

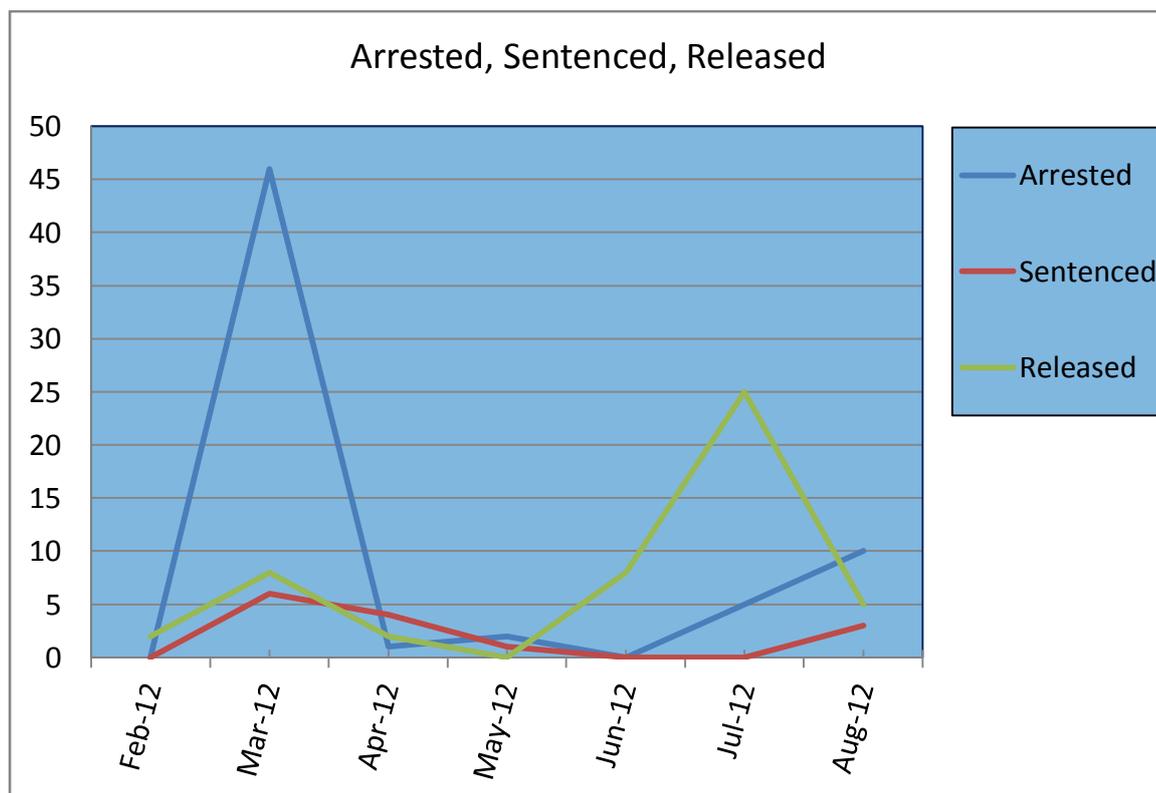


**Assistance Association for Political Prisoners (Burma)**

နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

## **Monthly Chronology of Burma's Political Prisoners for August, 2012**

## Monthly Chronology August 2012



### Summary of the Current Situation

There were **10** arrests, **3** were sentences and **5** releases in the month of August, 2012.

### Trends

Events unfolding during the month of August have clearly shown there continues to be a lack of an independent and reliable judiciary system in Burma. Rulings are instead made on completely arbitrary grounds and in many cases individuals are convicted without any evidence. Fair trials are nonexistent: for example, defendants and lawyers are denied accurate information about charges and trial proceedings. In many cases, defendants are not allowed any legal representation at all. This was clearly seen in the case with the three NGO workers convicted of involvement in the Arakan state riots that began in the month of June. No information about their charges was made available to the defendants and there was no lawyer representation during the trial – there were even reports of lawyers being threatened if they involved themselves in the matter. In the end the NGO workers were released after a presidential pardon, but the way in which the convictions were carried out makes it evident that there is not yet rule of law in Burma.

United Nations Special Rapporteur Mr Quintana, who visited from 30 July to 4 August, expressed his concerns regarding the unfair treatment of the NGO workers in a statement. Mr Quintana also pointed out that a vast number of political prisoners remain in Burmese prisons and called for their immediate and unconditional release. The Special Rapporteur pointed out the difficulties with discrepancies among different organizations of the number of political prisoners and acknowledged the urgency of clarification on the matter. He did however point out that several hundred individuals have been confirmed and that these should be released immediately “... there

are prisoners whose identities and cases are known and there is no reason why their release should be further delayed,” he said.

The discrepancy between statements made by the Burmese government and the reality of Burmese citizens was clearly shown by the conviction of political activist and lawyer Saw Kyaw Kyaw Min. U Saw Kyaw Kyaw Min was sentenced to six months imprisonment on a charge of contempt of court that was made in 2008. This is the maximum punishment for a charge which normally is dismissed with a fine of only 200 kyat. Despite President Thein Sein’s call on Burmese exiles to return to their country, the call to which U Saw Kyaw Kyaw Min responded, all exiles should act with caution before returning to Burma.

