



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

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

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



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### Monthly Chronology January 2014

#### SUMMARY OF THE CURRENT SITUATION

The end of 2013 saw the cancellation of numerous political activists trials, and the release of a few from Burma's prison. According to government statements, this has emptied the jails of political activists. Those trials under the most commonly used laws to arrests activists were ended and the accused freed without further charge. And yet President Thein Sein has still failed to achieve his promise to release all political prisoners. Following the December release, The Review Committee for the Release of Remaining Political Prisoners still held the assertion that there remained 33 political prisoners, a number that has already begun to increase in January. AAPP is a leading member of The Review Committee and there are still political prisoners to be released in the New Year. Because of erroneous declarations by government officials and an insistence that there are no more political prisoners in Burma, the role of The Review Committee will become increasingly important in fighting for their release.

Until these ongoing arrests are ended 2014 will not be the year that Burma's jails become free of political activists. It has already begun with arrests under the same laws the December 30<sup>th</sup> Presidential order muted sentences for. While arrests for peaceful political activities continue, there will always be political prisoners in Burma.

#### MONTH IN REVIEW

AAPP records show at least 33 political prisoners remain in prison with around 148 awaiting sentencing. The month of January also saw the arrest of 10 individuals, 9 of which were charged under Section 18 of the Peaceful Procession and Peaceful Assembly law, the other under section 447 of the Trespass Law.

7 people were sentenced, including the prominent activist Daw Bauk Ja who was subsequently released on the 24<sup>th</sup> of January as she had already served six months of incarceration. 5 were released from prison.

88 Generation Student Group leaders called for Burma's former military junta to be held responsible for their actions against political prisoners in the past. The call was made at the ceremony commemorating political prisoners who had died during their detention over the past two and a half decades. Min Ko Naing, leader of the 88 Generation Student organization said just because they are no longer in power doesn't mean that they should not be held responsible. At the ceremony Assistance Association for Political Prisoners (AAPP) and Former Political

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Prisoners Society (FPPS) provided compensation to the families of 54 former prisoners who had died in custody. (RFA)

January also saw one of the biggest demonstrations held in Rangoon since the Saffron Revolution in 2007. Some 2000 people representing around 60 civil society groups protested on the 5th of January at Mahabandoola Park, symbolic venue of the Independence monument. The demonstration was called for the repeal of unjust and reviled sections 18 and 505 (b), both of which are in c po-ontravention of fundamental human rights.

## **DETENTIONS**

On the 31<sup>st</sup> of December five farmers were sentenced to two months in prison under Sections 447 for Trespassing and 427 for 'Mischief Causing Damage to the Amount of Fifty Rupees' This case involves 10 acres of land confiscated by Mawlamyine Gyun Tsp. The farmers had misinterpreted a report saying they could re-plow the land before the rainy season.

[\(January 1st, 2014 RFA Burmese\)](#)

Two high ranking military officers who were released under a presidential pardon were consequentially re-arrested. The two men were released from separate jails, and were detained under separate criminal charges, according to Ye Htut, official spokesman for President Thein Sein. Col Tin Oo was arrested while trying to board a flight to Rangoon after being released from prison in Lashio, Shan state, while Col Moe Thu was detained at Rangoon airport after being released from prison in Hpa-an, Karen state.

[\(January 3rd 2014-Irrawaddy\)](#)

The case of Daw Bauk Ja came to the fore again this month in the media. The high profile activist who is a chairperson of the National Democratic Force (NDF) in Kachin State, and had been detained for six months in Phar-Kant police station, Kachin State, was finally released on 24th January 2014 after two of the three charges she faced had been dropped. Bauk Ja has appeared almost 30 times since her arrest for the alleged charges against her, however her lawyer, U Myint Thwin stated that the charges surrounding the misuse of medical equipment were in fact bogus and it was actually about a dispute following the election ballot of 2010 between her and the Union Solidarity and Development Party (USDP) MP former General U Ohn Myint (current Pyidaungzu Minister).

[\(January 5th 2014 DVB\)](#)

The solo protester U Thar Cho, (aka) U Kyaw Moe Zaw was briefly detained and indicted under section 18 at Pyinmana Tsp police station on January 6th, however was released on bail. Ironically U Thar Cho was protesting for the abolition of section 18 itself, under the much despised Peaceful Assembly and Peaceful Procession law. Lawyer U Khin Maung Zaw stated that his client is still being investigated by the station commander of at Pyinmana Tsp police station. He is awaiting his trial date.

