

Assistance Association for Political Prisoners (Burma)

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

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Table of Contents

Month in Review
Detentions
Incarcerations
Releases
Conditions of Detentions
Demonstrations and Related Restrictions on
Political and Civil Liberties
Restrictions on Former Political Prisoners
Land Issues
AAPP in the Media
Key International Developments
Conclusions and Analysis
Links

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

Summary of the current Situation

As of September's end, there are activists incarcerated in Burma. with 130 activists currently awaiting trial for political actions. Section 18 of the Peaceful Assembly and Peaceful Procession Act continues to account for a large number of these arrests and incarcerations.

The following is an analysis of media coverage and AAPP information received from Burma, focusing on issues regarding political prisoners, as well as developments pertaining to civil rights and freedoms in Burma.

MONTH IN REVIEW

In September, AAPP documented the sentencing of 11 political activists, the indictment of 13 individuals (including 2 detained), and the release of 2 political prisoners.

The Committee for Scrutinizing the Remaining Political Prisoners was again an issue in September. Aung Thein, Deputy Minister in the President's office and Secretary of the Verification Committee for the Release of Remaining Political Prisoners, was quoted in RFA at one point stating that the committee may be disbanded as there are almost no remaining political prisoners. He argued that those that do remain are incarcerated under criminal offences. He also hinted at plans to create new linkages between the Minister of Home Affairs and political prisoners group to set up a new committee.

Issues surrounding media freedom also persisted through September. A two day conference on media development was hosted by the Myanmar Media Development Thematic Working Group, UNESCO, the Ministry of Information, and International Media Support (an NGO) in Rangoon on September 18 and 19. At the same time, the Government has decided to bring defamation charges against two publications in Burma, after negotiations through the Interim Press Council failed to resolve ongoing issues.

Meanwhile, the Myanmar National Human Rights Commission (MNHRC) submitted a proposal to the government urging them to sign the International Economic, Social, and Cultural Rights Covenant and the Civil and Political Rights Covenant. The current government had also promised in January of this year that they would sign on to the UN Convention Against Torture in September, yet no mention has been made of such a step this month.

(16 January 2014-RFA-Burmese) (17 September 2014 - RFA/Burmese) (6 September 2014 - Eleven) (September 15 2014 - Eleven) (18 September 2014 - Mizzima)

DETENTIONS

Student Activist Arbitrarily Arrested and Detained

Phyu Hnin Htwe, a member of the All Burma Federation of Student Unions (ABSFU), has been arrested and arbitrarily detained by Burmese authorities. On September 13, she was arrested from her home in Patheingyi Township, Mandalay, by Lieutenant Khin Maung Oo of Pathein-Gyi Myoma Police Station, and immediately indicted by Yinmabin Township Court under Section 364 and 368 of the Penal Code (kidnapping charges).

The charges relate to an incident occurring on May 18, 2014, when villagers in Letpaduang temporarily 'kidnapped' two Chinese staff of the Wanbao Company over ongoing disputes regarding the controversial mine project in the area. Phyu Hnin Htwe was there teaching grade eleven students, and was charged with six other residence for the kidnapping. The case against five of the accused was dropped at a court hearing due to a mutual understanding between the Company and the governments of China and Burma. Phyu Hnin Htwe, along with her co accused Win Kvaw, were absent from the hearing. The authorities had not pursued the case until her arrest on September 13. Since her arrest, Phyu Hnin Htwe has had court appearances on September 15, 23, and 30 at Yinmabin Township Court. She continues to be denied bail.

