Monthly Chronology of Burma's Political Prisoners for February, 2013
Monthly Chronology February 2013

Summary of the Current Situation

There was one arrest, four sentenced and three released throughout February.

U Myint Aye, Ko Ye-Khae and Ko Ba Shee were released after three months in prison and paying a 10,000 kyat fine. There are also seventeen awaiting trial, including seven Shan farmers who were protesting after refusing to accept compensation for their land.¹ (See Ethnic Nationalities)

Trends

Early February saw the conclusion of Secretary Tate Naing and Joint Secretary Bo Kyi’s first assessment trip to Burma. The trip was largely to build momentum for the implementation of a verification committee to review the remaining number of political prisoners with the ultimate aim of securing their unconditional release. In addition to negotiating with various domestic and international actors on the verification committee, the AAPP senior officials presented disadvantaged children of current political prisoners with educational scholarships worth 100,000 Kyat ($117) to 200 children.

Land confiscations are becoming a disturbing trend throughout Burma. The month of February saw hundreds of families being told to vacate their land or face imprisonment. In Thilawa an area planned for economic development, hundreds of families were given fourteen

¹, Daw Khin Win, Ko Aung Kyaw Myo, Ko Zaw Min, Ko Aung Myint, Ko Than Tun Oo, Ko Shwe Khae and Ko Kyaw Sein
days notice to leave or face 30 days in prison. “We have 14 days after we accepted the notice and five days have already passed. We don’t plan to move out. I will work on my farmland until the authorities come and take me out by force. Without this farmland, I can’t send my children to school and I can’t get any money to survive,” Ko Aye Htay, one of the protesting farmers said. (Myanmar Times).

Even more disconcerting is the fact that security forces continue to use extreme measures to contain protestors. Nine people, including four women were shot after violence broke out in in Ayeyarwaddy division's Maubin Township. Reports say 300 to 500 farmers were trying to reclaim some 200 acres of land they say was confiscated a decade ago. Police say the farmers violated order 144 of the criminal procedure code which allowed them to use emergency powers to control public order. (See Lawyers)

February 26th
Burmese Farmers Shot in Land Clash(RFA)

February 18th
Thilawa residents win temporary reprieve(Myanmar Times)

February 17th
Demonstrating farmers set up protest camps near the Prime Minister’s residence(AAPP)

February 14th
Bago residents face eviction, 30 days imprisonment(Mizzima)

February 11th
Impending evictions taint Thilawa economic zone(Myanmar Times)

February 10th
AAPP hope for the release of remaining political prisoners(VOA-Burmese)

February 9th
AAPP offers scholarships to children of political Prisoners(Mizzima)

February 5th
Ko Bo Kyi’s interview with RFA(Youtube-Burmese)
Thilawa farmers face losing rice fields to SEZ.(Mizzima)

Torture and Treatment of Prisoners and their Families

Mistreatment of political prisoners in Mandalay’s Ohbo prison carries on despite them being exempted from hard labor according to political prisoner Aung Ko Latt. This is backed up by the testimony of several former political prisoners who say that the chief of the prison, an ex army officer Kyaw Win, carries out a harsh and vindictive program against political prisoners. Aung Ko Latt is one of 44 political prisoners in Ohbo prison. He is facing charges under article 17/1 of the Unlawful Association Act on false charges of being affiliated with the Karen National Union. He has remained in custody ever since awaiting the verdict of his trial.

There is continued concern over the use of ‘arbitrary arrest and torture’ of Kachin men accused of being Kachin Independence Army (KIA). UN special rapporteur on rights in Myanmar Tomas Ojea Quintana expressed his concern during his weeklong visit to Burma during his visit to Myitkyina in Kachin. Thousands of people have been displaced as a result of
the conflict and despite a call from President Thein Sein firefights have continued. Quintana stated that humanitarian aid was still a ‘challenge’ even though the government had decided to allow a UN convoy into the disputed area.

