



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

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

## **Monthly Chronology of Burma's Political Prisoners for October, 2009**



# Assistance Association for Political Prisoners (Burma)

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## MONTHLY CHRONOLOGY – OCTOBER 2009

### Summary of current situation

There are a total of **2,168** political prisoners in Burma. This is an overall increase of 49 in comparison to last month's figure of 2,119. In October, 41 political prisoners were arrested, and 3 were released. The AAPP also received information about activists who were arrested and released before October 2009, and this retroactive information explains why the overall increase is of 49, and not 38.

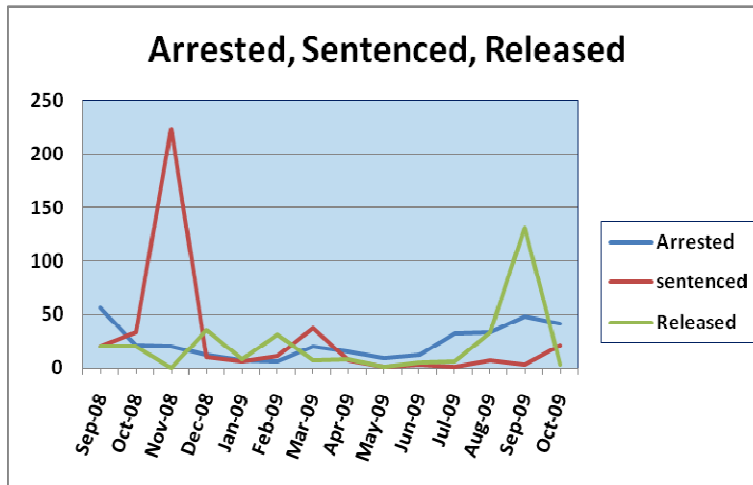
These include:

CATEGORY	NUMBER
Monks	246
Members of Parliament	12
Students	284
Women	179
NLD members	435
Members of the Human Rights Defenders and Promoters network	34
Ethnic nationalities	207
Cyclone Nargis volunteers	21
Teachers	26
Media activists	46
Lawyers	12
In poor health	128

Since the protests in August 2007 leading to September's Saffron Revolution, a total of **1,156** activists have been arrested and are still in detention.

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## Monthly Trend Analysis



During the month of October 2009, at least **41** activists were arrested, **21** were sentenced and **3** were released. At least **128** political prisoners are in poor health due to the harsh prison conditions, transfers to remote prisons where there are no doctors, and the denial of proper medical care.

In October, international media concentrated mostly on regional and global political developments surrounding Burma. The creation of an ASEAN Human Rights Commission, and its inherently paradoxical status due to Burma's membership in the bloc, garnered much attention, and while all observers agree that the new body is toothless, diverging opinions on its eventual and potential strength occupied much of the public discourse. At the moment, however, hopes that the body could help in achieving the release of Burmese political prisoners seem unfounded at best.

International and domestic reaction to the announcement in September of a new hybrid U.S. policy for Burma was mostly positive, and the policy was hailed by various groups from within and outside of Burma. The junta, however, has not eased the fears that international engagement could serve as a vital smokescreen for their continued oppression of political opponents. In fact, while the release of 128 political prisoners in September was perceived to be a timid demonstration of goodwill, the junta has quietly arrested no fewer than 80 political prisoners over the past two months. Were this trend to be maintained in November, the net number of political prisoners in custody may well be higher than the 2,211 before the general amnesty of September 18.

The legal tribulations of Daw Aung San Suu Kyi continued in October, with the Appeals Court maintaining the 18 month sentence imposed by the lower jurisdiction. Her lawyers have decided, with her approval, to appeal the decision yet again. Daw Aung San Suu Kyi was, however, increasingly active during the month of October, holding two meetings with an SPDC minister, as well as with Western diplomats. Sen-Gen Than Shwe alluded to an ambiguous 'relaxation' of her detention conditions, on the condition that she maintained her 'positive attitude'. Her many meetings and increased political activity, indeed, were sparked by a letter she wrote to the junta supremo in the beginning of the month, offering to help the junta in lifting Western sanctions.

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Daw Aung San Suu Kyi's party, the National League for Democracy (NLD) held its own meeting with Western diplomats in October, and while party officials have not yet decided whether or not they will participate in the 2010 elections, they still appear to be preparing for such an eventuality, while still calling for the release of political prisoners and an amendment to the Constitution as a precondition for participation.

It is finally worth noting that three Burmese activists have been awarded major awards from international human rights organizations. Imprisoned comedian Zarganar was handed the PEN/Pinter award, while imprisoned poet Saw Wei received the Hellman/Hammet prize from Human Rights Watch. Finally, the AAPP's own Bo Kyi was awarded the [Alison Des Forges Award for Extraordinary Activism](#) by Human Rights Watch. These prestigious honours awarded to Burmese activists are not only a testament to their bravery, but also provide much needed attention to the fact that activists continue to be arrested and imprisoned in Burma, regardless of international expressions of goodwill by the junta.

## **Treatment of prisoners and their families**

A request by imprisoned 88 Generation Students group member Hla Myo Naung to transfer to a prison in Rangoon or Mandalay highlighted the total disregard of healthcare in Burmese prisons, particularly in remote areas. Hla Myo Naung's transfer request, indeed, was motivated by his urgent need for proper care for his infected eyes, and the lack of any form of treatment in Myitkyinar prison in Kachin state, where he is being held. This serves as yet another reminder of the appalling practice of transferring prominent imprisoned political opponents to remote regions. Another imprisoned member of the 88 Generation Students group, Thet Thet Aung, requires heart surgery, though it remains unclear what treatment, if any, she will receive in prison. (see section '88 Generation Students') The regime's lack of transparency can also have dangerous consequences for prisoners and their families, as evidenced by the hospitalization in October of Daw Khin Mar Oo, mother of Naing Soe, an activist who was imprisoned and whose whereabouts are unknown. Daw Khin Mar Oo, in fact, suffered a heart attack after hearing rumours that her son had died while in interrogation. Naing Soe's whereabouts remain unknown. (see section 'Ethnic Nationalities')

## **Prisoners Released**

3 prisoners were released in September. Myint Kyi, an MP affiliated with the NLD, was released after the expiration of his 2 year sentence. Htoo Htoo Chay, from Arakan State, was released after being arrested for interrogation (and tortured) last month. Finally, Tin Oo (aka Ka Lar Gyi) was released after completing his 20 year prison sentence. He was arrested as a student in 1989.

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## **National League for Democracy**

There are at least 435 members of the National League for Democracy (NLD) that are currently detained. This presents a decrease of one compared to the 436 that were detained in September. As in September, the NLD maintained calls for the unconditional release of all political prisoners, including party leader Daw Aung San Suu Kyi. A rare meeting between the NLD's top brass with more than 20 foreign diplomats received much media attention. The NLD's political intentions with respect to the 2010 elections still remain unknown.

### **26 October 2009**

#### **NLD leader: Constitution must be amended before elections**

U Win Tin, a veteran politician and senior member of the opposition National League for Democracy (NLD) party, stated that in order to make the 2010 election inclusive the 2008 Constitution must be amended. "The constitution does not allow any political prisoners their electoral rights, and this will also include Aung San Suu Kyi," Win Tin clarified. "Therefore, it is necessary that the constitution is revised before the election." Aye Thar Aung, Secretary of the Committee Representing Peoples' Parliament (CRPP), a coalition of political parties that won the 1990 election, on Monday echoed similar views to those of Win Tin, primarily that the junta's planned election next year cannot be inclusive unless the "forcibly endorsed" constitution is revised. Aye Thar Aung added that Burma's generals only want Aung San Suu Kyi to contribute for their national reconciliation plan but are reluctant to change their overall stance in fear of losing power. "Changes have to come from both sides. They [the junta] also must change their stance towards her," he elaborated. He said the only way to build a genuine national reconciliation is to hold a tripartite dialogue between the Burmese generals, Aung San Suu Kyi and leaders of the ethnic groups. U Win Tin emphasized the "NLD will not contest the upcoming election if the regime does not revise the constitution." The NLD has also consistently called on the junta to release all political prisoners, in addition to mandating free and fair elections, before they consider participating in any poll. ([26 October 2009 Mizzima](#))