(13 September 2014 - RFA/Burmese) (15 September 2014 - Irrawaddy) (24 September 2014 - DVB) (15 September 2014 - VOA) (23 September 2014 - Burma Partnership) (16 September 2014 - AAPP) (14 September 2014 - BBC/Burmese) (26 September 2014 - Asia Human Rights Commission) (30 September 2014 - Eleven) (30 September 2014 - RFA/Burmese)

Two Charged, One Arrested in Relation to Protests Against Student Bill

Three individuals have been charged and one arrested in relation to protests against the National Education Bill held on September 4 in Taungoo Township, Pegu Division. Laurence Kyaw Kyaw, (Chairman for the All Burma Federation of Student Unions (ABSFU)), Tun Aung Kyaw, (ABSFU member), and Aung Than Htay (aka Japei) have been charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act, and Aung Than Htav also arrested around midnight September 9. As of September 10, Aung Than Htay was still detained in No. 2 Police Station in Taungoo Township, Pegu Division. Aung Htet (Coordinator of the Information Committee, ABSFU), who contacted the police station on September 10, said that the police informed him that Aung Than Htay would most likely be released on parole if there were two grantors for him. Aung Than Htay was previously incarcerated in 2013 for six months under Section 505(b) of the Penal Code.

(10 September 2014 - RFA/Burmese) (10 September 2014 - DVB) (11 September 2014 - Mizzima) (15 September 2014 - DVB) (15 September 2014 - RFA)

INCARCERATIONS

Environmental Activists Detained, Sentenced

Environmental activist Tun Tun Oo was arrested on August 29 and charged under Section 61 of the Forestry Law by a Dedaye Township forestry officer. Tun Tun Oo, along with others, was planting mangroves in an area devastated by cyclone Nargis.

On September 15, three Dedaye Township residents in Irrawaddy Division were arrested and charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act in relation to the mangrove protests. Myint Lwin, Cho Lwin, and Khin Shwe were accused of giving speeches in Southern Dedaye Township, beside the Andaman Sea, and were indicted by Station Commander Police Lieutenant Naing Mon Tun from Kyone-Dar Police Station. The three had been assisting Tun Tun Oo. They were brought before the court on September 16 for examination.

On September 23, Tun Tun Oo was sentenced to six months imprisonment under three separate counts of Section 18 by Judge Ye Htut Khaung. Cho Lwin and Khin Shwe were given four month sentences, while Myint Lwin received a two month sentence. They will serve their sentences in Pyapon Prison. Tun Tun Oo still faces charges at Dedaye Townships Forestry Department, and was meant to appear in Dedaye Township Court on September 26.

(4 September 2014 - Myanmar Times) (15 September 2014 - Myanmar Times) (17 September 2014 - Irrawaddy/Burmese) (24 September 2014 - Irrawaddy)

Four Protesters Sentenced Under Section 18

On April 2, 2014, four protesters, Myo Han,

Aung Soe Thein, Htin Aung Kyaw and Toe Maung Lay, demonstrated against the Housing Department's confiscation of land owned by Basic Education Primary School No-16, Myingyan Township. The application to conduct a demonstration had been declined and, as a result, the four individuals were each charged and convicted to two months imprisonment under Section 18 of the Peaceful Assembly and Peaceful Procession Act by Myingyan Township Court on September 19, 2014.

(19 September 2014 - AAPP)

Sein Than Receives Multiple Sentences

Sein Than, organizer of the Michaungkan Camp, received two additional Protest sentences in September. On September 9, Latha Township Court sentenced him to four months imprisonment with hard labor under Municipal Act 68 for constructing the protest camp in the City Development Committee area without permission. He was then sentenced to four months imprisonment with hard labor on September 10 by Kyauktada Township Court under Section 18 of the Peaceful Assembly and Peaceful Procession Act for an unauthorized protest. This is his sixth sentencing, and he now faces two years imprisonment. The ongoing protests oppose land seizure in Michaungkan, Thingangyun Township, Rangoon, where over 300 households were evicted.

Nay Nwe Than, Sein Than's daughter, and four others, have also been indicted under Section 18 by Pabedan Township Court for protesting outside of the courtroom without permission. His daughter claims that she was simply attending his hearing out of support, as she had done previously without issue.

INCARCERATIONS

The remaining Michaungkan Protest Camp occupants have been ordered to vacate the area and dismantle the camp by October 3.

