



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

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

## **Monthly Chronology of Burma's Political Prisoners for September 2013, 2011**



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### SUMMARY OF THE CURRENT SITUATION

33 incarcerated, 10 released. 232 activists are still facing trial. 3 prisoners are reported as being in poor health, 2 suffering AIDS and one from tuberculosis.

While it has been stated that all remaining political prisoners will be released by the end of the year, the number of political prisoners is significantly increasing. In comparison to 7 political prisoners who were incarcerated last month, 33 people were incarcerated this month. This number of political prisoners does not include those who have been incarcerated for plowing the seized lands in the Irrawaddy division, which would increase the number significantly with over 500 arrests since June. Numerous arrests were made under section 18 of The Protest Law.

### MONTH IN REVIEW

This month commemorated the Saffron Revolution of 2007. Since September 18, 2007, the monks have refused to perform Buddhist rituals for government officials, military officers and their families. In addition, they have rejected any offerings from military or government related officials. As they face the tragedies of the Saffron Revolution six years ago, the Buddhist monks urged the Burmese government to apologize for its actions. ([September 18, 2013 Irrawaddy](#))

Celebrations acknowledging The International Day of Peace took place across Burma on 21 September. In Rangoon hundreds of people marched from City Hall to the People's Park shouting slogans of peace and calling for an end to the civil wars in Burma. In contrast to the 2012 celebrations, this year authorities approved the peace rally, and over 50 civil society groups were present at the march. ([September 23, 2013 DVB](#))

In Irrawaddy Division, hundreds of farmers continue to plow the land seized by the government in protest of their actions. Approximately 745 individuals have submitted complaints regarding the land confiscations by companies for development projects under the previously military regime. In addition, the Investigation Commission for seized land investigation is facing restrictions to the investigation from the military. This reflects the lack of cooperation by superior military authorities. However, Burma's government ensured the public in a press conference this month

that the confiscated farmland across the country will be returned to its original or rightful owners before the end of its term in 2015. According to some news sources, the government has promised to resolve the issue of the farmlands by the end of this year. ([September 7, 2013 Mizzima](#)), ([September 19 2013 Eleven](#))([September 30, 2013 DVB](#))

## DETENTIONS

Approximately 513 farmers are being prosecuted for plowing seized land plots. Farmers from 13 of 26 townships in the division have taken part in the protest, now known as the “Harrow Battle” in June and July. Of those being prosecuted, more than 300 are in Mawlamyinegyun Township. On September 4<sup>th</sup> and 5<sup>th</sup>, the township court sentenced 17 farmers to two months in prison with hard labor. Trespassing in Burma can be punished with a maximum of three months in prison and a fine of 50 000 Kyats (US \$50), while destruction of property can be punished with two years in prison and a fine based on the amount of damage. Legal experts in Burma view these sentences to be disproportionate to the severity of the crime. ([September 2, 2013 RFA](#)), ([September 1, 2013 Burma link](#))

People Support Network members, DawMyintMyint Aye, Daw Kin MiMiKhaing and Ko Thant ZinHtet were tried on September 3, 2013, at NattalinTsp court, Pegu Division where they have been incarcerated. They have been accused of violating section 6, the law for forming an organization without permission. DawMyintMyint Aye is currently recovering from a recent stroke and her family has requested that the local prison authorities provide her with adequate health care. ([September 1, 2013 Burma Campaign UK](#)), ([September 3, 2013 VOA News](#))

## INCARCERATIONS

33 activists were imprisoned this month.

Six farmers from Takhun-Tine village, Mawlamyinegyun Township, Irrawaddy Division, were sentenced to 2 months imprisonment with hard labor under section 447 for trespassing on September 8, 2013, at Tsp court. Several cases have been reported of farmers attempting to reclaim land confiscated by the authorities. ([September 9, 2013 RFA](#))

MyoMyintAung aka AhshaeGyi, the son of U SoeMyint was sentenced to 7 years imprisonment under section 17 (1) of Unlawful Association Act and section 5 of the Explosive Act, on September 16, 2013. He was arrested on June 1, 2012, for the explosive case in HenzadaTsp, Irrawaddy Division. (September 16, 2013, AAPPB)

KoSoe Win, KoThan Lone and KoThanLwin, who have been facing trial for protesting against a housing project by the Turkish government in TaungupTsp, Arakan State, were sentenced to 3 months imprisonment on September 13, 2013, under section 18. They had submitted requests to protest several times. All requests were denied. They have been transferred to Thandwe prison, where they will serve their 3 months prison sentence starting September 13, 2013. ([September 13,](#)

