



**Assistance Association for Political Prisoners (Burma)**

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

## **Monthly Chronology of Burma's Political Prisoners for February, 2014**



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### **Monthly Chronology February 2014**

#### **SUMMARY OF THE CURRENT SITUATION**

February continued to see more political activists arrested and charged for attempting to carry out peaceful protest. Since the start of the month 8 new political activists were arrested, with 5 people being sentenced under Article 18. Article 18 is still proving to be a commonly used law to arrest and detain activists, despite the presidential amnesty for people charged under his law at the end of the year. Since the start of 2014 12 new activists have been sentenced, on top of the 30 activists who remained in prison at the end of 2013.

Regardless of the government statements that no more political prisoners remain in Burma's prison, AAPP is continually monitoring the ongoing arrests of political activists and is continuing to try and advocate for their release through the Scrutinizing Committee process.

#### **MONTH IN REVIEW**

Five members of the 88 Generation – Min Ko Naing, Ko Ko Gyi , Ko Mya Aye, Ko Pyone Cho and Ko Jimmy – met Daw Aung San Suu Kyi in Nay Pyi Taw on February 4. The meeting focused on an agreement between the 88 Generation and the NLD to cooperate more closely in the future for democracy and national reconciliation. ([February 5th 2014, Myanmar Times](#))

On 6 February, a 75-strong delegation from Human Rights Watch visited Burma. This included directors, senior staff of the organization's board, noted philanthropists and human rights experts. A meeting was held with President Thein Sein, other high-level government and military officials and civil society actors in Rangoon and Naypyidaw. Human Rights Watch highlighted the need for legislative reform and stated that as long as a comprehensive legislative reform does not take place, people will continue to be arrested and charged on political grounds. According to Roth, "when repressive legislation stays in place, it signals to officials around the country that these laws should be enforced" and "(...) despite the president's stated desire to release all political prisoners, new political prisoners take their place". He urged the government to drop restrictions on the provision of humanitarian assistance and open restricted areas to the media and human rights monitors. ([February 6th 2014-DVB](#))

On 19 February, amendments to the controversial Article 18 have been reviewed and only led to minor changes. The maximum prison sentence under Article 18 was shortened from one year to six months, and financial penalties were dropped. The original amendment proposal for section 18 demanded that demonstrators would only need to inform the government of a planned protest and would not be punished for peaceful demonstrations. ([February 21th 2014 - Amnesty](#))

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[International](#)), ([February 24th 2014-Myanmar Times](#)), ([February 19th 2014-RFA-Burmese](#))

Representatives of Civil society for the Committee for Scrutinizing the Remaining Political Prisoners have expressed growing frustration with the governmental side of the committee for failing to address the issue of remaining political prisoners. When required to submit a list of political prisoners to the committee, they provided a list that was clearly out of date, including the names of two members of the 88 Generation Students, who are current members of the committee. Apart from the missing updated list, the committee has restricted access to arrest records and court reports which are both necessary documents to review cases of unfair trials. Also, interviewing current prisoners has been denied. One committee member commented: “We cannot visit Kachin State. We cannot visit Rakhine State ... More people might be detained in those areas, [but] we cannot touch anything,” he added, “Even though we receive complaints, we cannot do anything. [We] cannot intervene in many cases.” The amnesties that Thein Sein ordered in 2013 were often made without consulting the committee, strongly questioning the mandate of the committee. The number of people newly arrested for peaceful demonstrations under section 18 continues to grow in 2014. ([February 3rd 2014- Myanmar Times](#))

Members of the Committee for Scrutinizing the Remaining Political Prisoners have been unable to hold a meeting in 2014 due to a lack of response from the President’s Office. After the group increased pressure on the government to schedule a meeting this month, the government finally agreed to the date of 1 March 2014. ([February 25th 2014-Eleven](#)), (AAPP source)