A report of the unlawful killing of four Rohingya men appeared in Kaladan Press on February 14. The four victims Nazir Hussain (35), Ms Hansoma Khatun (30), Amir Salim (30), and Nadu (50) were arrested on February 10 are all from Ludine village in Maungdaw Township. A relative of one of the victims claims they were taken to a Nasaka camp for ‘severe torture’ but the relatives were not told of the location of their bodies, and an elder said a Nasaka official had told them that the four men were ‘brutally tortured to death’ (Kaladan Press). The action appears to be in response to the murder of a Rakhine man and wounding of three others.

Ko Min Han, member of ABSDF, was released October 24 2011 after spending 21 years in prison after being charged under section 6 of the Explosives Act. He passed away on 1 February 2013, adding to a long line of former political prisoners who pass away shortly after their release. Ko Min Han died due to health problems developed during his 21 years in prison.

**February 27th**
*Political Prisoners in Mandalay Claim Mistreatment*(Irrawaddy)

**February 17th**
*UN: Myanmar tortured Kachin*(Bangkok Post)

**February 14th**
*Nasaka kills 4 villagers in Maungdaw*(Kaladan)

**February 2nd**
*Letter of Condolence-Ko Min Han*(ABSDF Press Release-Burmese)

### Prisoners Released

High court lawyer U Myint Aye (from Prome) and two activists who assisted him were released after three months in prison. All three were sentenced under section 18 of the Peaceful Protest and Peaceful Procession Act and given three month sentences or ordered to pay a fine of 10,000 kyat on February 6, 2013. U Myint Aye (from Prome) and Ko Ye Khae were holding posters condemning the rise in tax stamp in front of the Prome Township Court, Department of Tax, and USDA office on October 18, 2012. The third defendant was Ko Ba Shee, who had merely given them a lift to protest. All three have paid the fine.

**February 8th**
*A single protester and two activists who gave him assistance, sentenced with section 18*(Yoma3-Burmese).

### Update on Individual Cases

February has been dominated by the controversy surrounding the Letpadaung copper mine in Sagaing Division. A report from the Lawyers Network (Myanmar) and Justice Trust (USA), claims that white phosphorous was used by police during the crackdown on the protesters on November 29, 2012. An Australian company, ALS Global, carried out the scientific
report in a Bangkok laboratory from evidence collected at the scene. White phosphorous is a battlefield munitions and is banned from use against civilians under the Geneva Convention. The Burmese government however, has dismissed the charges and claim they would wait for the government report headed by Aung San Suu Kyi. This report has already missed two deadlines, the 31st of December and 31st of January. This was the biggest ‘crackdown’ on protesters since Thein Sein took over as President and following the release of the ‘unofficial’ report Burmese activists have called for punishment for the perpetrators.

The family of deceased political prisoner Phyo Wai Aung is demanding his exoneration. In a press conference, Phyo Wai Aung’s wife Htay Htay, said her husband had asked that she continue to publicly fight for justice and appeal against his case. “My husband has died already, but we will not stop fighting for justice as his rights were violated. This justice will help restore dignity for my family and my children.”

February 19th
Activist Calls for ‘Total Shutdown’ Letpadaung Mine(Irrawady)

February 18th
Lawyers’ Network urges government to act over crackdown(Myanmar Times)
UN Asked to Help Stop Mine Project(RFA)
Govt rejects report alleging use of ‘white phosphorous’ in crackdown(DVB)

February 17th
Govt denies ‘white phosphorous’ allegations(Mizzima)

February 15th
Burmese Protesters Want Justice For Mine Crackdown(Irrawaddy)
Activists demand justice for copper mine attacks(Mizzima)

February 14th
Burma Authorities Accused of Fraud, Coersion at China-Backed Mine(VOA)
Protests against controversial copper mine resume(DVB)
Burma police ‘used white phosphorous’ on mine protesters(BBC)
Fraud. Excessive Force Used at Laptdaung Mine: Report(Irrawaddy)

February 6th
Govt Should Appeal 2019 Bombing Sentence, Family Says.(Irrawaddy)

February 4th
Phosphorous findings sent to commission, says lawyer.(Myanmar Times)