## [2013 RFA](#)

Ten Madaya Island residents were sentenced to 3 months in prison with hard labor at KyaukpyuTsp court under section 18 on September 26, 2013. They protested against the Chinese owned China National Petroleum Cooperation (CNPC) in April, and although they submitted a letter of request to protest 4 times, their submissions were denied. Consequently, they protested without approval. Their recent verdict came after the judge U Nay Win, earlier in the month on September 12, 2013, suspended the court hearing due to a delay in drafting the verdict. On the 12 September, more than 400 people came to the court to hear the verdict. On 26 September, approximately 300-400 residents from over 20 villages (according to DVB, it was over 600 locals from around 17 villages in Kyaukphyu) gathered again in front of the Tsp court on the day of their verdict to call for their immediate release. The detainees have been allowed family visits before they were taken to Kyaukpyu prison. ([September 13, 2013 BBC](#)), ([September 26, 2013 RFA](#)), ([September 26, 2013 Irrawaddy](#)), ([September 27, 2013 DVB](#))

Daw Ma Hla May, U Maung Win, Daw Tin Tin Aye and U MaungTheinHlain were sentenced to three months in prison by the court on September 4, 2013 under section 18. A court in Arakan State's KyauktawTsp found the Arakanese demonstrators —two men and two women—guilty of organizing an unauthorized protest against a plan to resettle Rohingya people in the town. ([September 5, 2013 Irrawaddy](#)), ([September 6, 2013 Burma News International](#))

The Arakanese authority has detained a solo protester, KoSoeWai, in Thandawe, a southern district town of Arakan on September 2 for the third time. He was granted bail with warnings twice in the month of August; however, in his third offense this month, he was denied bail and spent the night in jail as he waited for his court hearing. On September 9, he was sentenced to 3 months in jail for each of his offenses under section 18. He was sentenced to a total of 9 months in jail with hard labor. He was immediately sent to prison. He plans to submit an appeal. ([September 3, 2013 RFA](#)), ([September 11, 2013 RFA](#)), ([September 3, 2013, Mizzima](#))

It was the first time that section 18 of the Peaceful Assembly and Procession Law was used to sentence protesters to prison in the Arakan State this month. In March 2013, several demonstrations in cities across the Arakan State took place, which called for the state to provide Muslim refugees with houses after reviewing their status under the 1982 Citizenship Act. The Arakanese Police Force arrested the eleven activists for leading a demonstration without permission. On September 4 at KyauktawTsp court, four of the activists were sentenced to 3 months in prison under section 18 of the Peaceful Assembly and Procession Law. They were taken from KyauktawTsp to SittweTsp on the evening of September 4, and sent to Sittwe prison on September 5. In addition, U Min Tun, U Soe Win and U ThanLwinSoe, were sentenced on September 5 at the TaungupTsp court. On 23 September, KoKyaw Moe Tun and KoThanHtay, two RathedaungTsp residents were sentenced to 3 months imprisonment under section 18. ([September 5, 2013 BBC](#)), ([September 23, 2013 RFA](#))

## RELEASES

10 political prisoners were released this month.

Four female protesters, KoNyiNyiKyaw, Ma Ni NiAung, Ma ThaeThae and Ma NweNweOo were released at 9 am on September 11, 2013 from Mandalay Obo prison after serving their sentences. They were sentenced to 3 months in prison after protesting against the relocation of Mandalay Kine-Dan market. The trial procedure took 10 months, during which Ma ThaeThae gave birth to her child. ([September 12, 2013Mizzima](#))

## CONDITIONS OF DETENTIONS

On 25 September, 2013 a group of former political prisoners held a press conference, recounting how they were subjected to extensive psychological torture and physical torture, whilst being incarcerated in Insein prison 23 years ago. The prisoners contracted permanent physical deformities as a result of the torture they were subjected to.