### **21 October 2009**

#### **Three NLD members facing false allegations in trial**

Hlaing township NLD members Shwe Joe (aka Mya Soe), Sein Hlaing and Myint Myint Soe, were arrested and tried under what the Asia Human Rights Commission (AHRC) deems to be false allegations. ([21 October 2009 RFA](#) and [DVB](#))

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## **20 October 2009**

### **NLD hosts US chargé d'affaires**

The National League for Democracy (NLD), hosted United States' Chargé d'affaires Larry M. Dinger and two American diplomats at the party's headquarters in Rangoon on Tuesday, October 20<sup>th</sup>. The meeting lasted nearly one hour. Representing the NLD were Central Executive Committee (CEC) members Than Tun, Nyunt Wai, Soe Myint, Win Tin and Khin Maung Swe, as well as leading members Han Thar Myint, Dr. Than Nyein and spokesman Nyan Win. Speaking to *The Irrawaddy* on Wednesday, Nyan Win, said, "First, the chargé d'affaires explained the US's new policy on Burma and asked the NLD's point of view about the current political situation and our intentions. They said they also asked about the opinions of other opposition parties, activists and ethnic groups." ([21 October 2009 Irrawaddy](#))

## **15 October 2009**

### **NLD member of parliament released**

Myint Kyi, an NLD-affiliated member of parliament from Katha township, Sagaing division was released from Kalay prison on October 15 2009, as his 2 year sentence came to term. He was arrested in 2007 for his role in the Saffron Revolution. (16 October 2009 DVB Sound)

## **14 October 2009**

### **NLD meets with Western envoys**

Around 20 Western diplomats met with Burma's main opposition party to hear its views on democratic reform in the military-ruled country, a party spokesperson said. The delegation, which included eight ambassadors from countries including Sweden, France and the United Kingdom, met with National League for Democracy (NLD) party members at their headquarters in Rangoon. Party spokesperson Khin Maung Swe said that it was the largest foreign delegation to meet with the NLD in nearly a decade, adding that this was a sign that "they have an interest in Burma's democratic transformation". The meeting reportedly focused on three points, including how the NLD will approach next year's controversial elections, and a follow-up on party leader Aung San Suu Kyi's discussion with foreign diplomats last week on sanctions. "Lastly, they wanted to know whether it was true that we have been calling for an amendment on the basic construction because we wanted a share of power," Khin Maung Swe said. ([15 October 2009 DVB](#))

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## **1 October 2009**

### **NLD member arrested in June**

AAPP has learned that Thein Aye, a member of the NLD, was arrested on June 20, 2009, and is currently serving a 2 and a half year sentence. The charges under which he was sentenced remain unknown. (1 October 2009 AAPP)

## **88 Generation Students**

There are at least 41 members of the 88 Generation Students group currently in detention.

## **22 October 2009**

### **88 Generation Students group member transferred to Bahmaw prison**

88 Generation Students group member Mar Mar Oo was transferred from Tharrawaddy prison in Bago Division to Bahmaw prison in Kachin State on 26 September. She was released in 2005 under section 401, which amounts to a pledge to no longer participate in political activities. As she was found to have not honoured this pledge, she was re-imprisoned to serve the remainder of her initial 65 year sentence, and was handed a further 5 year sentence as punishment. ([22 Oct 2009 DVB](#))

## **14 October 2009**

### **88 Generation Students activist needs heart surgery**

Thet Thet Aung, a female member of the 88 Generation Students activist group who is currently serving a 65-year prison sentence, is reportedly in need of heart surgery. She is the cousin of Nyi Nyi Aung, the US citizen facing trial in Burma (see section 'individual activists'). Her mother, Su Su Kyi said that a prison doctor had told her the news during a visit on 8 October. "I'm worried something might happen to her. I'm going to discuss this with the doctors and our relatives," she said. "We prefer to have the operation in Rangoon as her family is there." Su Su Kyi's sister and the mother of Nyi Nyi Aung, San San Tin, who is serving a nine-year prison sentence in Burma's central Mandalay division, is also reportedly in poor health. "She has been quite ill but still hasn't seen by a doctor," said Su Su Kyi. "She previously had an operation on her left eye and now can barely see with it." San San Tin was detained by authorities in October 2007 when police arrested Thet Thet Aung. She was imprisoned on charges of aid and abetting a wanted person. ([14 October 2009 DVB](#))

## **11 October 2009**

### **Ailing 88 Generation member seeks prison transfer**

Hla Myo Naung who is suffering from serious eye infections, has appealed to the authorities to be transferred from Myitkyinar prison in Kachin state, where he is current

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being held, to a prison in Mandalay or Rangoon. His wife, Ma Aye Aye Mar, has explained that these two divisions have eye specialists, and could provide him the care that he needs. Hla Myo Naung, a member of the 88 Generation Students group and a former political prisoner, is serving a 65 year prison sentence. ([11 Oct 2009 DVB](#))

## **Ethnic Nationalities**

There are at least 207 members of ethnic nationalities currently held in prison.

### **9 October 2009**

#### **Detainee's mother hospitalized after rumours of son's death**

The mother of a detainee was hospitalized on October 9<sup>th</sup> at the general hospital in Sittwe, the capital of Arakan State, after suffering a heart attack after hearing a rumor that her son had died in the interrogation cell, said a relative. Daw Khin Mar Oo is the mother of Naing Soe, who was arrested by special police forces in Sittwe on accusations of terrorist activities. On 12 September, a team from the special police branch raided Daw Khin Mar Oo's house in Sittwe and arrested her son Naing Soe. During the raid, military officials claimed to have found some detonators in Naing Soe's possession and accused him of preparing to plant bombs in Sittwe. He was also accused of having connections with the exiled Arakanese student group, All Arakan Students and Youths Congress based in Thailand, and of coordinating planned terrorist activities with them. Shortly after his arrest, the police brought Naing Soe to an unknown location for interrogation, and his family has not seen him since. "In the last few days there has been a rumor in Sittwe that Naing Soe was killed by military intelligence during the interrogation." However, there has been no official statement regarding Naing Soe's current state of health. ([15 October 2009 Narinjara](#))

### **6 October 2009**

#### **3 AASYC members arrested in September**

An interview with U Yayvada, a monk arrested in September, has confirmed that three members of the All Arakan Students' & Youth Congress (AASYC) were arrested in September 2009. They are Than Aye, Shwe Than, and Saw Thein. ([6 October 2009 Yoma3](#))

### **5 October 2009**

#### **Arakanese Singer released**

Htoo Htoo Chay, a singer from Arakan state who was arrested in early September, has been released. He was arrested, along with 3 other youths, and was accused of collaborating with exiled opposition groups. He was reportedly tortured during his interrogation by Sittwe police officers. ([October 5 2009 Narinjara](#))

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## **Monks**

There are at least 246 monks currently held in prison. This number has increased compared to the 244 monks of last month.

### **13 October 2009**

#### **Monk among 11 sentenced at Insein prison; 2 others sentenced in absentia**

Eleven political activists, including one Buddhist monk, were sentenced to between five and 10 years on October 13 at Rangoon Northern District Court in Insein Prison. The court also passed down a sentence in absentia on two monks, Ashin Pyinnya Jota and Ashin Sandardika, from the All Burma Monks' Alliance, who have fled abroad. Sources stated that Ashin Sandimar (aka Tun Naung), Kyaw Zin Min (aka Zaw Moe), Wunna Nwe and Zin Min Shein were sentenced to 10 years imprisonment for violating the Explosives Law (Section 3) and the Unlawful Association Law (Section 6). Meanwhile, Saw Maung, Aung Moe Lwin, Moe Htet Nay, Tun Lin Aung, Zaw Latt, Naing Win and Tun Lin Oo were sentenced to five years for violating Section 6. In 2008, Ashin Sandimar, Wunna Nwe and Saw Maung were sentenced to eight years imprisonment for violating the Immigration Act (13/1) and the Illegal Organization Act (17/1), while Zin Min Shein and Tun Lwin Aung are already serving 13-year sentences for offences related to political activities. Therefore, Ashin Sandimar, Wunna Nwe and Tun Lwin Aung have now been convicted and sentenced to 18 years each, while Saw Maung has received 13 years, and Zin Min Shein a total of 23 years. Bo Kyi, the joint-secretary of the Assistance Association for Political Prisoners (Burma), said, "We can say with certainty there was no free and fair verdict. They [the activists] were tortured during interrogation and were forced to admit violating these acts." Sources have said that some of the activists tried to organize demonstrations on the second anniversary of the Saffron Revolution in September, but were caught and accused of belonging to illegal organizations, being terrorists, and planning to create unrest. ([14 October 2009 Irrawaddy](#))