(9 September 2014 - RFA/Burmese) (10 September 2014 - RFA/Burmese) (11 September 2014 - Eleven) (4 September 2014 - Amnesty) (AAPP) (30 September 2014 - DVB)

Htin Kyaw Sentenced Again

On September 3, Htin Kyaw (leader of Movement for Democracy Current Force (MDCF)) was sentenced to one year and four months imprisonment by North Okkalapa Township Court. He received a one year sentence under Section 505(b) of the Penal Code and a four month sentence under Section 18 of the Peaceful Assembly and Peaceful Procession Act. On September 11, he was sentenced to a further two years under Section 505(b) by Shwe Pyi Thar Township Court.

He has been sentenced under ten counts of Section 505(b) and three counts of Section 18, amounting to an eleven year, four month sentence. His charges stem from protests where he denounced the government during speeches, distributed leaflets calling on the government to resign, and held a candlelight vigil through different Rangoon townships.

(4 September 2014 - Eleven) (12 September 2014 - Myanmar Times) (5 September 2014 - Irrawaddy) (11 September 2014 - Irrawaddy) (5 September 2014 - Amnesty) (10 September 2014 - Amnesty) (AAPP)

RELEASES

Two Prisoners Released

On September 26, two political prisoners were released: Thaw Zin, who was being held in Monywa Prison; and Hein Htet Aung, who was released from Katha. Both were released prior to the completion of their sentences, but no reason has been given for their early release.

(AAPP)

CONDITIONS OF DETENTIONS

Army Tortures Six Chin Farmers

A Burmese army unit has been accused by Chin human rights activists of arbitrarily detaining and torturing six Chin farmers. Major Tin Htut Oo of Light Infantry Battalion 344 is accused of beating the farmers whilst in custody, believing them to support the Chin rebels. It is alleged that the arrest was ordered in Kone Pyin Village on August 24. Their release came after they were forced to sign a statement stating that they would not have contact with the Chin National Front (CNF). Aung Kyaw Hla, one of the villagers tortured, went to Bangkok with Chin human rights workers in order to receive treatment for neck injuries sustained during his detention.

On September 19, the six individuals were called into Light Infantry Battalion 344's base, where they were detained. They were again forced to sign a document, this one stating that they would retract what they had previously said about their detention and torture. Chin NGO's are now helping them to file an official complaint with the Burma Army.

(18 September - The Irrawaddy) (26 September 2014 - Irrawaddy)

Prison Sentence of Win Cho and Wai Lu Reduced

On September 18, Rangoon's People's Support Network member Wai Lu and land activist Win Cho had one month deducted from their three month sentences. They were originally sentenced on August 25 as a result of a demonstration against the plan to raise the cost of electricity. Their lawyer, Robert San Aung, claims the reduction is meant to allow Win Cho to attend a religious ceremony planned for his daughter on October 25, 2014. This is the first time that any individuals who have appealed

Section 18 of the Peaceful Assembly and Peaceful Procession Act have had their sentences reduced.

(18 September 2014 - RFA/Burmese)

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

Section 18 Used Against Solo Protester

Zaw Myint (former member of Battalion 207, Burma Students Democratic (ABSDF)) was arrested September 21, 2014 by Pyinmana Township Police Force for staging a solo protest calling for dialogue between President Thein Sein, the Commander-in-Chief of Myanmar Armed Forces Senior General Min Aung Hlaing, Pyidaungzu Parliament patron Thura Shwe Maan, and the Chairman of the National League for Democracy Party (NLD) Aung San Suu Kyi. He had protested without permission, and was charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act by Pyinmana Police Station on September 22.

(21 September 2014 RFA/Burmese) (21 September 2014 - DVB/Burmese YouTube) (24 September - Eleven) (26 September 2014 - AAPP)

Government Brings Defamation Charges Against Two Publications

The Ministry of Information plans to take legal against two media publications action following the breakdown of negotiations which had been mediated by the Myanmar Interim Press Council. Letters of complaint were sent to the council by the ministry regarding two articles they considered defamatory. The first (published in the Myanmar Herald) talked about President Thein Sein; and the second (published in the Daily Eleven) accused the Ministry of Information of misusing funds in the purchasing of a printing press. Ye Htut (the Minister of Information and the presidential spokesman) stated that taking legal action was due to the media publications refusing to write retractions. It is unclear whether they will be criminal or civil cases.

