



Assistance Association for Political Prisoners (Burma)

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Political Prisoner Watch (Burma)

March 2013

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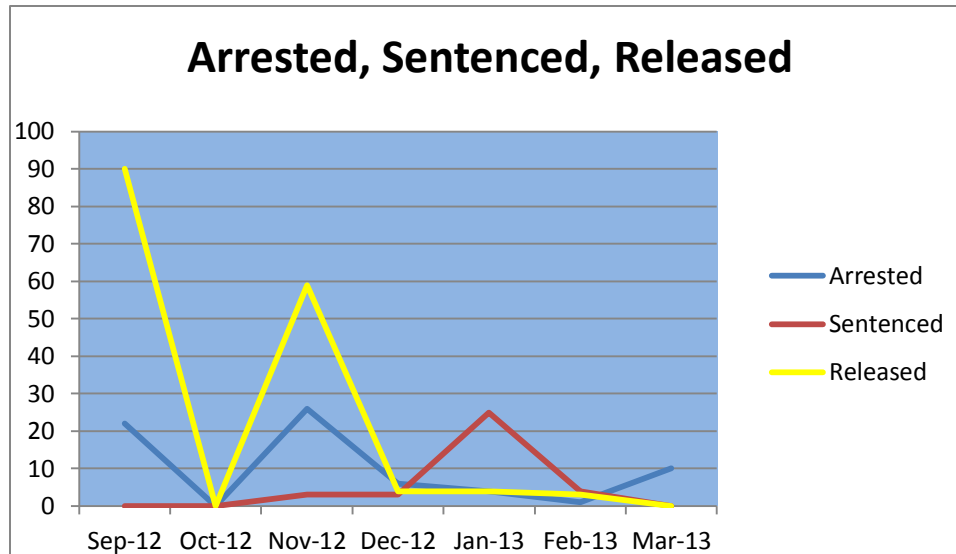
March 2013

Month in Review

Over the coming weeks AAPP will be making some changes to our monthly chronology, now named Political Prisoner Watch (Burma). We hope these changes will make it easier for our supporters to keep up to date on the latest political prisoner developments in Burma.

March saw further arrests over land confiscation protests as well as an increase in violent conflict between Buddhist and Muslim communities. Former political prisoners also faced further difficulties in gaining new passports, despite relaxed restrictions for others. The Review Committee for the Release of Remaining Political Prisoners met this month in an attempt to define a political prisoner and lobby for the identification and release of those still incarcerated. Press freedoms also came under threat this month with new proposals being viewed as a return to censorship.

Summary of the Current Situation



At least ten people were arrested during the month of March nine were indicted and released on bail, Ye Min Oo, a member of ABFSU forming committee who went missing in March has been confirmed as being arrested on the 25th of March is in Insein Prison.

Incarcerations

Ko Ye Min Oo was reported missing in late March by his brother after witnesses saw him being taken away by a group of 7 men in a van. It has subsequently been confirmed that he was arrested and detained in Insein Prison on the 25th of March. Ko Ye Min Oo is the General Secretary of the All Burma Federation of Students Union (ABFSU) and also works with the Arakenese Youth Network. Ko Ye Min Oo has previously been incarcerated for his part in the 2007 Saffron Revolution. He was release in May 2011 but has subsequently been banned from returning to his studies at The University of Economics in Yangon. Latest information suggests that he will await his trial on April 23rd in Insein prison. He has been active in national politics since his release and is also secretary of the Federation of Student's Union of Organizing Committee. AAPP have decried this action as an unlawful detention and could be considered kidnapping by agencies who consider themselves above the law. Arrests such as this are detrimental to the rule of law in Burma and the government must take effective action against lawless detentions, in order to provide a transparent system of justice.

March 28th

[The case of disappeared Ko Ye Min Oo, ABFSU, was filed \(RFA\)](#)

Facing Trial

Nothing to report this month

Releases

Nothing to report this month

Detentions

Four villagers from Hnitykarkhwe village were detained in Myingyan prison following their attempt to visit the monk detained for his part in the electricity dispute in the area. The arrest of abbot Sayadaw U Kawsala was a result of the township authorities cut off the village electrical supply in February, after which several villagers attempted to run the supply lines themselves. The detainees have been unable to see their families since their detention on February 26th. A pregnant woman who was shopping in the Kyuak Padaung township was arrested on March 2nd without reason, according to the deputy abbot. In addition five protesters were arrested in Prome township for their part in the demonstrations against the lack of electricity in late February. They have been indicted under section 18 of The Peaceful Assembly and Peaceful Procession Law by the local prosecutor police lieutenant U Hla Tun.