### **6 October 2009**

#### **Monk and three activists detained**

In an interview with Yoma 3, U Yayvada, a monk from Pakokku Township, confirmed having met three AASYC members while in the interrogation centre. U Yayvada was arrested in September 2009. The reasons for his arrest are unknown. (see also 'Ethnic Nationalities' section) ([6 October 2009 Yoma3](#))

#### **Monks arrested and interrogated**

Eight monks were arrested at the Rangoon International Airport, and accused of having attended dynamite training sessions organized by exile groups abroad. The monks had returned home from various trips abroad. ([6 October 2009 New Era](#))

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## **2 October 2009**

### **Two monks arrested**

Abbot U Agga Zara from Zaryarthain monastery of Kwangyan Kone township, Rangoon Division, and Abbot U Munainda from Zayar Thiri monastery of Htantaw quarter, were arrested on September 30 by government authorities. Both monks are 50 years old. The reason for their arrest remains unknown. ([2 October 2009 RFA](#))

1 October 2009

### **Monk among four prisoners serving lengthy terms**

AAPP has learned that a monk and three activists have been imprisoned in 2000 and 2001, and are currently serving lengthy prison sentences. U Thawbita (aka Thein Htike Soe) was arrested on May 18, 2001 and charged under the Emergency Provisions Act. He is serving a 22 year sentence at Yemethin prison. Saw Arbalair Poe (aka Saw April Moe) and Sawdosay (aka Kyaw Min Oo) were also arrested in 2001, and are serving 25 and 20 year prison sentences, respectively, at Thayet prison. Finally, Saw Kyi Aung (aka U Kuthala) was arrested in 2000, and is serving a 15 year sentence, at Thayet prison as well. (1 October 2009 AAPP)

## **Cyclone Nargis Volunteers**

There are currently at least 21 Cyclone Nargis volunteers currently held in prison. The junta orchestrated a crackdown on Lin Let Kye, a Cyclone Nargis volunteer group comprised mainly of Rangoon-based journalists, in late October. This has demonstrated, two years after the disastrous cyclone hit Burma, their overriding concern about possible external funding of volunteer groups.

## **27 October 2009**

### **Three arrested for Cyclone Nargis donations**

Various sources have reported that three individuals who had donated to the humanitarian efforts following the devastation of Cyclone Nargis, were arrested on October 27, 2009. They are Thet Ko, from Mingala Taung Nyunt Township in Rangoon, Myint Thein, from Tamwe, Rangoon, and Min Min, from Tanyin, Rangoon. (27 October 2009 [RFA](#), [Khitpyaing](#), [Irrawaddy](#))

### **Members of Cyclone Nargis volunteer group arrested**

Members of a Cyclone Nargis volunteer group, 'Lin Let Kye', including freelance journalist Paing Soe Oo were arrested from Dagon Seikkan, Rangoon Division on October 27. Paing Soe Oo was arrested by local township authorities for questioning. Following a search of his home, the officials seized a notebook with the names of Lin Let Kye members. Paing Soe Oo is a former reporter of 'Favorite' and 'Pyi Myanmar' weeklies. He is also a blogger. The Lin Let Kye volunteer group was formed in early May

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2008 and has over 40 members. Most of them are Rangoon based reporters and young social activists. “They compiled a list of Cyclone Nargis victims who are children and donated school text books and provided other school expenses, in consultation with the school principals,” a source close to Lin Let Kye said. At least five other members of ‘Lin Let Kye’ were arrested from their rented apartment in Yuzana Housing on October 26. They are Ka Gyi, Zaw Gyi, Lai Ron, Shwe Moe and Aung Myat Kyaw Thu. Their whereabouts are still unknown. The Burmese translator-editor of the Foreign Affairs Weekly and also a Lin Let Kye member, Thant Zin Soe, was arrested on October 26. Some Lin Let Kye members are on the run as the authorities are conducting combing operations against the group. According to VOA, Kaung Myat Thu and Zaw Win Maung were also arrested. (28 October 2009 [Mizzima](#) and [VOA](#))

## **Journalists, Bloggers and Writers**

There are currently at least 46 journalists held in prison. A worrisome trend of increasing arrests and pressure on journalists was observed in October, and was compounded by an announcement that political satirists could well face the death sentence, following a decision by police authorities about a more stringent application of certain sections of the penal code. The plight of Burmese writers and journalists received welcome media coverage following the decision by PEN and Human Rights Watch to grant literary awards to comedian Zarganar and poet Saw Wei, respectively. Both award recipients are currently in prison. (see also ‘Cyclone Nargis Volunteers’ section)

### **30 October 2009**

#### **Burma police: Satirists could face death sentence**

Comedians and performers who poke fun at Burma’s ruling junta could face the death sentence, an article written by Burmese police has warned. Performances which could sow “public hatred against the government” are prohibited under Burmese law, said the article, published recently in the Crime News Journal. The journal is the mouthpiece of the state’s Criminal Investigation Department. “Equipment used in such an act will be seized while those who violate the law can face arrest and be sentenced from three years to lifetime imprisonment or execution,” the article said. According to Burmese central court lawyer Khin Maung Shein, the threat relates to Act 124(A) of the penal code, which deals with defamation of the government. “Public performers have made remarks about the rulers since the times of monarchy in Burma, and none of them were punished under the Act,” he said. [The government] is changing the law the way they want it.” Political satire is popular in Burma, where outright criticism of the government carries heavy penalties. “We comedians only make jokes to bring certain issues to the attention of the senior government leaders so they can fix them for the sake of the people,” said Lu Maw, from the Mandalay-based comedy group, Moustache Bros. The government is expected to crack down on dissent in the run-up to elections next year, with arrests of activists already said to be on the rise. ([30 October 2009 DVB](#))

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### **Rangoon reporter: arrest of journalists on the rise**

Around 20 journalists and entertainers have been arrested in the past month while many more have gone into hiding, a reporter at a Rangoon-based news journal said. Burmese government authorities appear to have targeted relief workers and journalists involved with the Lin Latt Kyae relief programme for cyclone Nargis victims. (AAPP note: see section 'Cyclone Nargis Volunteers' of chronology) "About 20 people, including entertainers, writers and press workers, have been arrested so far," said the reporter, speaking under condition of anonymity. He said that 12 people were arrested on Wednesday, including staff members from The Voice, Foreign News, Favourite, Pyi Myanmar and Kandarawaddy journals. Fear of further arrests has shaken Burma's media community, which is often targeted during government crackdowns on dissent. Now is a particular sensitive time in Burma as the ruling junta prepares for elections next year, despite pressure from the international community to release all political prisoners prior to polling. "These people were not involved in any political activity," said the reporter. "There are many more missing but it is not confirmed that they have been arrested. Three junior journalists from my publication are in hiding." A wider investigation by the government into post-cyclone relief work appears to be underway, with people involved in unofficial financial brokering also being called in for interrogation. The investigations being conducted may be linked to overseas donations and relief work in cyclone hit areas, the reporter said. ([30 October 2009 DVB](#))

### **17 October 2009**

#### **Newspaper editor arrested**

Newspaper editor and poet Nyi Nyi Tun (aka Mae Dote) was arrested. The date of his arrest is unknown. Nyi Nyi Tun was an active participant in the 1988 democracy movement, and had already been arrested and interrogated following the military regime's coup. The reasons for this recent arrest remain unknown. (16 October 2009 AAPP)

#### **Famous imprisoned comedian to receive PEN/Pinter award**

Imprisoned Burmese comedian Zarganar has been chosen by a top British poet to receive the prestigious PEN/Pinter award. The award, named after the late British playwright Harold Pinter, is given annually to one British literary figure and one international 'imprisoned writer of courage'. British poet Tony Harrison, known for his poems sent from the frontline of the Bosnian war, was chosen for the main prize. He in turn picked Zarganar for the second prize. Carole Seymour-Jones, chair of English PEN's writers in prison committee, received the award on Zarganar's behalf and paid tribute to 'the wise fool of Burma'. The assistant director of English PEN, Sarah Hesketh, told DVB today that the award was also an effort to publicise Zarganar's plight and that of all the "people on the ground [in Burma] who speak out" but are not acknowledged. Zarganar was sentenced in November 2008 to 59 years, later reduced to 35 years, for criticizing the