February 1st
Copper Mine Controversy Tests Burma’s leaders.(VOA)

88 Generation Students

88 Generation Students Group have sought the assistance of a law firm to address the increasing numbers of land confiscation cases affecting ordinary people throughout Burma. A total of twenty-five lawyers will spend three days each week giving out pro bono legal advice. (See Trends and Lawyers)
February 14th
“The documentation is important’ stressed 8888 Generation member (ND-Burma)

February 6th
Land Activists Gain Legal Clout (RFA)

Ethnic Nationalities

In Shan State seven farmers have been indicted under section 188 (disobedience of an order promulgated by a public servant) for protesting about their land being taken for the Inle Hotel Zone Project. The seven, Daw Khin Win, Ko Aung Kyaw Myo, Ko Zaw Min, Ko Aung Myint, Ko Than Tun Oo, Ko Shwe Khae and Ko Kyaw Sein have all refused compensation for their land and have been granted bail of 7 million Kyat. The farms from Ingyin-Gone, Kan-Bae, Nyaun Wan, Wat-Takin, Chaun-Par and Phyar-Phyu villages are included in the project and 83 residents from the farms had taken the compensation offered for their lands in the second week of January, 2013, but the majority of farm owners refused to accept the money.

Kachin State continues to provide distressing news of arrests, torture and detention. Two Kachin men U Manan Tu Ja and U Lahtaw Brang Shawn have both been imprisoned for alleged contact with the Kachin Independence Army. U Manan Tu Ja has been sentenced to two years under section 17 by Myitkyinar Township Court, Kachin State, on February 24, 2013, after already spending nine months in prison. In the second case, U Lahtaw Brang Shawn is still awaiting trial. After meeting both men UN special Rapporteur Mr. Tomas Ojea Quintana said that he was deeply concerned about the cases.

Burmese military continue to use an archaic law to detain and extract confessions under torture in Kachin State, according to a recent report by The Asian Legal Resource Center (ALRC). The 1908 Unlawful Associations Act is being used to arbitrarily detain Kachin civilians. ALRC has looked into 36 cases and says authorities are aware that in the majority of cases they know there has been no connection with rebel troops. The report draws on testimony from wives and mothers to highlight the incidents of torture.

Following three bomb blasts in Nay Pyi Taw, Mandalay and Pyin Oo Lwin on June 24, 2011, seven ethnic Shan men were arrested and interrogated by police. Two of the Shan men, who spoke little Burmese and confessed to their involvement, were released under a Presidential pardon in November 2012, however the other five remain in prison. The current five detainees are Sai Moe Hein (A university student, Yadanar Pone University), Sai Thein Naing, Sai Hla Aung @ Ahar Wai, Myo Khin @ Aung Khan and Sai Kyaw Than. Myo Khin and Ahar Wai were charged under section 6 of the Explosives Act and the remaining 3 were indicted under section 17 (1) of the Unlawful Association Act and section 6 of the Explosives Act. This is despite there being no credible evidence from the 161 witness statements, according to defense lawyer U Win Myint. He stated that "We plan to submit the appeal in order to dismiss the charges. Since there is no strong evidence, I assume that the case should be overturned; however, the judge will decide whether or not the case should be dismissed or not," Sai Moe Hein, a geology student, said he was deprived of sleep for 7 days and was constantly beaten, and had an iron bar rolled up and down his shins. All he wants to do is return to his studies.

Aung Win, an ethnic Rohingya and well known activist and interpreter was arrested in Sittwe during UN Special Rapporteur, Tomas Quintana’s visit to Arakan State in early February.
Sources say he was hoping to meet Mr. Quintana during his visit to the State’s capital. Police reported that he was “found walking in the streets” and taken to “the station for his own safety” (DVB on 12 February). However local sources say he was deliberately picked up to prevent him from meeting with the Special Rapporteur.

A story in DVB on 11 February reports that almost 1000 Rohingya including woman and children are being held in Northern Arakan, accused of inciting sectarian clashes. It is believed that 68 have died in detention and torture and sexual abuses are widespread. Around 1600 Rohingya were originally detained after paying bribes of up to 20 million kyat (USD$23,350) to officials 966 remain incarcerated.