Upon their return to the village of Tang Hpre, a village that in 2010 was forcibly relocated to enable the construction on the Myitsone mega dam in Kachin state, 10 people were placed under arrest. According to reports the local district administrator Khin Maung Cho ordered the arrest of the returning villagers, allegedly at the behest of the China Power Investment (CPI), the Chinese company behind the project. Following their arrest they were then transferred to a holding facility 30 miles away. These arrests follow the February detention of 23 villagers also returning to Tang Hpre. Tsa Ji of the environmental activist group the Kachin Development Networking Group (KDNG) denounced the villagers' arrests, stating that it showed the Government of Burma were allowing the project to continue and prevent people from returning to their homes.

A well to do Rohingya family in the number 14 district of Maungdaw were brutally abducted by NASAKA security forces on the 9th of March. A group of around sixty security officers surrounded their home and proceeded to physically abuse Abdul Hussain and his wife Momtaz. They also stole much of their jewelry and gold ornaments from the home and subjected their son and two daughters to the same violent treatment as their parents. The family is still missing and relatives and friends have expressed their concern for their safety.

Activists in Arakan state are being charged by local authorities for holding a demonstration without permission. Demonstrations were held in Sittwe, Mrauk U and Kyauk Taw districts to insist the government scrutinize the Muslim community with the 1982 citizenship law to determine whether they are Burmese citizens. The protesters are arguing that the people who qualify as Burmese citizens should be allowed to have homes built for them, whereas those who do not should be moved to refugee camps. Ma Nyo Aye and Ko Kyaw Zaw Oo were arrested in Sittwe while in Kyauk Taw four activists were also arrested. They were charged with holding the demonstrations without permission.

In addition, the army confiscation of lands in the Sin Paung Wae village in Magwe division has seen the indictment of residents for attempting to present their case to the President. Over 500 residents were involved and several have been indicted by the courts on account of giving false information to support their case.

The Chairman of Zaykaber Company was indicted with defamation by The Chairman of the Peace and Diversity Party U Nay Myo Wai. U Khin Shwe reportedly threatened U Nay Myo Wai, stating that he would "tie U Nay Myo Wai with a rope and have him beaten by more than 200 security members" (RFA). U Khin Shwe was indicted under section 500.

Zaykabar Company is a major Burmese conglomerate with constructions and telecommunications interests.

March 14th

[Authorities plan to charge those who led Arakan protest without permission \(Narinjara\)](#)

March 10th

[Nasaka abducts a rohingya family \(Kaladan\)](#)

March 8th

[Residents informed about army land confiscations have been indicted on account of giving false information \(Mizzima\)](#)

March 7th

[10 arrested after returning home to Myitsone dam village \(Kachin News\)](#)

March 6th

[Zaykaber Company Chairman indicted for defamation \(RFA\)](#)

March 3rd

[Residents attempting to visit the monk detained for his part in the electricity dispute in Hnitkyarkhwe are arrested \(RFA\)](#)

March 1st

[Five protesters were indicted for protesting against the lack of electricity in Prome Township \(RFA\)](#)

Conditions of detention and treatment of family members

Two Kachin men arrested by the Kachin Independence Army (KIA) were tortured during their detention for spying and are now facing charges of plotting to blow up the Balamingyi Bridge. During the previous year's court case the two men stated they were forced to engage in sexual acts, perform tradition Kachin dance naked and pretend to be crucified while in police custody. The two men, La Htai Gam and Drang Gyung, told their lawyer Mar Khar that they were handcuffed by police and forced to act as though they were planting bombs. These new charges bring a possibility of a further 10 years imprisonment if they are convicted.