Interviews conducted with former political prisoners reveal that the use of torture in prisons in Kachin state is still widely used despite statements issued by the Thein Sein-led government that such practices are no longer in use. The forms of torture reported as being inflicted upon prisoners include being forced to perform sexual acts in front of inmates, psychological threats, and physical punishments. ([September 2, 2013, Irrawaddy](#)),([September 27,2013, DVB](#))

Activist DawNawOhnHla, who was sentenced to two years in prison for protesting against the Letpadaung copper mine in Monywa, plans to submit an appeal against the verdict next month. Neither her lawyer nor her family who live in Rangoon, have been able to visit her since the sentencing. Keeping political prisoners locked-up in remote jails, often hundreds of miles from family, was a common practice under Burma's military dictatorship. ([September 1, 2013Mizzima](#)), ([September2, 2013 DVB](#)), ([September13, 2013 Irrawaddy](#))

Around 8pm on 13 September, a dispute between prisoners started a riot in Ninth Mile Prison in Kawthaung Township. . The prison officials subdued the quarrel, but "the warden Saw Hla Chit called them back and asked a group of prison staff to kick and punch them," according to Eleven news. Prisoners chanted "governor do not beat the prisoners." In an attempt to subdue the crowd, the officials turned off the power and shot into the crowd. One prisoner, jailed for illegal logging (a crime he had yet to be convicted of) was killed on the spot and seven were injured. Families of more than 70 inmates had co-signed a letter to send to Thein Sein regarding the prison authorities' treatment on their loved ones, and demand the location of their final transfer destinations. ([September 15, 2013 Eleven](#)),([September 19, 2013 Eleven](#)), ([September 17, 2013 Eleven](#))([September 26, 2013 DVB](#))

Since September 2012, political activist Moe Thway has faced 19 trials under varying Penal Code sections for demonstrating without permission and acting against the state or public tranquility.

He estimates he has gone more than 170 times to the court, every time having the hearing rescheduled. "I have 16 cases related to [violating] Article 18 [of the Penal Code], which has a maximum punishment of one year in jail; and two cases related to Article 505 (b), with a maximum of two years. So that's 22 years maximum," he says with a smile. ([September 12, 2013 Irrawaddy](#))

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

On Sunday 29 September some 70 activists and Buddhist monks began a 120-km march from Amarapura in Mandalay division towards the Latpadaung copper mine site situated near Monywa. Protestors wanted to protect the historic ordination hall of a late Buddhist monk, Lete Abbot, a site he used to practice Buddhism and meditate. On 30 September the protesters were confronted by the police upon leaving Amarapura and again interrupted in the same afternoon when they were faced with some 200 Sagaing police. Two activists were reportedly arrested, but subsequently released after a crowd gathered onsite to demand their release. Authorities have banned anyone from inspecting the site citing Article 144, and begun work around the site. ([September 30, 2013 DVB](#))

On 19 September around 1:30am, about 30 policemen forcibly entered the house of ZawLatt, National League for Democracy (NLD) member to arrest him for allegedly supporting local farmers who had begun plowing confiscated land. The police proceeded to beat him, his wife and his 5 year-old daughter until they were restrained by a large crowd of villagers responded to the cries of the man's wife. The villagers subsequently subdued the police and detained 27 of them until daybreak when around 200 police officers came to rescue their comrades. ([September 20, 2013, DVB](#))

A two-day, unauthorized protest at Rangoon's Sule Pagoda roundabout concluded on 23 September as approximately 100 workers reached an agreement with Ho Shin Factory over an improved severance pay. Earlier in the month the factory had shut down and a number of workers dismissed. A representative of local law enforcement stated that action would not be taken against the protestors, despite the lack of government approval of the demonstration. ([September 23, 2013Irrawaddy](#)),([September 24, 2013 DVB](#))

## **RESTRICTIONS ON FORMER POLITICAL PRISONERS**

Moe Kyaw Thu and his wife, a couple convicted of allegedly sending a parcel bombing to Lt. Gen. Tin Oo's residence, informed Mizzima that officials from the Yangon Passport Office will help them obtain passports. The husband and wife, who were imprisoned from 1997 to 2002, had applied for passports in 2012 but their application was rejected. .([September 21, 2013 BNI](#))

## AAPP IN THE MEDIA

In response to the increase in the number of political prisoners, U KoKoGyi, a leader of 88 Generation Student Group as well as the members of the Verification Committee of the Remaining Political Prisoners gave their assessment of the Presidents' statement "all remaining political prisoners will be freed by the end of 2013" is impossible. Over 100 political prisoners remain in Burmese prisons, according to Thailand based organization Assistance Association for Political Prisoners (AAPPB). Bo Kyi, a member of the government-appointed committee and Joint-Secretary of AAPP (B) stated, "The number of political prisoners is falling, but it will not reach zero because the authorities are detaining more and more activists." ([September 16, 2013 Mizzima](#)) ([September 2, 2013, Mizzima](#))