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Burmese junta's reaction to cyclone Nargis in May 2008 in interviews to foreign media. He is currently detained in Myintkyina prison in Burma's eastern Kachin state, and was earlier this year reported to have been denied adequate healthcare despite suffering from hypertension and jaundice. The satirist has long included political material in his performances and was previously jailed in 1988. His sharp political wit is credited with affording him such a formidable reputation. ([16 October 2009 DVB](#))

## **15 October 2009**

### **Imprisoned poet receives Human Rights Watch literary award**

The poet who famously ridiculed the junta Supremo Senior Gen. Than Shwe, calling him 'power crazy', has been awarded the Hellman/Hammet prize by Human Rights Watch. Saw Wei was selected for the prize among 37 writers from 19 countries. The award is "in recognition of his commitment to free expression and courage in the face of political persecution," HRW said in its website. "We are proud of Ko Saw Wei," a family member from Rangoon told Mizzima over telephone. Saw Wei's wife was not available as she was on her way to prison to meet her husband. The Burma Media Association (BMA) welcomed the news of the award. "We are glad and welcome the news. Ko Saw Wei exercised his right to freedom of expression bravely and was sent to prison," BMA Secretary San Moe Wei, based in Thailand, said. The popular poem 'February 14' was published in a domestic weekly journal, 'Ah Chit'. The word 'power crazy Senior Gen. Than Shwe' appeared when the first word of each stanza in the poem was pieced together. The regime arrested him and charged him under Section 505(b) of the Penal Code, which covers acts disrespecting the State. He was sentenced to two years in prison. He is being held in Yemethin prison in Mandalay. The Hellman/Hammett prize was named after the American playwright Lillian Hellman. The prize has been awarded since 1989. Aung Tun, the author of 'History of Burmese Students Movement' was awarded the prize in 1999. ([14 October 2009 Mizzima](#))

## **5 October 2009**

### **Reporter sentenced to 7 years imprisonment**

Hla Hla Win, a female reporter, was sentenced to 7 years of imprisonment on October 5, 2009. She was arrested in Pakkoku Township on September 11, 2009. She is being held at Pakkoku prison, where she will evidently serve her sentence. Myint Naing, who was arrested at the same time, also simultaneously received a 7 year prison sentence. [30 Oct 2009 AAPP](#)

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## **Women**

There are at least 179 women currently held in prison. This represents an increase from the number of 173 of last month.

### **3 October 2009**

#### **Four Aung San Suu Kyi women supporters arrested**

Four women activists, praying for the release of detained opposition leader Aung San Suu Kyi, were arrested on October 3<sup>rd</sup>. Naw Ohn Hla, Myint Myint San, Cho Cho Lwin and (Daw) Cho, were arrested by Rangoon's Special Branch Police after returning from the Magwe Monastery in South Dagon suburb of Rangoon. They had offered alms to monks on the eve of the full-moon day, a source close to the activists said. Naw Ohn Hla, a former National League for Democracy member has been an active campaigner for the release of Aung San Suu Kyi and regularly holds prayers in pagodas on Tuesdays, the day on which the pro-democracy leader was born. A close friend of Naw Ohn Hla in Rangoon's Hmawbe Township said, "I heard that she had been arrested again. But I don't know her whereabouts. She is often arrested but she is sent back the next day. But this time she has not come back yet." ([5 October 2009 Mizzimma](#))

#### **Human Rights Defenders & Promoters Network**

There are at least 34 members of the Human Rights Defenders & Promoters Network currently held in prison. There is no news to report in October.

## **Other Organisations**

### **26 October 2009**

#### **Generation Wave activist arrested**

Khant Min Htet (aka Nyein Nyein) was arrested on October 22, 2009. He is a poet and a member of the Generation Wave group. Soe Moe (aka Soe Moe Tun) was also arrested a few days later, on October 29. The reasons for both arrests remain unknown. ([26 October 2009 RFA](#))

### **6 October 2009**

#### **Generation Wave activist sentenced to 10 years imprisonment**

Nyein Chan, a Generation Wave activist, was sentenced to 10 years imprisonment in Sanchaung Township in Rangoon. (7 October 2009 AAPP)

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## **Labour Activists**

There are currently at least 44 labour activists held in prison. A crackdown on farmers who had filed claims to the International Labour Organization account for much of the increase compared to the number of 28 last month.

### **21 October 2009**

#### **Farmer from Aunglan township sentenced to 2 years**

Htay Aung, a farmer who holds a farming permit under an agreement between the military government and the International Labor Organization (ILO) was sentenced to two years imprisonment by Aunglan township Judge Daw Khin Lay New. This followed the sentencing of Than Soe and his 11 colleagues at Aunglan Township Court. ([21 Oct 2009 DVB](#))

### **16 October 2009**

#### **Aunglan township farmers sentenced**

Twelve farmers from Aunglan township in Magwe Division were sentenced to imprisonment with hard labor by Aunglan township Judge U Win Myint. They received sentences ranging from 9 months to 4 years and 9 months of imprisonment. Every farmer was also sentenced to hard labour. The farmers all had farming permits that were sanctioned by the agreement between the International Labor Organization (ILO) and the military government. The farmers are Than Soe, Aye Win, Ko Myo, Ko Thet, Mi Mar, Myint Thein, Soe Myint, Thein Tun, Thein Win, Tun Kyi and Win Naing Oo. They were accused by employees of a sugar plantation of trespassing onto and farming on private property. ([16 Oct 2009 DVB](#) and [VOA](#))

## **Students**

There are currently at least 284 students held in prison.

### **22 October 2009**

#### **Five students handed 5 year sentences**

Moneywar Computer University students Nay Moe Aung, Thant Zin Tun, Nyi Nyi Aung, Nay Lin Aung and Aung Hlaing Min were sentenced to 5 years of imprisonment at the Insein Special Court by Hlaing township Judge U Win Swe. Nyi Nyi Aung was further charged with illegal currency exchange and was handed an additional 2 year sentence. ([22 October 2009 DVB](#))

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**21 October 2009**

**Imprisoned ABSDF leaders face further charges accuse another 3 cases**

The seven committee members of the All Burma Students Democratic Front (ABSDF) who were already sentenced to 38 years of imprisonment, have been transferred from Pyay prison in Bago Division to Insein prison, where they will face fresh accusations relating to three other cases. They are Aye Myint Naing (aka Aye Min Naing), Htet Ko Lwin, Khin Yi, Kyaw Zin Oo, Kyaw Zwa Lin, San San Maw, and Zaw Lin. ([21 October 2009 RFA](#))

**18 October 2009**

**Imprisoned “The 88 Generation Students Burma (Myanmar)” leader turns 47**

A leading Burmese activist, Min Ko Naing (aka Paw Oo Tun), celebrated his 47th birthday in Shan State's Kengtung Prison on Sunday. The former chairman of the All Burma Federation of Student Unions (ABFSU) and leading member of the 88 Generation Students group, Min Ko Naing was arrested in 1989 for participating in the student-led uprising and was sentenced to 16 years in prison. Although released in 2004, he was rearrested again on August 21, 2007, on charges of organizing a demonstration that led to the “Saffron Revolution.” He was handed down a 65-year sentence. A spokesman for the ABFSU, Zar Ni, stated, “In Rangoon, we reorganized the Basic Education Student Union to commemorate Min Ko Naing’s birthday. Students have distributed pamphlets around markets and schools, which state that the BESU has reorganized.” In Mae Sot on the Thai-Burmese border, students from seven schools organized a birthday party for Min Ko Naing. Meanwhile, the Thailand-based Assistance Association for Political Prisoners-Burma (AAPP) published his novel “*Naut Kyi Man*” [“Back View Mirrors”]. Bo Kyi, the joint-secretary of the AAPP, said ““We respect his artistic creation. Young people should read this book. He is a good leader. When Min Ko Naing, Bo Bo and I were arrested in 1989, Min Ko Naing was only concerned about us, not himself. He faced down the soldiers and calmly persuaded them to lower their rifles and point them at the ground.” Min Ko Naing won the John Humphrey Freedom Award in 1999, the Student Peace Prize in 2001, the Civil Courage Prize in 2005, the Homo Homini Award by People in Need Foundation, and the South Korean Gwangju Human Rights Award for 2009. ([19 October 2009 Irrawaddy](#))

**16 October 2009**

**Student activist released after 20 years imprisonment**

Tun Oo (aka Ka Lar Gyi) was released from Thayet prison on October 16, 2009, following the expiration of his 20 year prison sentence. An active student activist, he was arrested on October 19, 1989 and charged with treason. (17 October 2009 AAPP)

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**7 October 2009**

**Members of All Burma Federation of Student Unions (ABFSU) arrested**

Military officials have arrested seven members of the All Burma Federation of Students Union (ABFSU) who were in hiding. They are Ye Kyaw, Myo Min Naing, Than Than Myint, Aung Naing Win, Kyaw Soe Aung, Tin Oo and Maung Maung Myint (aka Daywa). (7 October 2009 AAPP)

**5 October**

**Student released after expiration of prison term**

Tin Oo (aka Ka Lar Gyi) was released from Thayet prison on October 16 2009, after his 20 year prison sentence expired. A student activist, he was arrested on October 19 1989. [17 Oct 2009 AAPP](#)

**Lawyers**

There are currently at least 12 lawyers detained in prison. There is no news to report this month.