(23 September 2014 - The Irrawaddy) (26 September 2014 - Myanmar Times)

Monks Lodge High Court Appeal

Ashin Uttara, a Burmese monk who was arrested and disrobed in June and also has citizenship in the UK, along with four clerics, lodged an appeal at Rangoon High Court on September 22. They are charged with defaming religion and insubordination of the state monastic council. The monks deem the latter charge, which was brought against them by Rangoon's Religious Affairs Department, to be baseless, and have therefore challenged it in the high court.

(23 September 2014 - DVB)

Peace Day Marches

September 21 was International Peace Day, which saw members of youth networks from 6 districts in Irrawaddy gather to recite poems, march and chant in recognition of the event. Three among more than 200 members of the Irrawaddy Division Youth Network were indicted under Section 18 of Assembly the Peaceful and Peaceful Procession Act at Ahthe-Gyi Police Station, with the Township Police Chief acting as prosecutor. Those involved in the peace day marches were denied permission to carry out the demonstration.

Nan Aye Aye Khaing (Youth Network, Irrawaddy Division), Bo Bo (Youth Network, Myaungmya Township), and Tin Tun Khaing (aka Ye Thway Ni) (Youth Network, Bassein District), the three accused, were not presented with an arrest warrant or

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

summons letter when they went to inquire about the charges that same day. Their case has not yet been taken to court, and it is unclear whether or not it will be closed.

(22 September 2014 - DVB) (22 September 2014 - RFA/Burmese) (25 September 2014 - AAPP)

Magwe Protestors Charged with Trespassing

On September 18, eleven members of the NLD and 88 Generation Peace and Open Society were officially charged trespassing. On June 9 2014, NLD's Nay Myo Kyaw, Than Aung, Than Naing, Chit Htwe. Ye Tint and Soe Moe; and 88GPOS's Hla San, Muang Muang Soe, Than Tun Aung, Nyo Aye and Tun Khine Oo held a rally calling for Article 436 of the Constitution to be revised. They were summoned to Magwe Police Station and charged under Section 447 of the Penal Code for trespassing, due to the protest being held on the grounds of Aye Zedi Pagoda. They were informed of the pending charges in July, but they were not formally processed until this month.

(19 September 2014 - DVB)

LAND ISSUES

Last SEZ Resident Faces Trespassing Charges

Kyaw Win, the last resident of phase one area of the Thilawa Special Economic Zone, has been charged under Section 447 of the Burmese Penal Code for trespassing in the area. He, along with his wife and two children were held at Thanlyin Prison briefly on September 26 before being released on bail. People who were living on the land have been moved to another area. He accepted initial compensation from the government, which was almost 5.5 million kyat, but refused to accept the rest of the compensation after finding out that it was not enough to build a new house for his family and buy land to graze his cows.

(30 September 2014 - Irrawaddy)

More Kanbalu Farmers Sentenced

Twenty one more farmers from Kanbalu Township have been convicted with sentences ranging from three months to four years. The farmers from Mya Mon Village were prosecuted on August 20, 2014. One of the individuals sentenced is said to have passed away six years ago.

Farmers from Kanbalu involved in land-confiscation cases also say that costs associated with trial and incarceration are further indebting them. 173 farmers have been involved in litigation, with 57 incarcerated in July in addition to the 21 sentenced in August. Villagers have expressed frustration about the difficulty of visiting family members, as the farmers have moved prisons and travel is expensive.

(15 September 2014 - Asian Human Rights Commission) (15 September 2014 - Eleven)

AAPP IN THE MEDIA

AAPP's Counseling Services Featured

Karen Information Centre published an article featuring AAPP's counseling services for torture victims. The article drew attention to the program's success, as well as its hopes of expanding beyond just former political prisoners to providing counseling to all victims of torture.