In May, the Assistance Association for Political Prisoners (AAPP), based in Thailand, issued a list naming 183 political prisoners across Burma. The organization's joint-secretary, Bo Kyi, updated those numbers on Wednesday 5 September informing DVB that 122 political prisoners had already been sentenced while another 120 were awaiting trial. According to AAPP at least 57 of the 183 individuals considered political prisoners belong to ethnic militias. ([September 5, 2013 DVB](#))

## KEY INTERNATIONAL AND DOMESTIC DEVELOPMENTS

As the country makes its transition into democracy, the constitution of Burma and a number of laws, which affect the process of this transition, are constantly being evaluated and drafted. Many of these drafts are raising concerns among NGO and grassroots organizations, especially because they are often now utilized to arrest peaceful political activists.

The 109-member parliamentary committee is scheduled to weigh changes to the constitution over the next four months. Panel members are required to keep discussions confidential until end of the year when the committee submits its report to parliament. Representatives of opposition groups and political activists have expressed concern over the negative influence of the military in parliament and the lack of open debate regarding the revisions being made, which may result in overlooking minority voices. ([September 5, 2013 RFA](#))

In addition to the constitutional reform, which raises large concerns among minorities, more than 500 civil society organizations have expressed intent to raise their concerns about the draft Association Law with Burma's Lower House and to foreign embassies. The groups issued 22 position statements on the bill in recent days, outlining their opposition to certain restrictions in the draft. The draft law made registration compulsory rather than voluntary, with unregistered associations prohibited from operating and facing disproportionate and draconian penalties of up to three years in prison as well as hefty fines for establishing or even participating in an unregistered association. In addition, the law will create scope for imposing sentences without the

option to appeal. For instance, section 15 stipulates that anyone who is a member of an unregistered association risks punishment of six months' imprisonment and a US\$100 fine. Meanwhile, the new draft of the Electronic Transactions Act contains language that would still allow the government to target activists in Burma. A revised motion to amend the law, replacing its long prison terms with shorter ones or fines, will be debated when parliament resumes in October. ([September 2, 2013 Karen News](#))([September 6, 2013 DVB](#)), ([September 9, 2013 Mizzima](#))

## CONCLUSION/ANALYSIS

As Burma allows social and economic reforms to change the landscape of the country, this month commemorated the Saffron Revolution, celebrated International Democracy Day and International Day of Peace. In the face of these celebrations and remembrance days, we must not allow short-term improvements to cloud the long-term, sustainable changes that need to take place that may bring reconciliation to a country torn apart by decades of military rule. In order to protect its people from future human rights violations, these reforms must be genuine. Legal reforms, such as amending the 2008 Constitution, will play a vital role in democracy and a step in forming an effective rule of law.

Despite the series of democratic reforms being implemented by the government and the promise of releasing all political prisoners by the end of 2013, the number of political prisoners is increasing, making it impossible to free all current political prisoners. In addition, political prisoners continue to indicate that torture in prisons that involve cruel physical and psychological punishments still exist, as in the case of NhkaGa villagers.

AAPP (B) will provide support for political prisoners as their numbers continue to increase. In addition, unconditional releases must be granted to political prisoners to ensure that being free from prison means exactly that. AAPP (B) will continue to lobby the government to remove Article 401 which still ensures the previous prison sentence still hangs over political activists long after they are free. These are just some of the first steps Thein Sein's government can implement to reconcile the situation regarding political prisoners and continue to progress towards national reconciliation.



**Additional links:**

**September 30**

[Latpadaung protestors demand Buddhist site left untouched \(DVB\)](#)

[Govt says it's working to return confiscated lands to farmers \(DVB\)](#)

**September 27**

[Ten jailed for protesting Shwe Gas project \(DVB\)](#)

**September 26**

[Ten Maday Island resident protest leaders against the Chinese Gas Pipe Line Project, sentenced \(RFA\)](#)

[KyaukpyuTsp, Maday Island protester leaders, sentenced \(Irrawaddy\)](#)

[Families of stranded Kawthaung prisoners raise complaint with president \(DVB\)](#)

**September 24**

[Burma Women Call for Amendment to Constitution \(Irrawaddy\)](#)

[Factory workers end strike \(DVB\)](#)

[Angry Thilawah SEZ residents to take legal actions \(Mizzima\)](#)

**September 23**

[Burma's First Human Rights Magazine Sees Healthy Sales \(Irrawaddy\)](#)

[Workers End Protest After Reaching Agreement with Factory \(Irrawaddy\)](#)