**Individual Activists**

**27 October 2009**

**Activist sentenced to 15 years imprisonment for putting up a poster**

A courtroom in Rangoon has handed down a 15-year sentence to a man arrested after putting up a poster calling for the release of political prisoners in Burma. The family of Tin Htut Paing, from Rangoon's North Okkalapa township, was barred from attending the trial, which began in April this year. His father said that he had been convicted on four different charges, including illegal border crossing and the Unlawful Association Act. "We knew he was going to be sentenced on the 26 October but we didn't have permission to attend the hearing," said Htay Win. "It would have been nice if the court allowed us to attend the hearing of the verdict. The same thing happened when my wife was sentenced; we were denied entry to the court." Htay Win's wife, 52-year-old Daw Nge, is a member of the National League for Democracy (NLD) in Tamwe township. She was sentenced to six-and-a-half years in prison on charges related to the September 2007 monk-led protests. He said that Tin Htut Paing had been kept in detention for more than a month before the trial began, and "was denied food for two days and faced harsh interrogations". ([27 October 2009 DVB](#))

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## **23 October 2009**

### **Trial of US citizen begins**

The currently detained Burmese-born US citizen has appeared in court on charges of fraud after allegedly using false identification to enter the country. Lawyers for Kyaw Zaw Lwin, also known as Nyi Nyi Aung, said that the courtroom on Thursday heard accounts from two witnesses in the prosecution team, a police officer and an immigration official. They claim that Kyaw Zaw Lwin intended to use a Burmese national's identification card with his photo pasted onto it. "He entered the country using his American passport, not by using the ID the officials had mentioned," said lawyer Kyi Win. "They only found the ID in his possession after they searched him." Kyaw Zaw Lwin was arrested upon arrival at Rangoon airport on 3 September, and has since been held at Rangoon's Insein prison. State-run media in Burma appeared to link him to a series of bombings that hit Rangoon in mid-September, a fortnight after he was detained. The leader of the ABSDF, Than Khe, told *DVB* that the allegations were political smearing by the government. Kyi Win also complained that his client had been held in handcuffs throughout the hearing, in violation of Burmese law, adding that police cited security concerns as a reason to keep him handcuffed. "This clearly violates Article 477 of the court manual and shows that no rule of law exists." His next court hearing is scheduled for 30 October. Su Su Kyi, Kyaw Zaw Lwin's aunt, said that his family had received no response following requests to visit him in prison. ([October 26 2009 DVB](#))

## **18 October 2009**

### **Two musicians arrested**

Min Satta, a composer, and Nyi Paing, a vocalist, were arrested in Rangoon on October 16 and 18, respectively. The reasons for their arrest remain unknown. It is known that Min Satta was arrested while he was staying at Nyi Paing's house. Nyi Paing was not in the house during the arrest, and he was arrested two days later. ([18 October 2009 DVB](#))

## **14 October 2009**

### **Trial of detained US citizen begins**

Detained Burmese-born American citizen Kyaw Zaw Lwin (aka Nyi Nyi Aung), was put on trial in a court in Rangoon's Insein prison on October 14. The trial was presided over by judges from the Mingalardon Township court. The court adjourned after hearing the prosecution's submission against the activist. It fixed the next hearing for October 23, one of the defence attorneys, Kyi Win told Mizzima. "Practically nothing happened in the court today. The judges were from Mingalardon Township court. The court adjourned after announcing the date for the next hearing," Kyi Win said. The prosecution charged him of fraud and forging travel documents, the attorney said. "The accused categorically denied having committed fraud and forgery," Kyi Win added. Burma's state-run media earlier accused him of being involved in anti-government

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activities and of being in touch with opposition organizations in exile. The newspaper also said he had entered Burma eight times and had been providing financial assistance to underground activists to foment unrest in the country. ([14 October 2009 Mizzima](#))

### **13 October 2009**

#### **Activist sentenced to 5 years in prison**

Doe Lay, an activist arrested in September 2008, was sentenced to five years in prison on October 13, 2009. He is being held at Insein prison. [AAPP](#)

#### **Detained US citizen meets with lawyers**

The US citizen currently detained in Burma met with his lawyers to discuss the pending trial. Kyaw Zaw Lwin (aka Nyi Nyi Aung) is due to appear at Rangoon's Insein prison courtroom on Wednesday, October 14 to hear details on the trial, his lawyers said. He is being represented by Nyan Win and Kyi Win, two of the lawyers who represented opposition leader Aung San Suu Kyi in her recent trial. Nyi Nyi Aung was arrested on 3 September upon arrival at Rangoon International Airport. According to Nyan Win, he is being held under charges of forging documents, although he has also been accused of masterminding bombing plans, inciting riots and funding political activists. ([14 October 2009 DVB](#))

### **12 October 2009**

#### **Activist needs heart operation**

Thet Thet Aung, a female member of the 88 Students Generation group, is in need of a heart operation. She is currently being held in Myingyan prison in Mandalay Division. Her aunt, San San Tin, who is currently being held in Mate Htilar prison in Mandalay Division, has suffered a heart attack and stomach illnesses in the past, but hasn't received any proper medical treatment. ([12 October 2009 DVB](#) , [13 October 2009 Mizzima](#))

### **8 October 2009**

#### **Two political prisoners facing new trial**

Myint Zaw from Shwe Laung Township in Irawaddy Division, and Shan Shar (aka Ko San Ni) are due to face trial in Insein Prison for new charges. They were both sentenced to 10 years in prison on July 5, 2007. The nature of the new charges they are facing is unknown. (8 October 2009 AAPP)

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## **5 October 2009**

### **Political prisoner re-imprisoned for refusing to sign pledge**

Soe Myint, a 58 year old political prisoner who was previously sentenced to 22 years imprisonment, has returned to Tharawaddy prison after being released in the general amnesty of 18 September 2009, for refusing to sign the 'section 401' pledge. Political prisoners are required to sign this pledge upon their release. Their release is thus conditional on a promise to no longer remain involved in political activities. [AAPP](#)

## **3 October 2009**

### **Arrested Burmese-American to be represented by Suu Kyi Lawyers**

Two lawyers for detained Myanmar opposition leader Aung San Suu Kyi have agreed to defend a Myanmar-born American jailed for allegedly planning to incite unrest in the military-run country. Attorney Nyan Win said he and fellow lawyer Kyi Win were approached by the U.S. Embassy to represent Kyaw Zaw Lwin (aka Nyi Nyi Aung), who has been in prison since being arrested Sept. 3 on arrival at Yangon airport. Myanmar authorities accuse Kyaw Zaw Lwin of entering Myanmar to stir up protests by Buddhist monks, who earlier spearheaded pro-democracy demonstrations in 2007 that were brutally suppressed by the junta. State radio and television say he confessed to plotting with dissident groups outside the country, and accused him of links to several activists inside Myanmar who planned to set off bombs. Kyaw Zaw Lwin's mother is serving a five-year jail term for political activities and his sister was sentenced to 65 years in prison for her role in the 2007 pro-democracy protests. Lawyers Nyan Win and Kyi Win led the legal team that defended Suu Kyi in a recent high-profile trial that resulted in an extension of her house arrest. She is currently serving an 18-month sentence after previously spending 14 of the past 20 years in detention. ([3 October 2009 AFP](#))