U Brang Shawn was arrested in 2012 under accusations of being part of the Kachin Independent Organization (KIO). His lawyers have claimed that his confession came as a result of repeated beatings and torture by the arresting officers. Defendant lawyer U G Markhar attempted to have the deputy judge who presided over the case U Zaw Min brought for cross examination by the township judge U Myint Hoo. This request was however rejected with U G Markhar stating "I guess that the judge did not want to examine him, but I do want U Zaw Min to examine so as to discover the truth. The defendant had suffered and feels aggrieved due to the judge's decision. In fact, the deputy judge is our important witness" (Mizzima). Despite U Brang Shawn's assertions regarding the treatment he received, there is no strong evidence to support his claim.

March 18th

[Kachin Prisoners Accused of Bomb Plot \(Irrawaddy\)](#)

March 6th

[Judge rejects opportunity to cross examine presiding in the case of U Brang Shawn \(Mizzima\)](#)

Restrictions on political and civil liberties

Press groups in Burma were facing a return to censorship this month with the government's new media laws being drafted. The proposed legislation seeks to ban any material that violates the country's Constitution and has the potential to incite civil discord, as well as granting the Information Ministry's Registration Department extensive powers to control and restrict content in the media. Three of the most prominent journalist organizations in Burma gathered on March 12th to attempt to pressure the government into retracting the proposed Printing and Publishing Bill. The Myanmar Press Council, Myanmar Journalists Association, Myanmar Journalists Union and Myanmar Journalist Network condemned the bill and urged the government to reconsider this new restriction on press freedoms. The concerted pressure of these organizations resulted in the government agreeing to back off any proposed reforms until June, as well as acknowledging the need for media consultation before any new bill is drafted.

Amidst the controversy surrounding the new press laws, the Government of Burma has sanctioned the publishing of 16 daily newspapers for the first time in almost 50 years. The new daily publications are set to begin circulating from April 1st. Despite this positive step, the government has implemented a new supervisory committee to monitor media output and revoke licenses of those who flout regulations. Presidential spokesperson Zaw Htay insisted "there is no more censorship" and that media "may publish freely" as long as they continue to do so in accordance with their publishing licenses and "the principles in the constitution." Despite this statement the new committee performs much the same role as the previous censorship board, as Zaw Thet Htway, editor and press council member, stated that its creation was a clear attempt to "keep censoring" and "controlling" the press, while the government claims "to be granting full democratic standards for the media" (DVB).

The Review Committee for the Release of Remaining Political Prisoners is urging family members to provide any information they can to help secure their release. Following the initial meeting in February the committee met in Rangoon on March 14th, with the aim of securing a definition of who a political prisoner is. They are seeking to present the definition to Parliament when they next meet. In doing so the committee hopes to prevent future arrests of people for political reasons as well as helping to get those who do remain in prison released.

The Burmese Border Security Force NASAKA forced Rohingya villagers in Arakan state to attend a meeting with NASAKA commanders. The meeting was held in order to inform villagers of a list of specifications and rules that they must adhere to. Over 60 villagers were informed of orders to follow in the Maungdaw region of the state. These included orders such as informing authorities of any visitors that may come to the village, no demolishing houses without authorization and no leaving houses between 10:00 pm and 6:00 am. They were also told they were not allowed to leave the village without permission. As one commander stated "If anyone doesn't comply with the order, he/she will be punished according to the law" (BNI).

Farmers and residents in the Kane township of Monywa District were prevented by security forces from demonstrating against the land registration law. According to authorities the protest was halted because they did "... not want to destroy the peace and tranquility in Monywa Township due to the lawless demonstrators"(RFA). Authorities stated they were planning to hold talks with village representatives.

In protest to the Lapdaung Taung Copper Mine Project, residents of Tone village have been ordered to dismantle their demonstration camp. The authorities have claimed this is because it infringes on the public road. Ma Khaing, one of the protesters residing in the camp stated that "we would prefer to completely abolish the copper mine project and we have

demonstrated peacefully. So, we plan not to eliminate our demonstration camp" (DVB) On March 14th Coopermine Committee Chariman Aung Sang Su Kyi visited the camp to explain the Commission report on the project and received assurances from the authorities that if the villages make an application to protest they would be permitted to do so.