[\(January6th-DVB/Burmese\)](#)[\(January7th2014-Elevenmyanmar\)](#)[\(January14th 2014-Myanmar Times\)](#)

On a similar note 5 protesters in Khin-Oo Tsp, Sagaing Division, were arrested on January 15th and later paroled for demonstrating against section 18 after being refused permission to do so.

They protested for two days illegally and also charged the authorities including township judges of being guilty of corruption. ([January 15th 2014-RFA-Burmese](#))

In Pantanaw, the hometown delta region of Eleven media reporter Ma Khine, around 500 residents were expected to demonstrate on the one month anniversary of her three month sentence calling for fair judicial process and the right for the freedom to report and dignity for journalists. The court at Pantanaw Township, Ayeyawady Region said only 200 were allowed to take part. Ma Khine is charged with trespass and the use of abusive language. She launched an appeal against the charges on January 2nd. The judge at Loikaw District Court said he would decide the case on January 27th. The judge, Hla Hla Thein dismissed the appeal, Aung Thura, joint secretary (1) of the Myanmar Journalists' Network stated; "Although international and local organizations have been objecting to this sentence, that they continue to uphold such verdicts shows that they are not listening to the people's desire. They are not public servants." ([January 17th 2014-Eleven](#))([January 22nd 2014-Eleven](#))([January 28th 2014-Eleven](#))

## **INCARCERATIONS**

Child soldier Ye Myat Oo, was arrested and sentenced to one years imprisonment for desertion. Despite being under the protection of the International Labor Organization, Ye Myat Oo, who had been in the military at Bassein Township, Irrawaddy Division, was arrested by police and army officers in December and sentenced by a military tribunal on the 7th of January. Bassein-based Human Rights Watch and Defense Network's (HRWDN) Myint Naing said "A copy of the ILO letter was sent to the army bases, police stations and administrative offices, but he was still apprehended and jailed." Ye Myat Oo, who was under the official age to join the army and had a protection letter from the ILO signed by their liaison officer Steve Marshall dated 27th August 2013.

Burma signed a United Nations action plan to stop the recruitment of child soldiers in 2012, and broadcast through state owned media it would release all soldiers found to be serving underage.([January 22nd 2014-Irrawaddy](#))

## **RELEASES**

5 prisoners were released in total this month. This included the high profile political activist Daw Bauk Ja, from the National Democratic Force, Kachin State, was finally freed on the 24th of January 2014, after serving six months in detention. Bauk Ja, initially charged with three offences, section 304 (a) of negligent homicide for allegedly causing death, sections 41 and 33, "providing medical treatment without a license", and "unauthorized use of a syringe" had two of the charges against her dropped, sections 304(a) and 41. However, she was still charged with section 33 and given a six month sentence. Having already served this length of time she was released. ([January 25th 2014-RFA/Burmese](#))

## **CONDITIONS OF DETENTIONS**

Nothing to report for the month of January.

## **DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES**

Several hundred journalists marched through Rangoon in support of Khine Khine Aye Cho, Eleven media reporter more well known as Ma Khine, who is currently serving three months in prison for trespass, defamation and abusive language while reporting in eastern Kayah state. The march started on 36th street and continued to Eleven news group offices. Joining the protesting journalists were lawyers from the Myanmar lawyers network as well as members of the All Burma Students' Democratic Front (ABSDF) and 88 Generation Students group. With chants of "We don't want threat on Press Freedom," and carrying banners that read, "Right to Information is life of democracy," (the province- 6th January) the demonstrators wearing black t-shirts marched through downtown Rangoon.

[\(January 7th 2014-Irrawaddy\)](#)[\(January 6th 2014-the province\)](#)

Almost 1000 protested staged a sit-in at the Sule Pagoda in Rangoon. The first protest organized by 88 Generation Students since the big release of political prisoners in 2012, it was attended by Members of Parliament, farmers, students as well as civil society organizations. It followed a protest the previous day that was calling for changes to the constitution to allow Daw Aung San Suu Kyi to stand for Presidency, but it's demands were for the abolition of section 18, Peaceful Assembly and Procession law.