(19 September 2014 - BurmaNet)

Human Rights Groups Write to Obama Concerning Political Prisoners

AAPP and FPPS have written Obama, as well as other world leaders, to ask them to raise the issue of the Burmese government's failure to release all political prisoners in the next ASEAN meeting. Thet Oo (FFPS spokesperson) stated that international leaders cannot overlook those who are being incarcerated as political prisoners, especially as the government refuses to cooperate with local organizations working towards the release of prisoners.

(12 September 2014 - Myanmar Times)

KEY INTERNATIONAL AND DOMESTIC DEVELOPMENTS

Torture Still Used in Burmese Police Force

The Asian Legal Resource Centre, an NGO with consultative status with the UN, issued several notices to the UN about rights abuses in Asia, one of which was about the continued use of torture in the Burmese Police Force. It read, "The practice of police torture in Burma remains unchanged despite the efforts and work of countless individuals across the globe."

(10 September 2014 - DVB)

Human Rights Groups Petition EU to Pressure Thein Sein

A letter sent ahead of President Thein Sein's visit to Europe urged the EU to show its support for human rights in Burma by creating a new resolution regarding Burma. The letter was signed by Amnesty International, The International Federation for Human Rights, and The Alternative ASEAN Network on Burma. At one point the letter draws attention to the ongoing situation of political prisoners in Burma: "President Thein Sein failed to keep his promise to release all prisoners of conscience by the end of 2013. So far in 2014, scores of human rights defenders, political activists and farmers have been arrested or imprisoned simply for the peaceful exercise of their human rights; at least 70 political prisoners –including prisoners of conscience – remain behind bars.

(4 September 2014 - Eleven)

Media Personnel Receive Awards

The five Unity Journal employees incarcerated in July have been awarded honorary

citizenship by the Italian Government. The official letter of nomination for the award was delivered to the group's lawyer on August 26. The awardees include journalists Paing Thet Kyaw Si Thu, Thae Yar Zar, Lu Maw Naing and CEO Tint San. The award ceremony is set to be held in December, 2014, Rangoon.

Aung Zaw, founding editor-in-chief of the Irrawaddy, also received the Committee to Protect Journalists 2014 International Press Freedom Award, recognizing courageous reporting.

(1 September 2014 - RFA/Burmese) (1 October 2014 - Irrawaddy)

Conclusion / Analysis

Most disconcerting is the government's continued reliance upon Section 18 of the Peaceful Assembly and Peaceful Procession Act as a means to indict and opponents. imprison political This month, an additional ten people were sentenced under Section 18, while twelve were charged under the broadly applied law. It should be strongly noted that one of those six was a solo protester, despite the fact that the law explicitly applies only to groups of more than one person. This clearly exemplifies the current government's disregard for the rule of law when in pursuit of their own political objectives.

Similarly, the ongoing arbitrary detention of Phyu Hnin Htwe over baseless charges stemming from an incident in May is another example of this blatant disregard for international norms regarding an individual's basic rights to a fair trial. She was held incommunicado for the first two days of her detention, and has remained in detention without any legitimate explanation as to why she has not been granted bail.

The ongoing difficulties of the Committee for Scrutinizing the Remaining Political Prisoners are reflected in the ever increasing numbers of arrests and imprisonments. Yet there is little pressure on the government to improve the process. There has been little to no cooperation from the government side and 2014 has seen the Committee process

grind almost to a halt. This is despite the fact that ten people were sentenced this month under Section 18, as mentioned above. This illustrates the fissure between the rhetoric employed by the government and the actual state of affairs within Burma regarding political prisoners. If the Committee ends in its disbanded, the questions will still remain regarding, what, if anything, will replace it. Without such a process political prisoner issues are always in danger of falling from government and international agendas altogether.