March 27th

[Burma approves new dallies amid outcry \(VOA\)](#)

March 18th

[Ex political prisoners fight to free colleagues \(The Myanmar Times\)](#)

[Information Minister invites Press Council members to discuss controversial bill \(Irrawaddy\)](#)

[Govt Holds off on Press Law Following Criticism \(Irrawaddy\)](#)

March 16th

[Media in Myanmar worry that freedom is already slipping away \(LA Times\)](#)

March 15th

[Tone Village protesters ordered to disband demonstrations and demolish protest camp \(DVB\)](#)

March 14th

[Peace marchers arrive in rebel stronghold \(DVB\)](#)

March 13th

[Journalists call on Burma to scrap controversial press law \(Irrawaddy\)](#)

March 11th

[Printing and publishing bill detrimental to press freedom \(Eleven\)](#)

[Rohingya villagers summoned by Nasaka \(BNI\)](#)

March 7th

[Retrograde bill threatens tentative progress \(Reporters Without Borders\)](#)

[Burma Defends Draft Media Law Against Criticism \(RFA\)](#)

March 6th

[Former political prisoners push to get others out of Myanmar's Jails \(Eleven Media\)](#)

[Govt admits to 'restructuring' censorship board \(DVB\)](#)

March 5th

[Burma Media Law Seen as a Step Backwards \(VOA\)](#)

March 4th

[Myanmar media groups say draft legislation marks a return to censorship \(Eleven News\)](#)

Restrictions on former political prisoners

Despite the recent relaxations on passport laws for Burmese citizens, ex-political prisoners are still facing restrictions and difficulties in applying for passports. Waiting times for citizens have been decreased from 21 to 10 days, as well as the requirement for extra documentation being rescinded. Former political prisoners however still face more stringent background checks and longer waiting periods, as well as being required to provide extra documentation. Ye Aung of the Former Political Prisoners Society in Rangoon stated that these documents are often difficult to provide for former prisoners and that these restrictions place former prisoners at an unfair disadvantage, saying "We are all citizens and should have equal rights. We will not accept this situation, which discriminates among citizens." (Irrawaddy) Solicitors for ex-political prisoners have seen their licenses to practice law unfairly and unlawfully revoked. The revocations were not carried out in accordance with correct procedure and were motivated not in response to breaches of professional codes of conduct but because of

the authority's dissatisfaction with their political activities, and efforts to defend the rights of persons accused in political cases.

The recent case of a former political prisoner highlights these problems. The former prisoner has requested he remain anonymous. Despite providing all the required documents he was asked to submit a letter of recommendation from their local police station and the neighborhood section office, an educational compensation receipt, and official forms relating his release from prison. He was also required to visit the Passport Office 3 times and wait for lengthy period son each visit. Despite the cost and effort involved in obtaining this process, he was still not told when he would receive his passport, and is likely to face a home visit by Special Branch in the future before he does so.

March 19th

[Passport rules relaxed, but not for ex-prisoners \(The Irrawaddy\)](#)

[Passports for Myanmar's ex-prisoners still an issue \(Mizzima\)](#)

AAPP (B) in the media

The Review Committee for the Release of Remaining Political Prisoners met this month to seek a coherent definition of what constitutes a political prisoner. AAPP (B) joint secretary Bo Kyi participated in these talks and reiterated his belief that this review is a part of a review of the prison services in Burma. He stated that this committee has been created to release political prisoners and they must stay committed to this mandate.

The Former Political Prisoners Society is also a part of the committee and has appealed for anyone who holds information regarding the identity of political prisoners still incarcerated in Burma, to contact any of the committee members. This will aid in the identification of the remaining political prisoners and allow the Review Committee to actively seek their release.

March 11th

[Bo Kyi: 'This work is directly related to the rule of law'\(DVB\)](#)

March 1st

[FPPS ask for any PP information to be passed to the Review Committee members \(Irrawaddy\)](#)

Key Domestic and International Developments

The recent visit of President Thein Sein passed without the Norwegian government pressing them on the issues of the treatment of the Muslim community western Burma. Norway has previously been seen as one of the staunchest supporters of the Burmese democracy movement. Human Rights Watch (HRW) subsequently stated their belief that the European Union leaders should strongly press Thein Sein during his visit to Brussels in early March. EU Director at HRW Lotte Leicht "EU leaders should treat the reform efforts to date in Burma as just the start of a process, not the end. They should of course encourage President Thein Sein's reforms but also press him to address the hard reality of serious ongoing human rights violations in Burma." HRW reiterated their opinion that it is the place of the EU leaders to keep the pressure on Burma to honor their human rights commitments.