### **Three individuals arrested**

AAPP has learned that three individuals were arrested in September for their possible involvement with Nyi Nyi Aung, the Burmese-American who was arrested upon his arrival in Rangoon in September. They are identified as Nyi Nyi San, Aung Ko, and Kyaw Naing Aun. While they have already been interrogated, their whereabouts remain unknown, and it is presumed that they still remain under arrest. (3 October 2009 AAPP)

### **Activist arrested in Mandalay Division**

Lon Lon Aung, an unaffiliated activist was arrested in Yemethin township in Mandalay Division on October 3<sup>rd</sup>. The reason for his arrest remains unknown. ([3 October 2009 DVB](#))

## **1 October 2009**

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## **2 youths from Kyaukpadaun township arrested**

Ko Latt (aka Kappali) from Kyaukpadaun township in Mandalay Division was arrested in late September. A day later, Ye Khaung was also arrested from his home. The reasons for their arrest remain unknown. ([1 October 2009 DVB](#))

## **Daw Aung San Suu Kyi**

Daw Aung San Suu Kyi's appeal of a 3 year prison sentence was rejected by the Court of Appeal in early October, and plans to appeal the decision to the Supreme Court are well under way. The imprisoned leader of the NLD has welcomed the decision of the US Administration to engage with the SPDC, and even offered to help Sen-Gen Than Shwe in relaxing international sanctions. This led to various meetings with government officials and foreign diplomats. October also marked Aung San Suu Kyi's 14<sup>th</sup> year of detention.

## **30 October 2009**

### **Daw Aung San Suu Kyi unhappy with visitor restrictions**

Detained Burmese opposition leader Aung San Suu Kyi is unhappy about restrictions on the visitors she is allowed under house arrest, including members of her legal team and an architect needed to help repair her dilapidated lakeside home. Nyan Win, one of her lawyers, said after meeting with her Thursday that she complained that the ruling military junta is infringing upon her rights. Suu Kyi "has asked us to send a letter to the authorities to allow all four lawyers to meet her at once and to meet the architect," said Nyan Win. "She said this is her personal right and authorities had no right to limit them," he said. Suu Kyi said she would prefer to listen to the views of more lawyers and that she needs an architect to help repair the two-story house where she is confined. The terms of Suu Kyi's current detention are less strict than her previous term of house arrest, when the only outsiders she was allowed to see were her doctor and, occasionally, visiting UN envoys. Suu Kyi can now receive visitors with prior permission from the junta, has the right to medical treatment by doctors and nurses, and is allowed to see state-controlled newspapers and magazines and state-run television. She recently met with several foreign ambassadors stationed in Burma. ([30 October 2009 Irrawaddy](#))

## **26 October 2009**

### **Junta could 'relax' Daw Aung San Suu Kyi's detention**

Burma's military leaders could ease the conditions of Aung San Suu Kyi's detention if she upholds "a good attitude", the Burmese prime minister was quoted as saying. The detained opposition leader has twice met with foreign envoys in recent weeks as the government appears willing to cooperate with Suu Kyi over the lifting of sanctions on Burma. Suu Kyi on Saturday marked 14 years in detention, having been first been placed

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under house arrest in 1990 following her party's landslide election win. ([26 October 2009 DVB](#))

### **Daw Aung San Suu Kyi marks 14 years of detention**

A senior Burmese opposition politician lamented an “unspeakable loss” for the people of Burma as opposition leader Aung San Suu Kyi on Saturday marked 14 years in detention. Nyan Win, spokesperson for the National League for Democracy (NLD) party, said that the 18-month extension of Suu Kyi's house arrest in August showed that the Burmese government was not committed to democratic reform. “The international community and the United Nations have been calling for the release of Daw Aung San Suu Kyi for many years, but the [government] is still refusing,” he said. “This shows clearly that, even though moves towards democratic reform were voiced, it is not actually being practiced. Daw Aung San Suu Kyi is an absolutely vital figure for democracy in Burma. The detention against her had pushed Burmese people further down in the hole of misery.” He said that the NLD would continue to push for dialogue with the government without preconditions, despite its leader being under house arrest. The director of Burma Campaign UK, Mark Farmaner, urged greater international action to secure her release. “UN Secretary General Ban Ki-moon needs to mobilise the international community to secure the release of all political prisoners. Aung San Suu Kyi has managed to use sanctions as leverage to persuade the Generals to resume dialogue, but so far all we have is low level officials talking about talks.” ([26 October 2009 DVB](#))

### **19 October 2009**

#### **Daw Aung San Suu Kyi expects further meeting with junta**

Burma opposition leader Aung San Suu Kyi has said she expects more meetings to take place between her and the government liaison minister to discuss the lifting of sanctions, her lawyer said. Suu Kyi met with her lawyers on Friday at the end of a fortnight in which she held two separate meetings with junta liaison minister Aung Kyi and Western diplomats. The meeting was primarily to discuss her pending court appeal, although lawyer Nyan Win said that Suu Kyi expected to meet with Aung Kyi again, as well as a possible meeting with senior members of the National League for Democracy (NLD) party. Specific details of the NLD leader's meeting with Aung Kyi have been kept quiet, although it is believed to be linked to a letter sent by Suu Kyi to junta chief Than Shwe urging for dialogue between the two over the lifting of international sanctions on Burma. Nyan Win told DVB that the two discussed “the impact of the sanctions, and how to go about carrying out the tasks that were mentioned in the letter”. ([19 October 2009 DVB](#))

### **16 October 2009**

#### **Daw Aung San Suu Kyi meets with lawyers**

Detained Burmese democracy icon Aung San Suu Kyi met her legal counsels on Friday, October 16, and went over plans to appeal at the High Court. Nyan Win and Khin Htay

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Kywe, two of Aung San Suu Kyi's lawyers, who are drafting an appeal letter to be submitted to the High court, on Friday, visited her for one and-a-half hours at her lakeside villa on Rangoon's University Avenue and discussed the appeal against the verdict of a district court. "I went along with Daw Khin Htay Kywe. Initially we discussed the appeal," Nyan Win, who is also the spokesperson for her political party, told Mizzima. Nyan Win said he and the National League for Democracy party leader held further discussions on the recent developments, including her meeting with diplomats from the United States, United Kingdom and Australia and also the meeting between the NLD leaders and European Union delegation on Wednesday. ([16 October 2009 Mizzima](#))

## **9 October 2009**

### **Daw Aung San Suu Kyi meets with Western diplomats**

Detained Burma opposition leader Aung San Suu Kyi met today with three Western diplomats at a government guesthouse in Rangoon, a UK embassy spokesperson confirmed. The meeting follows on from talks held on Wednesday between Suu Kyi and the Burmese government liaison minister, Aung Kyi. Diplomats from Australia, the United Kingdom and United States were reportedly present at the guesthouse this morning. The rare meeting was the result of a letter sent last week by Suu Kyi to junta leader, Than Shwe, UK embassy spokesperson Alex Page said. "[The letter asked] for a meeting to take place between her, the EU representative (i.e. the British ambassador), the Australians and the Americans to discuss the subject of sanctions," he said. "At the moment we have no indication of what was said at the meeting." The letter sent by Suu Kyi to Than Shwe reportedly urged dialogue between the two on the lifting of sanctions on Burma. ([9 October 2009 DVB](#) and [The Guardian](#))

## **8 October 2009**

### **Daw Aung San Suu Kyi meets again with government official**

Burma opposition leader Aung San Suu Kyi met for the second time with a government liaison officer on October 7, a party spokesperson said. The talks came five days after Suu Kyi first met with the Burmese government's liaison officer, Aung Kyi. National League for Democracy (NLD) party spokesperson Nyan Win confirmed yesterday's meeting, but was unable to divulge details of what was discussed. "We think today's meeting was a follow up to the previous meeting," he said, adding that he didn't know whether this was a sign of change from the junta, "but at least we can call this a start". The first meeting between Suu Kyi and Aung Kyi came shortly after the detained opposition leader requested dialogue with junta leader Than Shwe over the lifting of international sanctions on Burma. ([8 October 2009 DVB](#))

