower House proposes softening peaceful assembly law \(DVB\)](#)

5 March

[Reformist government must acknowledge past: HRDP \(DVB\)](#)
[50 arrested in raid on Moehthi Moemei camp \(DVB\)](#)
[Former political prisoner seeks legal definition \(Eleven\)](#)

3 March

[Plough protestors charged with trespassing and vandalism \(DVB\)](#)