February 19th
Govt Forces Detain, Torture Kachin Civilians:Rights Group(Irrawaddy)

February 15th
The evidence/witnesses against the defendants in the Mandalay bomb blast case are unconfirmed(Irrawaddy-Burmese)

February 12th
Prominent Rohingya human rights activist arrested in Sittwe(DVB)

February 11th
Nearly 1,000 Muslim Rohingyas Incarcerated in Arakan State (DVB)

Monks

In a dispute surrounding electricity supplies in Hnitkyarkhwe village near in Burma’s Mandalay region, the head of a local monastery was arrested and four people hospitalized following protests. A local monk told RFA that “The clashes erupted after the electricity line that serves the village was cut off in some areas,” The abbot, Sayadaw Kawsala, was driven at and an attempt was made to ram him with a vehicle after he told officials from the Union Solidarity and Development Party (USDP) not to disrupt the power supplies. The planned disruption was said to be because USDP members had lost their positions following the success of the National League for Democracies (NLD) success in the April 2012 by-election.

A 14 year old Buddhist novice, U Thazana, is still receiving treatment in Bangkok at the Royal Thai Army hospital after having his fifth skin graft on 4 February. U Thazana was one of over one hundred people, the majority of who were monks, injured during the crackdown at the Latpadaung Copper Mine protest (Mizzima on 8 February).

February 25th
Burmese Police Clash with Villagers in Electricity Dispute(RFA)

February 8th
Latpadaung victim undergoes fifth skin graft(Mizzima)

Journalists, Bloggers and Writers (media activists)

The Burmese Government has denied it had anything to do with the hacking of journalists e-mail accounts after Google issued warning notifications to a dozen journalists.
Google issued the warning of possible state sponsored interference that could compromise the account or computer. Amongst the people targeted were SE Asian Thai based author Bertil Lintner and a Rangoon based Associated Press correspondent.

In a more positive move foreign journalists will be able to apply for longer term visas in Burma from April this year. Deputy Minister for information and presidential spokesman U Ye Htut made the announcement to the Guardian which will mean foreign journalists will no longer have to enter under tourist visas or pseudonyms.

A law suit against ‘The Voice’ magazine has been dropped by a government agency. The magazine published a story relating to misappropriation and irregularities within four ministries in May last year and this was the first case of its kind under the Thein Sein Presidency. ‘The Voice’ expressed there thanks for the dropping of the lawsuit and said they regretted any loss of dignity the article had caused to the ministries’ dignity.

**February 12th**
Burma to Grant Longer-term visas to Foreign Journalists(Irrawaddy)
Napyitaw denies journalist hacking allegations(Mizzima)

**February 11th**
Myanmar Hacking: Government Denies Reading Journalists’ Email(Huffington Post)
Burma offers visas to Journalists(The Guardian)

**February 1st**
Burma Govt Agency Drops Suit against Magazine(Irrawaddy)
Court officially drops defamation case against news journal(DVB)

**Women**

During a workshop on peace-building held 31 January to 1 February, 31 ethnic women’s groups have condemned the use of sexual violence against women by the Burmese Military in Kachin State. The workshop was attended by 43 women from all across Burma and they released a joint statement calling on the government to recognize the UN convention’s protection of civilians, particularly woman and children. In a statement Hla Hla Soe, the general secretary of the Rangoon-based Karen Women's Action Group, stated “Kachin women representatives who attended the workshop emotionally expressed their sadness and concern about how women and girls are suffering from ill treatment. I was very sad to hear their terrible stories of sexual violence, such as gang rape against women and girls.” (Irrawaddy)

**February 6th**
Silenced no more.(Washington Post)

**February 4th**
Women’s Groups Condemn Sexual Violence by Govt Soldiers (Irrawaddy)

**Human Rights Defenders & Promoters Network**
No reports for this month.

**Labor Activists**
No reports for this month.
**Students**
No reports for this month.

**Lawyers**

The Lawyers Network, based in Rangoon, has called for Parliament to take urgent action following the shooting of nine farmers including one woman and the death of a police officer. Over 300 farmers from Ma-Let-To village track, in Maubin Township, Irrawaddy Division, clashed with around 150 police. *(See Trends for further details)*

