



# Burma's Repressive Laws

## Unlawful Associations Act (1908)

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#### Summary

The Unlawful Associations Act is used by the Burmese authorities to intimidate and arrest political activists. It is also most commonly used against members of ethnic minorities in Burma. Many political prisoners who were arrested during the period of direct military rule were charged under this act. Section 17/1 is the most commonly used section of this act.

The Unlawful Associations Act is a serious threat to freedom of association and human rights in the country, and the law should be abolished.

#### Background

An unlawful association is defined as one that “encourages or aids persons to commit acts of violence or intimidation, or of which the members habitually commit such acts.” The president has the power to declare an association unlawful.

The Act was drafted during colonial times, and it was originally used to oppress those who opposed colonial rule. It has been used by successive governments in Burma to oppress people from forming an organisation or working with organisations, which were declared illegal by the military regime.

Even under the NLD-led government, people are still in jail or being arrested and charged under the Unlawful Associations Act. This can be for variety of reasons such as they happen to belong to a same ethnic group as an ethnic armed organisation or suspicion of helping an ethnic armed group after their troops walked through or stayed in their villages. Journalists also get arrested and charged for interviewing members of ethnic armed groups or travelling to areas under their control.

#### About Unlawful Associations Act

Section 17/1 of this act states that membership or association to an unlawful association can result in three years in prison and section 17/2 states that management or promotion (or assisting) of an unlawful association can result in five years in prison.

The Unlawful Association Act was used during the decades of military junta rule to detain those linked to ethnic armed groups. Many people have been jailed in Kachin State under the Unlawful Associations Act for allegedly being in contact with Kachin Independence Army (KIA).

In 2016, the NLD- led government reestablished the Legal Affairs and Special Cases Assessment Commission to review repressive laws in the country and it is being chaired by an ex military general, Shwe Mann, who is accused of committing war crimes. Shwe Mann has admitted that they have not even begun to look at the Unlawful Associations Act, which is being used repeatedly to arrest many people in the country.

At the same time, rather than working to repeal this notorious law, NLD spokesperson Win Htein said, “Getting peace is more important than amending this (Unlawful Associations) Act.” Getting peace and repealing repressive laws are not mutually exclusive. The government can work on a peace process as well as repealing repressive laws, which are being used to jail people.

## Case Studies

Many civilians and activists have been arrested under the Unlawful Associations Act. Some were tortured horrifically and forced to make a false confession about connection with ethnic armed groups.

For example, Lahpai Gam, a farmer from Kachin State was arrested in June 2012 and was accused of being involved with the Kachin Independence Army (KIA), a government opposition armed group. He is currently serving a twenty-one year sentence in Myitkyina Prison. The United Nations Working Group on Arbitrary Detention (UNWGAD) ruled on May 20th 2014 that his detention was illegal and called for his immediate release. However, he still remains in jail.

The interfaith activists, Zaw Zaw Latt and Pwint Phyu Latt, were arrested in July 2015, and charged under 17(1) of the Unlawful Association Act and the 1947 Burma Immigration Act. They were told that the reasons for their arrests were for visiting the Kachin Independence Organisation (KIO) as part of their interfaith trip, and for allegedly illegally crossing into India. They were sentenced to 4 years imprisonment and were released in April 2017.

On June 26, 2017, the Burmese military detained Aye Nai and Pyae Phone Naing from the Democratic Voice of Burma and Thein Zaw, also known as Lawi Weng, from The Irrawaddy after stopping their car as they returned from a Ta’ang National Liberation Army (TNLA) drug-burning ceremony marking the United Nations International Day Against Drug Abuse and Illicit Trafficking. On June 28, the reporters were charged under section 17(1) of Unlawful Associations Act. All three have been detained at Hsipaw prison in Shan State and are currently on trial.



## International Standards

Many countries have banned organisations that are threats to peace and security. However, Burma's Unlawful Associations Act goes beyond ensuring peace and security of the country and instead it has been predominately misused for political purposes.

The United Nations special rapporteur on the situations of human rights in Burma stated the following in the April 2017 Human Rights Resolution:

“the Unlawful Associations Act and the Peaceful Assembly and Peaceful Procession Law continue to be abused to arbitrarily arrest and detain individuals for exercising their rights to freedom of expression, peaceful assembly and association, including on the basis of their ethnicity or political beliefs, and calls for open and participatory legislative processes to reform those laws in line with the international human rights law obligations of the Government of Myanmar;”

## Recommendations

- The Burmese government needs to immediately repeal the Unlawful Associations Act and unconditionally release people who have been arrested and charged under it.

## Action

Daw Aung San Suu Kyi  
C/O U Kyaw Zwar Minn  
Embassy of the Republic of the Union of Myanmar  
19A, Charles Street  
London  
W1J 5DX

You can write to Commander-in-Chief of the Myanmar Armed Forces and urge him to stop filing complaints against people who criticise the army.

Senior General Min Aung Hlaing  
C/O U Kyaw Zwar Minn  
Embassy of the Republic of the Union of Myanmar  
19A, Charles Street  
London  
W1J 5DX

If you live outside of the UK, you can find a Burmese Embassy in your country here:  
[http://www.mofa.gov.mm/?page\\_id=364](http://www.mofa.gov.mm/?page_id=364)

## Draft letter

Dear xxx

I am writing to you regarding the Unlawful Associations Act (1908). An unlawful association is defined as one that “encourages or aids persons to commit acts of violence or intimidation, or of which the members habitually commit such acts.” The president has the power to declare an association unlawful.

Section 17/1 of this act states that membership or association to an unlawful association can result in three years in prison and section 17/2 states that management or promotion (or assisting) of an unlawful association can result in five years in prison.

Many civilians and activists have been arrested under the Unlawful Associations Act. Some were tortured horrifically and forced to make a false confession about connection with ethnic armed organisations.

For example, Lahpai Gam, a farmer from Kachin State was arrested in June 2012 and was accused of being involved with the Kachin Independence Army (KIA), a government opposition armed group. He is currently serving a twenty-one year sentence in Myitkyina Prison. The United Nations Working Group on Arbitrary Detention (UNWGAD) ruled on May 20th 2014 that his detention was illegal and called for his immediate release. However, he still remains in jail.

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Many countries have banned organisations that are threat to peace and security. However, Burma’s Unlawful Associations Act goes beyond that and it has been predominately misused for political purposes. It is a serious threat to freedom of association and human rights in the country.

Therefore, I would like to urge the Burmese government to immediately repeal the Unlawful Associations Act and unconditionally release everybody who has been imprisoned and charged under it.

Yours sincerely,

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**for Human Rights, Democracy  
& Development in Burma**