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## **7 October 2009**

### **Daw Aung San Suu Kyi to launch new appeal**

Lawyers for Aung San Suu Kyi will take an appeal over her house arrest to Burma's central court after being rejected by a Rangoon prison court in early October. A letter was sent on October 6 to the Special Information Branch requesting a meeting between lawyers and Suu Kyi to discuss the appeal, said lawyer Nyan Win. "We will appeal for a revision at the central court. If we fail on that, we will make a special appeal as the last resort," he said. Nyan Win last week confirmed that the court at Rangoon's Insein prison, where Suu Kyi was tried, rejected an 11-point appeal over her house arrest and upheld the guilty verdict awarded to her in August. He also said yesterday that a request from Suu Kyi for a renovation at her house would likely to be approved. ([7 October 2009 DVB](#))

## **3 October 2009**

### **Daw Aung San Suu Kyi meets government official**

The Liaison Minister of the Burmese military junta, Aung Kyi met opposition leader Aung San Suu Kyi on Saturday, October 3, in Sein Le Kan Thar government guest house in Rangoon. It is not yet clear what the agenda of the military junta's emissary was, but opposition sources in Rangoon said the letter from the pro-democracy leader to Senior General Than Shwe could have been discussed. In the letter sent on September 25, the detained Nobel Peace Laureate stated her willingness to work with the junta to help lift economic sanctions on Burma. She asked to be allowed to talk to representatives of countries that have imposed the sanctions to understand their stance. Though Aung Kyi was assigned as Liaison Minister on October 8, 2007, the last time he met the detained Nobel Laureate was in January 2008. ([3 October 2009 Mizzima](#))

## **2 October 2009**

### **Lawyer: Rejection of Daw Aung San Suu Kyi's appeal 'legally flawed'**

Detained opposition leader Aung San Suu Kyi's lawyer said the Rangoon division court's decision to reject the appeal against her sentence is "legally flawed" as the court arrived at its verdict on a constitution that it acknowledges as non-existent. Kyi Win, a member of Aung San Suu Kyi's legal team, said the divisional court acknowledged that the 1974 constitution is no longer in effect, but said the 1975 law, which is based on the constitution, is still in effect and under which the lower court's verdict on August 11 is legally binding. "It is a serious legal fraud. If the constitution is no longer in effect, the law based on that constitution cannot be alive, and thus Aung San Suu Kyi cannot be detained," Kyi Win told Mizzima. "It is bizarre. I am a high court lawyer and I have also served as a judge but I do not understand how the 1975 law can restrict the fundamental rights prescribed in the 1974 constitution, which is no longer in effect," Kyi Win said. He

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added that the defence will continue appealing to the high court and will focus on the flaws of interpreting the law and the constitution. ([2 October 2009 Mizzima](#))

### **Court rejects Daw Aung San Suu Kyi's appeal**

The divisional court in Rangoon rejected on October 2<sup>nd</sup> the appeal of detained opposition leader Aung San Suu Kyi, upholding a lower court's decision that sentenced her to yet another period of detention. Aung San Suu Kyi, General-Secretary of Burma's main opposition party – National League for Democracy – was sentenced to three years in August by the northern district court in Rangoon's Insein prison – though the period of detention was later halved by special order from Senior General Than Shwe. The Nobel Peace Laureate's legal team, following the sentencing, filed the petition of appeal at the divisional court – which eventually heard arguments from lawyers on both sides on September 18. “The court said it upholds the decision of the district court but decided that the 1974 constitution is no longer in effect. It is very absurd,” a source, with access to the court, told Mizzima. “It is good that the court acknowledged today that the 1974 constitution is no longer in effect, but it is absurd that the court upholds the verdict of the district court, which is based on that constitution,” the source extrapolated. During an earlier interview, Nyan Win, a member of Aung San Suu Kyi's legal team, said they are ready to file another appeal with the Supreme Court if the divisional court upheld the lower court's decision. ([2 October 2009 Mizzima](#))

## **Key International Developments**

October was highlighted by various countries assessing, or being called upon to assess, their own policy vis-a-vis Burma, following the announcement of a new policy from the U.S. Administration last month. A statement by French foreign minister Bernard Kouchner slamming the use of sanctions on Burma highlighted the controversial nature of the ‘sanction vs. Engagement’ debate, as many interpreted his call for the elimination of sanctions as being motivated by a desire to protect the interests of French oil giant Total in Burma. The creation of a new ASEAN Human Rights body also dominated the headlines, with many questioning its potential effectiveness. The Burmese junta, meanwhile, continued to affirm that ‘free and fair’ elections would go on as scheduled in 2010. His announcements were met with skepticism by many in the international community, who strongly doubt whether the junta has created the preconditions for free and fair elections, particularly in light of the continued arrest and detention of political opponents.

### **22 October 2009**

#### **US announces high-level delegation to visit Burma**

The United States has said it will send a senior-level government delegation to Burma “in the next few weeks” and intends to meet with both the Burmese junta and Aung San Suu Kyi. Dialogue between the two countries “will supplement rather than replace the

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sanctions” that Washington holds on Burma, said Kurt Campbell, assistant secretary of the Bureau of East Asian and Pacific Affairs. Campbell, who headed talks between a Burmese delegation and US officials last month, was testifying yesterday in front of the House Committee on Foreign Affairs on US policy to Burma. The meeting last month was the most high-profile between the two countries in nearly a decade, and came shortly after the US announced it would begin dialogue with the junta. “We expect engagement with Burma to be a long, slow, and step-by-step process,” he said. “We will not judge the success of our efforts at pragmatic engagement by the results of a handful of meetings.” The US delegation will also hope to meet with representatives of Burma’s ethnic nationalities and members of the opposition National League for Democracy (NLD) party, Campbell said. The US was criticized for not inviting members of the Burmese opposition to the talks in Washington last month, which included only the Burmese minister for science and technology, U Thaung, and Burma’s permanent representative to the United Nations, Than Swe. ([22 October 2009 DVB](#))

## **21 October 2009**

### **Pro-Democracy leaders meet Sen. Webb**

A delegation of pro-democracy leaders met US Sen. Jim Webb to present their views on the current situation in Burma. The delegation was led by Maung Maung, the general secretary of the exiled National Council of the Union of Burma, and Bo Hla Tint, the foreign minister of the exiled National Coalition Government of the Union of Burma. Webb has emerged as a key player in the Obama administration in shaping America’s Burma policy. He met with Snr-Gen Than Shwe and the pro-democracy leader Aung San Suu Kyi during a recent visit to Burma. Maung Maung said the meeting helped them to understand each other’s points of view, and they learned that they share the same goals. “[Webb] clarified that his stand on sanctions was not lessening sanctions. He emphasized that he was misquoted by the media,” Maung Maung told *The Irrawaddy*. “He is not for the lifting of sanctions right now,. This is what we learnt from him.” Maung Maung said Webb told the delegation that he wants more economic development, peace and prosperity in Burma. “He wants to help us,” he said. He said they advised Webb that the present US policy of not lifting sanctions but working to increase diplomatic contacts is a sound policy. The delegation gave the senator reports on the issues of national reconciliation and ethnic nationalities. ([21 October 2009 Irrawaddy](#))

## **19 October 2009**

### **Southeast Asia to have new human rights monitor**

Southeast Asian nations unveil a landmark human rights watchdog this week, but critics charge that it will be both toothless and include in its membership one of the world's worst human rights offenders. Myanmar is sure to prove a burden again as the Association of Southeast Asian Nations holds its annual summit, undermining the bloc's international standing and efforts to forge free trade areas with the United States and

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Europe. "While ASEAN may try to move ahead, Burma remains the elephant in the room. It absolutely undermines the spirit of what ASEAN could ever do," says Debbie Stothard, an activist with the Alternative ASEAN Network on Burma. The new body, the ASEAN Intergovernmental Commission on Human Rights, is unlikely to set free Myanmar's 2,000 political prisoners or curb other violations: It cannot punish member nations, and focuses on promotion rather than protection of human rights. ASEAN leaders say the commission can be given more teeth later. While members of the 10-nation bloc have recently escalated their criticism of Myanmar, the ASEAN summit will again act by consensus and maintain that the group's engagement approach to Myanmar works better than the West's sanctions and threats. "It is obvious that ASEAN is incapable of making any positive political change in the country. I don't have any high hopes," said Nyan Win, spokesman for the National League for Democracy party in Yangon, Myanmar. ([19 October 2009 AP](#))