**February 27th**
Calls for Parliament to take urgent action over the Maubin farmers affair *(RFA-Burmese)*

**Individual Activists**

Ko Aung Tun, a former political prisoner and author of "the History of Burmese Student Movements (1903-1962)”, has announced he plans to sue Than Shwe, and over 50 of his comrades in the International Criminal Court (ICC). He was recently released after serving a long sentence.

**February 7th**
Former Political Prisoner plans to sue Former General Than Shwe and more than fifty of his comrades *(Irrawaddy-Burmese)*

**February 5th**
Commemoration Calls Attention to Political Prisoners' Struggle *(Burma Partnership)*

**National League for Democracy**

A planned protest by the National League for Democracy in Mandalay was cancelled after the police changed the terms of their original application. The protest was to show their disgust at the arrangements of some ward assemblies and also against some members within the party who acted “worse than dictators”, but the police insisted they cut the numbers by 95% and only demonstrate for one hour, and not the three days that had been requested. There is dissatisfaction with some top officials within the party and Ko Phyo Han said “We also demonstrated in Myingyan township on January 24 and we are satisfied that we were able to show that we are not pleased about the unfair ward assemblies.”

**February 4th**
NLD members in Mandalay cancel protest over Police restrictions *(Myanamar Times)*

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2 *Burmese Farmers Shot in Land Clash*(RFA)*
Daw Aung San Suu Kyi

Aung San Suu Kyi has welcomed the setting up of the Verification Committee but says it is twenty years overdue. She commented that is good that the government is finally recognising that there are political prisoners.

**February 21st**
Daw Aung San Suu Kyi welcomes the Verification Committee for Political Prisoners(RFA-Burmese)

**February 14th**
Kachin rebels refuse to invite Suu Kyi to mediate in peace process(DVB)

**February 13th**
Suu Kyi Says She is Willing to Help Peace Process(Irrawaddy)
Suu Kyi wants in on Kachin peace talks(Kaching News)
Suu Kyi offers to brokers peace talks in Burma(The Scotsman)

**February 12th**
Aung San Suu Kyi offers to Mediate Burma Peace Talks(The Guardian)
Suu Kyi offers to mediate ethnic conflicts(Mizzima)

**February 1st**
Myanmar’s Suu Kyi urges ‘more human’ democracy(AFP News)

**Key International Developments**

A major international development this month surrounded the visit of UN special Rapporteur on human rights in Burma, Tomas Ojea Quintana. His five day visit, from 11 to 16 February 2013 included trips to both Rakhine and Kachin States, regions where conflicts have continued through into 2013. During his visit to Sittwe, capital of Arakan State, he met with Tun Aung, a Muslim community leader who was imprisoned for 11 years in November last year in a trial that the Asian Human Rights Commission (AHRC) described as patently unfair. In Kachin State Quintana stated he was encouraged by the latest ceasefire talks, but was still concerned about the continuing use of arbitrary detention and torture of civilians suspected of having rebel associates.

On February 3rd U Soe Thane, Pyidaungzu Minister, the Ministry of Presidents’ Office, announced the setting up of a committee to look into the verification of the remaining political prisoners. The committee “will define the meaning of prisoners of conscience” and establish a “framework for releasing and scrutinizing the remaining political prisoners,” according to the official announcement. AAPP say they are ‘more hopeful than before,’ (VOA-Burmese) but the outcome depends upon the ‘genuine conscience of the members of the committee’ (Ko Tate, Secretary of AAPP said to VOA-Burmese). The first meeting was held on February 23. While the prospect of open dialogue with the government has the potential to be a major milestone, the success of the committee will depend on the details, including composition and mandate. This is undoubtedly the result of continuous pressure both from the International governments, advocacy groups and civil society organizations.
February also saw the publishing of a 667 page report by Human Rights Watch (HRW). It discusses the continuing failures of the Government of Burma in addressing the ongoing human rights violations in both Kachin and Arakan States, while at the same time commending them for some actions, such as releasing political prisoners and media reform. Phil Robertson, deputy Asia director for HRW stated “No one expects that a rights-respecting democracy will arrive overnight, but Burma is still failing basic rights tests on its remaining political prisoners, blocked humanitarian aid, and ensuring accountability for war crimes,” (DVB).