March saw the 25th anniversary of the killing of the 21 year old engineering student Phone Maw outside the Rangoon Institute of Technology. His death sparked off the 8888 pro-democracy uprisings that eventually saw the deaths of over 3000 people, when the protests were crushed by the military regime. The 88 Generation students have since been considering the

possibility of forming a political party of their own. One of the 88 leaders Min Zay Ya stated that “our group will be working as a political party on one side and as an NGO on the other. We all have agreed on that. We certainly have a two-way basic principle, but it is just a preliminary stage at the moment.” (Irrawaddy) The group will be seeking to increase their political activities after 2013 with the aim of being a candidate in the 2015 elections. Activists have also sought to have the 13th of March, the day Phone Maw was killed, recognized as a national public holiday. His death has never been fully acknowledged by the Government of Burma.

The United Nations have extended the mandate of Special Rapporteur Tomas Ojea Quintana by another year. The move comes following concerted pressure from humanitarian organizations to ensure continued monitoring of human rights abuses in Burma. Amnesty International, Human Rights Watch and Burma Partnership have all this month reiterated their belief that it is essential to continue to monitor human rights abuses. The United Nations Human Rights Council had previously stated their wish that the Burmese government launch a probe, calling for “a proper investigation into detention and prison conditions and allegations of the use of torture in prisons” (DVB). Quintana had recently encouraged the Burmese government to recognize the crimes of the former military junta, as a crucial part of the reconciliation process.

As part of the ongoing peace talks in Kachin State, the Myanmar National Human Rights Commission (MNHRC) have stated that it is essential to address the human rights abuses occurring in the region. Quintana has previously expressed his concern about the spread of violence in both the Arakan and Kachin states saying “Rakhine state is going through a profound crisis that threatens to spread to other parts of the country and has the potential to undermine the entire reform process in Myanmar.” (Reuters) Violence in the town of Meikhtila escalated throughout March as clashes between Muslims and Buddhists turned deadly. It is unclear how many have died in the fighting, and the army has been brought in to control the area. Some 6000 Muslims were escorted to the football stadium by security forces to be held there. The anti-Muslim riots have since spread across the region, moving southwards into Pegu division.

March 8th saw an announcement from USAID that they will assist in the 2015 election process. Committing 11 million dollars to this plan, they will work to educate people about the election process, improve monitoring systems for the elections, develop the political parties and the parliamentary system and help the country hold a fair and free election. The US Foreign Affairs Department also announced that Patrick Murphy, Special Representative and Policy Coordinator for Burma will visit the country on the 12th and 18th March to discuss the Arakan and Kachin conflicts.

Mr. Murphy intended to talk about the conflicts in Arakan and Kachin states. Also, he had organized meetings to discuss the matter of the US policy, the accountability for the investment, the international aid programs, the Burmese reform process and the national reconciliation process. He will also address wider issues such as US policy, the reform process in Burma and the national reconciliation process.

March 29th

[Kachin human rights abuses must be addressed \(Mizzima\)](#)

March 26th

[Govt vows to end anti Muslim riots, as fresh violence hits Pegu division \(Irrawaddy\)](#)

March 23rd

[Army restores calm after deadly sectarian violence \(Irrawaddy\)](#)

[UN extends Myanmar rapporteur mandate for another year \(Mizzima\)](#)

March 22nd

[State of emergency declared as death toll rises in Meikhtila\(Irrawaddy\)](#)
[Burma must launch probe into rights abuses:UN body\(DVB\)](#)

March 20th

[Opposition MP urges parliament to sign UN convention on torture\(DVB\)](#)

March 19th

[Burma's 88 Generation Students to form political party \(The Irrawaddy\)](#)
[88 Generation Students mull forming political party \(DVB\)](#)

March 15th

[Advocacy groups etch out political prisoner definition \(DVB\)](#)
[US Envoy to Burma Says Peace Needed if Sanctions Are to Be Lifted\(Irrawaddy\)](#)

March 14th

[UN's Quintana concerned about situation in Kachin and Arakan States\(Kachin News\)](#)