[NLD Co-Founder Win Tin Hospitalized \(Irrawaddy\)](#)

[A rally for peace \(DVB\)](#)

[MNHRC unveils official website \(Mizzima\)](#)

[Two Anti-Muslim Housing Project protesters, sentenced to 3 months \(RFA\)](#)

**September 21**

[Authorities to help bomb blast convicts obtain passports \(Mizzima\)](#)

**September 20**

[Villagers beat, apprehend 30 policemen in Pysinmana \(DVB\)](#)

**September 19**

[Govt plans to solve land confiscation issues within a year \(Eleven\)](#)

[Myanmar Prepares for First Census in Three Decades \(RFA\)](#)

[Inmates from riot-hit Kawthaung Prison transferred to Myeik, Dawei and Yangon \(Eleven\)](#)

**September 18**

[Monks Urge Burmese Govt to Apologize as Saffron Revolution Turns 6 \(Irrawaddy\)](#)

**September 17**

[Use of torture in prison against human rights - activists \(Eleven\)](#)

**September 15**

[One prisoner killed, seven others injured in a riot \(Eleven\)](#)

[President Thein Sein receives '88' student leaders in his farm house \(Eleven\)](#)

**September 14**

[ABFSU to draft national charter of students' rights \(mizzima\)](#)

[Orphanage owner gets seven years for bomb-blast \(Mizzima\)](#)

**September 13**

[Kine-Dan Market protesters, freed \(Mizzima\)](#)

[Hunger-striking Activist NawOhnHla to Appeal Sentence by Month's End \(Irrawaddy\)](#)

[The Court Hearing for Maday Island protester leaders, adjourned \(BBC\)](#)

[Three TaungupTsp protestors, sentenced to 3 months \(RFA\)](#)

[KoKoGyi asserted all remaining political prisoners will not be freed until the end of 2013 \(Mizzima\)](#)

**September 11**

[Hundreds of Farmers Prosecuted After 'Harrow Battle' \(Burma Link\)](#)

**September 12**

[Burma's Youth Power Strives for Maturity \(Irrawaddy\)](#)

**September 9**

[Rights campaigner jailed for peaceful protest \(KLC\)](#)

[Civil Societies protest against Association Law bill \(Mizzima\)](#)

[Six MawlamyineGyunnTsp farmers, condemned 2 months with hard labor \(RFA\)](#)

**September 11**

[Protester, called for taking back the lands, sentenced to 9 months \(RFA\)](#)

**September 8**

[Ethnic TV launches in Burma \(DVB\)](#)

**September 7**

['Seized Land' Commission facing problems during investigations \(Mizzima\)](#)

[Political prisoners charged under Unlawful-Association top priority \(Mizzima\)](#)

**September 6<sup>th</sup>**

[Burma's draft association law: a smokescreen for further repression? \(DVB\)](#)

[In The New Burma, Old Junta Era Laws Survive and Adapt \(Irrawaddy\)](#)

[Solo protester denied bail \(RFA\)](#)

[Expelled teacher threatens to report to President \(Mizzima\)](#)

[Four Arakanese community leaders convicted \(Burma News Interantional\)](#)

**September 5**

[New Prisoners, Same Cages \(DVB\)](#)

[Rule Prohibiting Open Debate on Myanmar Charter Changes Under Fire \(RFA\)](#)

[Anti-Rohingya Demonstrators in Arakan are Assembly Laws Latest Victims \(Irrawaddy\)](#)

[Arakan State protester leaders, protested without permission, sentenced \(BBC\)](#)

**September 3**

[ThandweTsp solo protester, not granted bail \(RFA\)](#)

[Solo protesting in Ngapli to take the lands back while UN Secretary-General's Special Adviser on Myanmar arrived at Arakan\(Mizzima\)](#)

[Three Farmer Affairs activists, tried at the court with Forming an Organization without Permission](#)

[The face of defiance \(DVB\)](#)

**September 4**

[Govt Donation to Press Council Draw Criticism \(Irrawaddy\)](#)

**September 2**

[Myanmar prisoner releases stalling \(Mizzima\)](#)

[HRW: Draft association law threatens civil society groups \(Karen News\)](#)

[UN's Nambiar concludes low key visit to Burma \(DVB\)](#)

[Farmers, re plowed in the confiscated land, indicted \(RFA\)](#)

[Torture Persists in Kachin State \(Irrawaddy\)](#)

**September 1<sup>st</sup>**

[Activist to appeal sentence \(Mizzima\)](#)