On February 26, Archbishop Desmond Tutu, Nobel Peace Laureate, met with former political prisoners including U Gambia, U Zaw Ye Win, U Than Min, U Win Maw (Golden melody) and Bo Kyi, Assistance Association for Political Prisoners (Burma) in Rangoon. Also present at the meeting was US ambassador Derek Michael. "Desmond Tutu's stated that Mandela also had worked in armed struggle activities. Since Mandela had worked with armed struggle because of his political beliefs, and he is also a political prisoner," said former political prisoner U Win Maw (Golden melody).

**February 27th**
Archbishop Desmond Tutu meets with Burmese former Political Prisoners(Irrawaddy Blog-Burmese)

**February 26th**
Political prisoner committee meet with advocacy groups(DVB)

**February 18th**
Hope for Political Prisoners in Burma(VOA)
Rights Group Back UN Envoy’s Warnings on Burma(VOA)
‘Arbitrary arrest’ and ‘torture’ still widespread in Burma: UN(DVB)
Burma’s Rights Violations Continue despite Reforms: UN Envoy(Irrawaddy)

**February 14th**
UN envoy meets with displaced residents, prisoner in Arakan state(DVB)

**February 13th**
Human rights activists warn of backsliding in Myanmar(Washington Times)

**February 9th**
Formation of govt committee to review ‘political prisoners’ welcomed (Eleven)
Political prisoner committee gives reason for hope and caution(Mizzima)

**February 8th**
Pressure and Pragmatism in Burma(Irrawaddy)
Govt to create commission to free political prisoners(DVB)

**February 7th**
Govt Body to be Formed to ‘Grant Liberty’ to Political Prisoners(Irrawaddy)
Group Formed to Free Dissidents(RFA)
New Burma Committee Will Look Into Political Prisoner Release(VOA)
Committee to be formed to grant liberty to remaining political prisoners(New Light of Myanmar)
Burma to review Prisoners’ Detention(BBC)
Myanmar says it will set up panel to look into prisoner releases(CNN)
Burma initiates a committee scrutinizing political prisoners left behind(Op Ed News)
The contentious issue of land confiscation is becoming an increasing problem throughout Burma. With the relaxing of sanctions by Western governments many internal bodies, including the military, have seized the opportunity to enrich themselves at the expense of ordinary people, both in urban areas and the rural countryside. Officials have used threats of imprisonment to drive people from their homes and farms or offered derisory compensation to develop Enterprise Zones for business ventures as the rush of investment outstrips the need for sensitive, ethical development. Much of this land confiscation stems back over four decades to previous governments which is unlikely to please the current administration whose stated aim is to alleviate poverty. The issue is also inextricably linked to a citizen’s right to protest and has often invoked a violent response from the police and the use of article-144, to restore order, or articles 18 and 19 of the Peaceful Protest and Peaceful Procession Act to either prevent or arrest people who feel justifiably aggrieved at being pushed off land that in many cases they have farmed for generations. The increase in the numbers of cases should temper inward investment to ensure much more cautious investigation into the relaxing of sanctions. The Farmland Investigation Commission, a body set up to look into incidents of land grabbing has seen 565 cases between June 2012 and January 2013 where the military has confiscated around 250,000 acres of land.

The current Government must seriously address these issues if it wants to become a part of the International community. They need to reassess the use of draconian laws and not simply replace them with new laws that are used to suppress the rights of its citizens. The International community must also play its part in continuing to keep pressure on Burma’s administration and ally its desire to ease sanctions with constructive investment that doesn’t come at so high a price to Burma’s people.