[\(January 6th 2014-Irrawaddy\)](#)

Police in Magwe confirmed that they accused Sayadaw Rakkhawontha, a Buddhist monk, of breaching section 18, Peaceful Assembly and Procession law on the 8th of January 2014. Sayadaw Rakkhawontha is walking across western Burma in support of the remaining political prisoners, and said, "I am praying for the release of remaining political prisoners," and not protesting. His eventual destination is U Ottama Park in Sittwe after setting off from Chauk in Magwe Region

[\(January 9th 2014, Mizzima\)](#)

In the remote western Chin state, students and civil servants were instructed by regional authorities not to attend a speech given by Daw aung San Suu Kyi, this is according to an NLD spokesman. NLD Youth Coordinator, Hla Oo, said that "We were told that civil servants and students were instructed not to welcome the party or attend any of our public events – some were instructed verbally but other individuals were asked to sign an agreement pledging not to attend NLD rallies."(DVB-10th January) At a later rally Aung San Suu Kyi stated that she considered such an action as a crime.[\(January 10th 2014-DVB\)](#)

## **RESTRICTIONS ON FORMER POLITICAL PRISONERS**

Nothing to report for the month of January.

## [AAPP IN THE MEDIA](#)

On January 13th the first attempt at a comprehensive list of all political prisoners from 1962 through to 2013 is being compiled. The gargantuan project is being carried out by AAPP and the Former Political Prisoners Society (FPPS). Tun Kyi of FPPS told the Irrawaddy, “The only aim of the data collection is to record all political prisoners in history because we need to at least recognize and honor the sacrifices they made as activists for the country.” Twelve data collectors, all former political prisoners, began the month long pilot project and are collecting information from; Chin state, Rangoon, Bago, Magwe, Mandalay and Sagaing divisions, and will provide the former political prisoners experiences and profiles as well as how they are today said Aung Myo Kyaw from AAPP. This will be a collaborative effort and will be conducted along with help from the National League for Democracy (NLD), the Shan Nationalities League for Democracy (SNLD) and the 88 Generation Peace and Open Society.

[\(January 21st 2014-Irrawaddy\)](#)

## [KEY INTERNATIONAL DEVELOPMENTS](#)

Deputy Minister of Foreign Affairs U Thant Kyaw said that Burma is planning to sign the UN Convention against Torture (UNCAT). He made the announcement on January 16th 2014. When asked at a parliamentary meeting by Pwintbyu Tsp MP Dr. Aung Moe Nyo, U Thant Kyaw replied "Since parliament and related ministries have encouraged, supported and discussed at a parliamentary meeting that Burma is to participate in UNCAT and become a member of UNCAT which is against torture treatment, and human rights violation, or humiliating treatment or punishment, the Ministry of Foreign Affairs plan to negotiate and sign in September 2014," The signing coincides with the 65<sup>th</sup> anniversary of UN General Assembly in September 2014.

[\(January 16th 2014-RFA-Burmese\)](#)

In the US President Obama attached new legal restrictions into the \$1.1 trillion aid package to Burma, insisting that there is continued constitutional reform and progress towards human right issues. The 1582 page law document which covers the aid available up to October 2014 includes the unconditional release of all political prisoners as well as constitutional reforms allowing for a fair electoral process and an internationally observable mechanism for the prosecution of human rights violators. Michael Martin an Asian Affairs Specialist working for the Congressional Research Service said, “Until these issues are addressed in an acceptable manner, some Members of Congress are likely to support the continuation of existing sanctions on Burma, and possibly the imposition of new sanctions,” (DVB- January 18th)

[\(January 18th 2014-DVB\)](#)

Human Rights Watch have delivered a statement which condemns the uneven process of Burma’s move toward democratic reform. It stated the continued violence and weak or corrupt legal systems tarnish some otherwise positive reforms. Fresh reports of outbreaks of violence in Rhakine state as well as the restricted aid allowed to around 100,000 civilians in Kachin state. Phil Robertson of Human Rights Watch in Bangkok stated; “Burma’s government has learned to speak the language of rights promotion – but implementation lags well behind.” he further goes on to caution the praise given to President Thein Sein in the light of the realities.

[\(January 21st 2014-Myanmar Times\)](#)

Burmese artist Htein Lin, is working on an art project to ensure that Burma's the suffering of political prisoners will be immortalized by casting their hands in plastic. The artwork is called 'A Show of Hands,' and each pair of hands will be coupled to a video about the prisoner's own story. Htein Lin, a former political prisoner himself from 1998 to 2004, has already collected 206 molds. Nay Phone Latt, one of the participants and former political prisoners said, "I believe it will make a good impression on the public when it is finished."