## DETENTIONS

On 1 February, four reporters of Unity Weekly, Lu Maw Naing, Paing Thet Kyaw, Yazar Oo and Sithu Soe and the CEO, Tint San, were arrested in Rangoon without police warrants. They were arrested for having disclosed state secrets after the publication of an article (Vol. 3, No. 4) about an alleged chemical weapons factory. Their trial began on February 14. The charges were brought under Section 3(1)(a) of the Official Secrets Act and also included trespassing on the restricted area of the factory. Authorities confiscated copies of the publication and have changed visa permits for foreign journalists from three months to one month as a consequence of the Unity Journal case. Global press freedom watchdogs Reporters without Borders and the Committee to Protect Journalists (CPJ) condemned the arrests as a violation of freedom of information, calling for the immediate and unconditional release of the five journalists. ([February 3th 2014, DVB](#)), ([February 4th 2014, Radio Free Asia](#)), ([February 5th 2014-Eleven](#)), ([February 5th 2014-Myanmar Times](#)), ([February 7th 2014, Radio Australia Net](#)), ([February 9th 2014 - Eleven](#)), ([February 12th 2014, Eleven](#)), ([February 17th 2014 - The Peninsula Qatar](#)), ([February 16th 2014 - South China Morning Post](#)), ([February 11th 2014 - Myanmar Times](#))

Shawn Crispin, a senior South East Asia representative of the CPJ noted “the fact that journalists can be charged with revealing state secrets shows how desperately Burma needs meaningful legal reform. “ “Weapons proliferation issues are central to Burma’s political narrative and journalists should not be threatened or arrested for reporting on topics of national and international importance.” ([February 4th 2014-DVB](#)).

The controversial section 18 of the Peaceful Assembly and Peaceful Procession Law continues restricting the rights to freedom of expression and peaceful assembly, leaving peaceful protesters at high risk of imprisonment and allowing authorities to arbitrarily prohibit

demonstrations as shown in the following cases for February 2014:

- On 3 February, four organizers of a peaceful protest of 100 participants over a land dispute in Mandalay Region's Myingyan Township were charged under section 18. ([February 5th 2014-Myanmar times](#))
- On February 11, 2014, three activists, Nyunt Swe, U Tun Lin and Daw Sein Myint, participated in a demonstration in Khin Oo Tsp and called for the cancellation of Tsp Director Committee. Consequently, all of them were indicted under section 18 on February 13, 2014. U Nyunt Swe was indicted under an additional section of law 505 (b). He is currently detained in Shwebo prison and was not granted bail. (AAPP source)
- On the same day, Thaw Zin was arrested and faces charges for disturbance of public tranquility, threatening staff members of Wanbao Company and trespassing. Thaw Zin is a former political prisoner and has supported local villagers in their resistance against land confiscation for the copper mine project of Wanbao company. Following an unapproved protest for the release of Thaw Zin, four Latpadaung villagers have been charged under section 18. ([February 11th 2014 - DVB](#)), ([February 17th 2014-DVB](#))
- On 15 February, about 60 policemen raided a protest site regarding confiscated farmland. The raids, conducted by police and over 100 local citizens, escalated in violence. Three protesters were reported injured and hospitalized. Following the breakdown of the demonstration, Thant Zin Htet, Pauk Sa, and two other protesters, Daw Nyo and Daw Win, were charged by police under section 18 for organizing a public rally without official permission. Soon after, they were released on bail of 50 USD. They are now waiting for further court proceedings against them on 3 March. ([February 12th 2014 – RFA](#)), ([February 13th 2014-Irrawaddy](#)), ([February 15th 2014-DVB](#))

## INCARCERATIONS

On 14 February, Ko Thein Aung, Thant Zin Oo, Aung Chat Win, Kyaw Naing and Zin Aun, members of the activist group 88 Generation, who were protesting against section 18, were sentenced to 3 to 6 months imprisonment under section 18, the same section they were protesting. They were arrested on 15 January. ([January 15th 2014 – RFA](#)), ([January 15th 2014 – RFA](#)), ([February 19th 2014-RFA-Burmese](#))

## RELEASES

No releases were registered for February 2014.