March 13th

[Activists Call for Official Recognition of Human Rights Day\(Irrawaddy\)](#)

March 12th

[How Can Burma Begin to Heal the Scars of '88\(Irrawaddy\)](#)

March 11th

[Myanmar Must Face Up To Junta's Crimes, UN Envoy Says\(Irrawaddy\)](#)
[Human Rights Council: Maintain Scrutiny of Burma\(HRW\)](#)

March 8th

[Amnesty calls for continued human rights monitoring in Burma\(Mizzima\)](#)
[USAID will give assistance to the 2015 election process \(VOA\)](#)

March 7th

[Rakine crisis risk spreads, endangering Myanmar reforms-UN\(Reuters\)](#)

March 5th

[EU:Press Burma's President on Rights Reform\(HRW\)](#)

March 4th

[Burma Still Requires the UN Human Rights Council's Attention\(Burma Partnership\)](#)

March 1st

[Norway slammed for silence on 'stateless' Rohingya\(DVB\)](#)

Conclusion

Former political prisoners in Burma continue to face persecution for their histories of political and humanitarian activism. As highlighted in several media reports this month, lawyers, ethnic minorities, journalists, human rights activists, etc. previously incarcerated for their political backgrounds are having their passport applications rejected by Burma's Ministry of Home Affairs. Former political prisoners are not given any legal basis for the rejection. While the normal processing time for a passport in Burma is now 10 days, recently reduced from 21 days, former political prisoners are forced to wait upwards of one year. In addition, they are forced to go through extra bureaucratic loopholes, such as obtaining additional documents from a number of Ministries, and are interrogated by the Special Branch. Burmese citizens are only required to present a national ID card and household registration papers.

A former political prisoner, who has asked to remain anonymous, spent over 5 years in prison for participating in political demonstrations. This is the latest in a long line of ex-political prisoners facing passport denials. Although he submitted all of the necessary documents for a

passport application, he was made to travel back to the Passport Office at least 3 times for questioning by both the Passport Office staff and Police Chief where he had to wait upwards of 4 hours each visit. He was interrogated as to his previous blacklist status and his current living situation, and will most likely face a home visit by Special Branch officers, a common practice for former political prisoners applying for passports.

In addition to the basic documents required by all Burmese citizens, the former prisoner was asked to submit a letter of recommendation from his local police station and the neighborhood section office, an educational compensation receipt, and official forms relating his release from prison. All of the documents require a fee. He has not been given any indication as to how long the application process might take, other than “we cannot say when you will get your passport” due to his prison history. His passport must also be approved by the local Township Special Branch, a lengthy process reserved for former political prisoners.

Aside from well-known and celebrated former political prisoners such as Aung San SuuKyi and satirist Zarganar, this former prisoner’s experience parallels the vast majority of former political prisoners’ failed attempts to secure a passport. In one case, a former political prisoner successfully applied for a passport. However, when he went to the Passport Office to pick up his passport, he was told his passport would be confiscated for one year due to his prison background.

The restrictions faced by former political prisoners was also highlighted this month in a resolution tabled at the 22nd Session of the Human Rights Council, which urged the Government of Burma to release political prisoners “without conditions and to ensure the full restoration of their rights and freedoms in line with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar.” These recommendations, spelled out in Quintana’s report to the Human Rights Council, include the removal of “any restrictions or conditions” and “to provide just compensation” to former political prisoners.

According to article 13(2) of the Universal Declaration of Human Rights, “Everyone has the right to leave any country, including his own, and return to his country.” Former political prisoners continue to have this basic right, accepted as international customary law, arbitrarily abrogated despite the Government of Burma receiving praise for lifting restrictions on passport applications. According to Ye Aung, a former political prisoner, “We are all citizens and should have equal rights. We will not accept this situation, which discriminates among citizens.” (Irrawaddy)

The Government of Burma responded to the Special Rapporteur’s report by tersely denying political prisoners exist, in saying, “Nobody is arrested on political grounds. Legal action is taken against those who violated the existing laws.” The Thein Sein administration is thus no different than the succession of military regimes in Burma, who all officially refuted the existence of political prisoners. AAPP is still greatly concerned that despite recent reforms and government relaxations, the situation of political prisoners and former political prisoners still leaves Burma a long way from democracy, national reconciliation and peace.