## **16 October 2009**

### **India urged to address human rights in Burma**

The Indian government should pay closer attention to human rights abuses in its foreign policy towards Burma, an international watchdog urged this week. The call was made as directors of the New York-based Human Rights Watch (HRW) met in New Delhi on Wednesday for the organisation's quarterly meeting. India has become less inclined to challenge Burma's abject human rights record as relations between the two countries have steadily warmed over the past decade. "India has been very silent about what's going on next door," said HRW Burma researcher, David Mathieson. "They are playing it low key for their own self interest; it's got nothing to with the people of Burma." The two countries recently ended high-level talks focused on greater military cooperation, with little discussion on human rights reportedly taking place. According to Mathieson, it was a "very ominous sign" that the two militaries were apparently so close. India was also urged by HRW to raise human rights issues at "multilateral forums such as the United Nations, both at the General Assembly in New York and the Human Rights Council in Geneva". According to the Delhi-based Burma Centre, India's former president, A P J Kalam, in 2006 agreed not to bring up Burma's human rights record at international forums during an official visit to Burma. India has repeatedly said that it needs to cooperate with the junta over border-based Indian and Burmese insurgents who utilise one another's territory. ([16 October 2009 DVB](#))

## **15 October 2009**

### **US: Sanctions undermined by Burma's neighbours**

A Washington agency has admitted that efforts to keep Burmese gems out of the US are failing. Gemstones such as jade and rubies are among the core targets of economic sanctions imposed by the United States and the European Union against the military junta running Burma. But the US Government Accountability Office (GAO) says: "US

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agencies have not shown that they are effectively targeting imports of Burmese-origin rubies, jadeite and related jewelry." GAO is a policing agency of the US Congress charged with assessing whether laws are being effectively enforced. "Impediments remain to restricting trade in Burmese rubies and jadeite," concludes a 49-page report assessing the 2008 JADE (Junta's Anti-Democratic Efforts) Act. The report also admits that the US has been unsuccessful in winning the support of other countries linked to the gems industry in curbing Burmese trade. "Strong support and the cooperation of China and Thailand are important to restrict trade in these items, but highly unlikely," the report said. It said the US government has failed to put forward any United Nations resolution on gems sanctions because "a number of countries would likely oppose a resolution." Burma's neighbor Thailand remains a major source of finished ruby and jade jewelry for the US and Europe but insists that its products—although often sourced to Burma for raw materials—are substantially finished in Thailand and therefore not sanctionable. ([15 October 2009 Irrawaddy](#))

### **13 October 2009**

#### **East Timor calls for arms embargo on Burma**

International pressure on Burma has once again intensified following calls from the East Timorese president for a United Nations arms embargo on the ruling junta. The imprisonment of Aung San Suu Kyi in August and ongoing state-sanctioned human rights abuses provide strong justification for greater UN Security Council pressure, Dr Jose Ramos-Horta said in a statement yesterday. "The deterioration in the political and humanitarian situation calls for a clear response by the international community," he said, adding that recent dialogue between Suu Kyi and the junta, and new US policy to Burma, were encouraging signs. "A combination of high-level, principled engagement with specific targeted pressure is what is required to bring the Generals to the negotiating table," he said. He added that a number of events that have occurred in Burma over the past two years, including the crackdown on monks protesting in September 2007, the famine in Chin state and the slow response to cyclone Nargis last year, "have shocked the world". "There can be no justification for selling arms to a regime which has no external threats and uses those arms simply to suppress its own people," he said. Ramos-Horta won the Nobel Peace Prize in 1996 for his role in negotiating a peaceful solution to conflict in East Timor. ([13 October 2009 DVB](#))

### **10 October 2009**

#### **Than Shwe reconfirms 2010 elections**

Burma's military strongman, Snr-Gen Than Shwe, indicated in a speech that he would not yield to demands from domestic and international critics who say that the country's military-sponsored constitution should be revised ahead of next year's elections. "The new State constitution has been approved by the great majority," Than Shwe said in an address to the Myanmar War Veterans Organization speech in Naypyidaw. "Elections

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will be systematically held in 2010 ... in accord with the constitution.” The constitution, drafted by delegates handpicked by the junta, was “approved” by more than 90 percent of eligible voters during a referendum in May 2008. The outcome of the referendum was widely dismissed as a sham. The regime has consistently ignored calls from the international community and Burma’s main opposition party, the National League for Democracy (NLD), to review the constitution. There are estimated to be 10 political parties in Burma, most of them inactive. The regime has yet to announce an electoral law that will allow new parties to form and register to contest in the election. ([10 October 2009 Irrawaddy](#))

## **8 October 2009**

### **French FM criticized for slamming sanctions**

French foreign minister Bernard Kouchner was quoted by AFP as saying that "sanctions are useless and everyone recognises that. Should we not then show a greater openness to this government?" Speaking to *DVB*, a member of the Paris-based Info Birmanie campaign group, Isabelle Dubois, said that Kouchner has always taken a critical stance on sanctions, largely because of French oil giant Total’s operations in Burma. Total is France’s largest company, and one of the world’s biggest oil multinationals. Its investments in Burma are said to be worth around \$US500 million a year. Kouchner has long denied that Total’s operations in Burma contribute to human rights abuses, despite a report by EarthRights International (ERI) that directly implicated the company in cases of forced labour and displacement. Detained Burmese opposition leader Aung San Suu Kyi once accused Total of being the “junta’s biggest supporter”. The Yadana project has reportedly earned the Burmese government around \$US4.83 billion, with \$US4.80 billion not allocated for in the government budget, according to the ERI. “Total has huge political power in France; it has to be linked to the sanctions policy of France,” said Dubois. “If new sanctions were implemented France would no longer be able to protect Total”. She added that sanctions were “useless” because France has only used “symbolic sanctions” that exclude restrictions on energy companies. ([8 October 2009 DVB](#))

## **6 October 2009**

### **Human Rights Watch urges new Australian policy for Burma**

In the wake of the announcement by the United States of its new Burma policy, Human Rights Watch urged Australia to review its policy towards Burma as well. Australia currently has an arms embargo, and targeted financial sanctions for selected military generals and their relatives. However, the HRW urged Australia to effectively continue in its engagement approach – Diplomacy, Sanctions, and Aid. “Australia already has a very good policy on Burma, but we are urging them to take an initiative on a multilateral level like in the United Nations,” David Scott Mathieson, Burma researcher at the HRW, said. The HRW also urged Australia to appoint a special envoy to Burma, so as to be able to enhance dialogue with the Burmese generals . On sanctions, HRW said Australia needs

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to make them more effective by updating and enlarging the list of individuals targeted for financial sanctions. But the HRW said that Australia should simultaneously increase its humanitarian aid to the Burmese people. The HRW cautioned that as the Burmese military junta is making a lot of profit from the sale of the country's natural resources, humanitarian assistance should not undermine the ability of the Burmese junta to contribute to the needs of the people. "No one should expect humanitarian aid itself to have a significant political effect in opening up the country or changing the government's policies," the HRW said. But donors should stress on the importance of transparency and accountability in delivering humanitarian aid. ([6 October 2009 Mizzima](#))

## **Opinion Section**

Opinion editorials in October continued to deal with the 'engagement vs. sanctions' debate, as well as mostly dealt with the new U.S. policy for Burma, as well as the significance of the 2010 elections. Editorials were also written about the relationship between Burma and its ASEAN neighbours, and about the increased activity of the NLD in Burma, as well as the path it may choose to take. Links to some articles are posted below. The Opinion Section aims to provide a sampling of opinions expressed in the print and electronic media. The views expressed in the articles are those of the authors, and do not necessarily reflect those of the AAPP.

### **More to Burma than Aung San Suu Kyi – By Francis Wade, the Guardian (30 October 2009)**

Online at: <http://www.guardian.co.uk/commentisfree/cifamerica/2009/oct/30/burma-obama-aung-san-suu-kyi>

### **Too Soon for Optimism – By Yeni, Irrawaddy (27 October 2009)**

Online at: [http://www.irrawaddy.org/opinion\\_story.php?art\\_id=17074](http://www.irrawaddy.org/opinion_story.php?art_id=17074)

### **The NLD's Internal Debate – By Wai Moe, Irrawaddy (16 October 2009)**

Online at: [http://www.irrawaddy.org/article.php?art\\_id=17010](http://www.irrawaddy.org/article.php?art_id=17010)

### **Burma: Behind the Talk-show – By Mungpi, Mizzima (14 October 2009)**

Online at: <http://www.mizzima.com/edop/anslysis/2900-burma-behind-the-talk-show.html>

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