## CONDITIONS OF DETENTION

The United Nations Working Group on Arbitrary Detention called for the immediate release of Lahpai Gam, a 53-year-old Kachin farmer arrested by the Burmese military in June 2012. He was convicted to two years imprisonment for allegedly being a member of the Kachin Independence Organization (KIO). Lahpai Gam and his co-accused, Brang Yung, were both convicted on the basis of inadmissible evidence, as it was obtained under torture. In the case of Lahpai Gam, authorities forced him to engage in homosexual acts, beat him with an iron rod and humiliated him for his Christian beliefs. This case has been forwarded to the UN Special Rapporteur on torture this month. ([February 27th 2014 - Irrawaddy](#))

On February 6, 2014, Dr. Tun Aung who was arrested following the religious conflict in June 2012 in Arakan State and sentenced to 12 years imprisonment in Sittwe prison was transferred to Insein prison, Rangoon. At the end of 2013, his prison sentence was reduced under the presidential order, but by how many years is still unclear. ([February 6th 2014-RFA Burmese](#))

On 18 January 2014, the leader of Myanmar Social Development Network, U Nay Myo Zin, and land rights activist U Win Cho were indicted under section 18 for having led a protest of hundreds of farmers from more than 30 townships across Burma without the legal permission of the authorities. The first hearing took place at Rangoon Western District court on 17 February, followed by a court hearing on 4 March 2014. ([February 17th 2014-DVB-Burmese](#)), ([February 17th 2014-DVB](#))

## DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

On 2 February, approximately two hundred journalists protested in Yangon against restrictions on the media. The protest followed a lack of response from the government regarding a letter from the group for the release of Ma Khine, a journalist of Eleven Media. Ma Khine was convicted to three months in prison on 17 December for trespassing, criminal defamation, and using obscene language in connection with her visit to a lawyer's home for an interview on 27 October 2013. Ma Khine is believed to be the first journalist imprisoned since the relaxing of media restrictions in 2012. ([February 4th 2014, Reporters without Borders](#)), ([February 7th 2014 - Radio Free Asia](#))

Protests by farmers against unfair land confiscation continue to raise the number of arrests:

- On 2 February more than 50 resident farmers and political rights activists demonstrated for the immediate release of detained farmers who were arrested for reclaiming their land. This demonstration was supported by the regional social networks including members of the farmers' union. Dissatisfied farmers have submitted complaint letters against unfair confiscation of land to many levels of authorities with no success. Authorities were unable to solve the land confiscation issues causing great public anger. The Farmers Rights Activists Networks documented 265 detained farmers, many sentenced under sections 447 and 427, and more than 200 farmers still facing trial. ([February 3rd 2014- Irrawaddy Blog-Burmese](#))
- Nine activists who were protesting against the Latpadaung copper mine project, were

arrested under section 18 and released soon after. Their land was confiscated for the mine project in 2012 and the Wet Hmay villagers have refused to accept the compensation offered for their land. ([February 7th 2014, DVB](#))

- On 18 February, twelve farmers were sentenced to between three years and six months in prison by a court in Pegu Division's Padaung Township for damaging a company-owned teak plantation during a land dispute protest last year ([February 19th 2014-Irrawaddy](#))
- On February 27, 14 farmers in Thapyae-Kyun Village, Thabaung Tsp, were sentenced to one month imprisonment under sections 447 and 441 for trespassing, as they cultivated the disputed land. In 1999, a total of 200 acres of land in Thabaung Tsp, was confiscated by Ayer Shwewar Company for a farming project. ([February 28th 2014-RFA-Burmese](#))

## **RESTRICTIONS ON FORMER POLITICAL PRISONERS**

No reports of restrictions on former political prisoners in February 2014.

## **AAPP IN THE MEDIA**

This month, AAPP lead a project to provide former political prisoners with training and education in counseling methods that were developed by the John Hopkins University in collaboration with AAPP. The newly appointed counselors are educated to offer mental health counseling to others who were imprisoned under the military regime. Last year, Johns Hopkins University provided the first round of training in Burma to members of AAPP, who are now leading their own trainings. Former political prisoners are not offered mental health programs from the government for their rehabilitation. "We passed terrible events and very hard times in prison, and after we were released many of us experienced depression," says the chief clinical supervisor of AAPP, Kyaw Soe Win, also a former political prisoner himself.

As the government does not provide any social welfare for former political prisoners, AAPP hopes to reach as many former political prisoners as possible through the MHAP assistance programs in order to assist them in the rehabilitation process. The counseling is free and open to all former political prisoners and their family members.