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Links / Resources

September 1

AAPP-B quoted in Karen News (Karen News) Unity Journalists Receive Award (RFA/Burmese)

September 3

AAPP Statement Used in Article on Land Grabbing (Eleven)

September 4

Htin Kyaw Sentenced Again (Eleven) **Environmental Activist Arrested** (Myanmar Times) **EU** Urged to Address Human Rights Issues in Burma (Eleven) Sein Than Urgent Action Appeal (Amnesty)

September 5

Htin Kyaw Sentenced Again (Irrawaddy) **Urgent Action Appeal Htin Kyaw** (Amnesty)

September 6

Human Rights Commission Urges Government to Sign Human Rights Covenants (Eleven)

September 9

DVB Uses AAPP-B Statement in Article on Rise in Political Prisoners (DVB) Sein Than Receives Multiple Sentences (RFA/Burmese)

September 10

Torture Still Used in Burmese Police Force Says NGO (DVB) **Student Union Opposes Education** Bill (DVB) Three Arrested in Relation to Protests Against Student Bill

(RFA/Burmese)

Sein Than Receives Multiple Sentences (RFA/Burmese)

Htin Kyaw Relentlessly Persecuted

(Amnesty)

Education Bill Faces Opposition (DVB)

September 11

Sein Than Receives Multiple Sentences (Eleven)

Htin Kyaw Sentenced Again (Irrawaddy) Fear Hampers Debate on National Education Bill (Mizzima)

September 12

Amnesty Decries Htin Kyaw Sentencing (Myanmar Times) **Controversy Surrounds Amendment** (Irrawaddy) Rights Groups Write to Obama Over Prisoners (Myanmar Times)

September 13

Student Activist Arbitrarily Arrested and Detained (RFA/Burmese)

September 14

Student Activist Arbitrarily Arrested and Detained (BBC/Burmese)

September 15

Trials Further Impoverish Farmers (Eleven) **Environmental Activist Arrested**

(Myanmar Times) Teachers Chime in on Education Reform

(DVB)

House Speaker Reminds Media of Responsibility (Eleven)

21 Kanbalu Farmers Sentenced (Asian

Human Rights Commission)

Student Activist Arbitrarily Arrested and Detained (Irrawaddy)

Student Activist Arbitrarily Arrested and Detained (VOA)

Teachers Back Student Protest (RFA)

September 17

Environmental Activists Detained (Irrawaddy/Burmese)

September 18

Army Tortures 6 Chin Farmers (The Irrawaddy)

Prison Sentence Reduced (RFA/Burmese) Media Conference Held in Rangoon (Mizzima)

September 19

Former Political Prisoners Counsel Burma's Victims of Torture (BurmaNet) Magwe Protestors Charged with Trespassing (DVB/Burmese)

September 21

Section 18 Used Against Peace Day Protester (RFA/Burmese) Section 18 Used Against Peace Day Protester (DVB/Burmese YouTube) September 22

Peace Day Marches - (DVB) **Peace Day** Marches (RFA/Burmese)

September 23

Government Brings Defamation Charges Against 2 Publications (The Irrawaddy) Monks Launch High Court Appeal (DVB) **Student Activist Arbitrarily**

Arrested and Detained (Burma

Partnership)

September 24

Section 18 Used Against Peace Day Protester (Eleven) **Student Activist Arbitrarily** Arrested and Detained (DVB) Peace Talks Hit Barrier (DVB) **Environmental Activists** Sentenced (Irrawaddy)

September 26

Six Chin Farmers Re-arrested (Irrawaddy) Student Activist Falsely Accused of Abduction (AHRC) **Government Brings Defamation**

Charges Against 2 Publications

(Myanmar Times)

September 29

Paying for Seized Land Could Save Farmers (Eleven)

September 30

Kyaw Hla Aung Sentenced (Amnesty Urgent Appeal) Last SEZ Resident Faces Trespassing Charges (Irrawaddy) **Land Confiscation Protesters** ordered to leave by October 3rd (DVB) **Student Activist Arbitrarily** Arrested and Detained (RFA/Burmese)

October 1

Irrawaddy Receives Media Award (Irrawaddy)