(January 21st 2014-Irrawaddy)

## CONCLUSION/ANALYSIS

The words of the HRW statement encapsulate the feelings towards recent reforms inside Burma. While much of the changes being made in Burma are being lauded by the international community, there is much evidence to suggest that national reconciliation and a measure of accountability is a long way off. By freeing political activists and revoking the charges made against those awaiting trial, the government are painting a picture of a country progressing towards a true democracy. And yet the beginning of 2014 has already seen 10 arrests of peaceful political activists, mostly under section 18 which was part of the Presidential order to cancel trials and free prisoners charged under this. The Review Committee has clearly reiterated that there are still political prisoners inside Burma, while all government statements make the claim that detainees of this nature have all been free. There still remains an unwillingness to acknowledge a political prisoners status as a political detainee. Former political prisoners still carry all the burdens their unjust imprisonment has saddled them with and the damage to has on their lives and those of their families is huge.

AAPP (B) will continue to take an active role in the Review Committee and join our colleagues in pushing for the release of all remaining political prisoners. The work of the Review Committee is a vital part of this process and 2014 will see it push for an acknowledgment of the remaining political prisoners. The promise to free all political prisoners by the of 2013 simply did not happen. Reneging on this promise shows the ongoing prejudice towards political prisoners. It is essential to continue to demonstrate to Burma and to the wider international community that there are still many steps to be taken towards the democratic transition, and the freedom of political prisoners will play an essential role in bringing truth, justice and accountability to Burma.

### **Links/Sources**

#### **January 28th**

[Bauk Ja: prison wasted time i could have spent working for the people \(dvb\)](#)

[Loikaw district court turns down Ma Khine's appeal \(eleven\)](#)

#### **January 25th**

[Kachin State NDF leader Daw Bauk Ja, freed \(RFA/Burmese\)](#)

#### **January 24th**

Bauk Ja slams 'bogus charges' of Kachin court (dwb)

**January 22nd**

Serious problems remain: Human Rights Watch (Mizzima)

Journalist Ma Khine's appeal still in limbo (Eleven)

Burmese Child Soldier Imprisoned for Leaving Military (Irrawaddy)

**January 21st**

Data Project Seeks to Record Stories of All Political Prisoners From 1962-2013 (Irrawaddy)

33 political prisoners still in jail, says committee (Mizzima)

'A Show of Hands' for Burma's Former Political Prisoners (Irrawaddy)

Human Rights group questions 2013 progress (MyanmarTimes)

**January 20th**

Farmers Travel to Rangoon to Decry Land Seizures, Trespassing Charges (Irrawaddy)

**January 19th**

Buddhist monk starts hunger strike (Irrawaddy/Burmese)

**January 18th**

us spending bill adds 'new restrictions' on burma (dwb)

**January 17th**

Despite amnesty, political prisoners remain (Myanmar Times)

Imprisoned EMG reporter gets hometown support rally (Eleven)

**January 16th**

Burma to sign Convention against Torture (RFA/Burmese)

**January 15th**

Reforming Section 18 will be a struggle - MP (Eleven)

Call for the cancellation of Section 18 (RFA/Burmese)

**January 14th**

Section 18 to be amended (RFA/Burmese)

Not finished yet' - political prisoner committee to continue (DVB)

General amnesty bill to go to parliament (Eleven)

**January 13th**

Activist hands himself in to police after protest (MyanmarTimes)

**January 10<sup>th</sup>**

Burma: president thein sein fails to keep his promise to release all political prisoners by year-end (FIDH)

Civil servants, students urged to boycott suu kyii rallies in chin state, says nld (DVB)

**January 9th**

Police accuse monk of breaching Section 18 (Mizzima)

**January 8th**

Red shan presumed still in kia camps (DVB/Burmese)

**January 7th**

Solo protest against charter change in Naypyidaw (Eleven)

**January 6th**

Solo protester indicted (DVB/Burmese)

**January 5th**

Daw Bauk Ja, detained for 6 months as her court case is delayed (DVB/Burmese)

**January 3rd**

Two Military Intelligence Officials Released, Re-Detained Amid Mass Amnesties (Irrawaddy)

Government commutes death sentences, jail terms (irrawaddy)

**January 2nd**

Myanmar Activists Call for Accountability for Junta Crimes (RFA)

**MI OFFICERS COULD BE RELEASED SOON: LAWMAKER (IRRAWADDY)**

**January 1st**

Five farmers from Mawlamyine Gyun, condemned (RFA.Burmese)

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