([February 10th 2014, Irrawaddy](#))

## **KEY INTERNATIONAL AND DOMESTIC DEVELOPMENTS**

This month, the United States released its annual human rights report. The report noted a significant decrease of human rights abuses in Burma. The US Secretary of State said that Burma was "slowly moving away – not just from dictatorship – but towards a more productive partnering with the United States and the international community." The report highlights the improvement made to the political prisoner situation under the Thein Sein government. The report particularly notes the formation of the Committee for Scrutinizing the Remaining Political Prisoners, formed in 2013. Furthermore, the report comments that the International Committee of the Red Cross was allowed access into all prisons and labor camps in Burma to assess conditions. This was viewed as a positive step as the conditions within prisons are often



inadequate, such as access to food and medicine. While the US recognized there were still human rights abuses occurring, particularly within ethnic minority areas, they noted that “during the year [2013] the government’s human rights record continued to improve.” Though the report is quite positive as to the progress within Burma, it does not include an assessment of the ongoing ethnic conflicts within Arakan state, which it recognizes continue to perpetrate human rights abuses.

(February 28th 2014-DVB)

Between 25 and 27 February the Electronic Transaction Act was amended and the associated prison sentences were reduced. This controversial law was introduced in 2004, and includes up to 15 years’ imprisonment for acts using electronic transactions technology that may breach “the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture”. Previously, political activists and human rights defenders, including comedian Ko Zarganar, blogger Nay Phone Latt, writer and editor Ko Zaw Thet Htwe, 88 generation students Ko Min Ko Naing, Ko Min Zeya, and Ko Htay Kywae have been sentenced to long prison terms under this Act. (February 27th 2014 - RFA - Burmese)

In a decision made in November 2013, but only published this month, the United Nations (UN) Working Group on Arbitrary Detention (WGAD) found that the detention of Burmese human rights defender Mr. Htin Kyaw was arbitrary. Mr. Htin Kyaw is the leader of the Movement for Democracy Current Force (MDCF), a group that works with communities in resisting human rights violations carried out by the government of Burma. On 11 December 2013, Mr. Htin Kyaw was released from prison by presidential amnesty with 40 other political prisoners. However, he was rearrested the same day on sedition charges and released on 31 December on a second amnesty. The UN WGAD found that Mr. Htin Kyaw’s detention was arbitrary as he had been arrested on the grounds of exercising his “right to freedom of opinion and expression and to freedom of association” through peaceful protest. The Burmese Government did not deny that the protest had been peaceful. FIDH President Karim Lahidji said “The Government of Burma must stop prosecuting individuals who are merely exercising the rights and freedoms guaranteed in the Universal Declaration of Human Rights.” Furthermore, the UN WGAD found that the Act on the Right to Peaceful Assembly and Peaceful Procession, and Article 505 (b) of the Penal Code “fall below the standards of international human rights law, offending in particular articles 9, 19 and 20 of the Universal Declaration of Human Rights.”

(February 5th 2014-FIDH)

## CONCLUSION/ANALYSIS

The lack of any substantive progress with regards to The Peaceful Assembly Law is indicative of the attitudes and mentalities of those in power in Burma towards activists. The ongoing arbitrary arrests of peaceful protesters under Article 18 will not be combated by the disappointingly minor changes made to the law this month. Those groups still advocating for the removal of Article 18 are doing so because it is still commonly used against political activists attempting to use their right to free speech.

The Scrutinizing Committee have struggled since the turn of the year to gain government support for the next stage of meetings, with the attitude seeming to reflect the erroneous statements made at the end of 2014 that all political prisoners had been freed. AAPP is still aware of 30 plus remaining political prisoners and the Scrutinizing Committee is a key part of the process to secure their freedom. The frustrations of leading Committee members in dealing with the government's lack of interest in continuing this process is entirely understandable and there needs to be a reiteration of the importance of this board.

All of the ongoing concerns relate to the idea that political and social freedoms in Burma being more prevalent. While it is true that the country is more open and freedom of expression more common, the arrests and oppression of free speech is epitomized by the arrests of journalists this month. The UN judgment regarding Ko Htin Kyaw reflects some international recognition that ongoing arbitrary arrests are still a huge obstacle to the democratic transition. This recognition of these continuing arrests by the international community is important to ensure continued pressure exists on the government to repeal laws used against peaceful activists.

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