There was considerable turmoil in the media field during the month of August leading to the abolishment of pre-censorship. Strong reactions to the decision by the censorship board to ban two popular journals led to several dozen journalists taking to the streets to protest what was widely seen as a move to further entrench oppression and deny freedom of speech. Major journals also blacked out their front pages in protest of the censorship. Initially the government tried to manage the situation by establishing the Myanmar Core Press Council (MCPC), an interim council to replace the censorship board until the new media bill is passed, but criticism led to the delay of its formation and in the end it was announced that the authorities scrapped pre-censorship effective immediately. Many journalists warned however that as long as the very strict media laws remain self censorship will be wide spread. A new media bill is being drafted but as long as there is no independent judiciary the threat of being sued and charged with defamation will hinder honest reporting on sensitive topics.

As a response to the criticism of the continued un-rule of law in the country the Parliament’s Lower House formed the Committee of Rule of Law and Tranquillity, a committee dedicated to ensuring organizations as well as authorities abide by the laws of the nation. As the committee’s chairperson the lower house appointed Daw Aung San Suu Kyi who has repeatedly voiced her concerns regarding the lack thereof in the country. To what extent the committee will actually be able to improve the current situation remains to be seen. As long as many of the current laws violate international human rights standards, there can be no genuine reform until there is substantive legal reform and changes in the 2008 constitution.

## **Torture and Treatment of Prisoners and their Families**

Prisoners in Burma are still being denied their basic rights to a fair trial as was noted in the trial of the UN workers sentenced to jail. The detainees were not allowed to meet with or have lawyers and no information regarding the nature of the charges against them was made available to the defendants. **(See update individual cases)**

In an interview with DVB newly released political prisoner Phyto Wai Aung speaks of his experience in the Burmese court room. Phyto Wai Aung maintained his innocence for the bombing charges with which he was being charged but was tortured into extracting a false confession. “I was tortured in various methods at Aungthabyay [a notorious interrogation centre in Rangoon]. I was mostly beaten up – they’d told me to confess to the crime and would beat me if I didn’t. But then they’d still beat me even when I [talked]”, he says to DVB. Phyto Wai Aung was also denied the right to an attorney as well as making a full statement to the court. **(See also Prisoners released & Update Individual Cases)**

The ill treatment of political prisoners in jail is also continuing despite the efforts made by the nominally civilian government to appear to have taken a more respectful approach. Political prisoner Aung Thu was handcuffed to a pole and beaten at Insein prison on July 31, 2012, for questioning the seizure of food during the transfer of 170 inmates according to his father Kyaw Thin.

The father will be filing a lawsuit against the perpetrators who include Insein official Maung Maung Gyi and prison guards. The prisoners were being relocated from Sittwe prison in Arakan state to Insein prison in Rangoon. Former Political Prisoners Organisation (FPPO) made a statement in which they strongly condemn the mistreatment of Aung Thu. There is considerable lack of improvement in the treatment of political prisoners as the prison authorities maintain the same approach as was used during the military rule, according to FPPO. Aung Thu was a first-year university student when he was arrested in 2008 and sentenced to 15 years in prison after being charged for violating a plethora of laws including the Immigration Act and Unlawful Association Act.

Four political prisoners<sup>1</sup> in Taungoo that are currently serving a 28 year sentence for a bombing were forced to work, by the prison wardens<sup>2</sup> who threatened the prisoners with beatings should they refuse. One of the prisoners was indeed beaten with a stick and is still suffering from the beating. <sup>3</sup> Unfortunately there is not much detailed information about the nature of work the prisoners were forced to do available.

### **August 6<sup>th</sup>**

[Political prisoner beaten at Insein \(DVB\)](#)

[Phyo Wai Aung: 'I was tortured' \(DVB\)](#)

## **Prisoners Released**

Political prisoner Phyo Wai Aung was released from Insein prison on August 3<sup>rd</sup>, only four days after he received a visit from United Nations' Human Rights Special Rapporteur Tomas Quintana. Phyo Wai Aung received a presidential pardon and was released under the Act 401(1) of the Criminal Procedure Code. Phyo Wai Aung was sentenced to death after being tortured to confess to the New Year's bombing in 2010. After his release Phyo Wai Aung has initiated an appeal to the court as the pardon does not exonerate him. **(See also Update individual cases)** During his time in prison Phyo Wai Aung developed liver cancer and was not receiving adequate medical care. He is now in the final stages of the decease.

Several of the aid workers in Arakan State that were detained during the month of June have been released. On August 15<sup>th</sup> the local authorities in Sittwe released Doctors Without Borders employees Kyaw Hla Aung and Win Naing together with three additional local NGO workers whose identities are unknown. Kyaw Hla Aung and Win Naing were both accused of inciting unrest during the outbreaks of violence in the State. On Monday August 27<sup>th</sup> three convicted NGO workers, two of whom worked for the UN were released under a presidential pardon. United Nations Special Rapporteur Tomas Ojea Quintana has said that the allegations against the UN staff were unfounded and demanded their immediate release. **(See also Update Individual Cases)**

U Bawn Zawm, who was accused of being connected with Kachin Independence Organization (KIO) and arrested by Myitkyinar district Crime Enforcement Group, was released on 1 August 2012 by Myitkyinar Township Court as the judge ruled him not guilty.

### **August 29<sup>th</sup>**

[Burmese President Pardons Two UN Aid Workers \(Irrawaddy\)](#)

### **August 28<sup>th</sup>**

[Burma's President Pardons 2 UN Staff, 3rd Aid Worker. \(VOA News\)](#)

### **August 16<sup>th</sup>**

[Rakhine Aid Workers Freed \(RFA\)](#)

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<sup>1</sup> The prisoners are Ko Kyi Thein aka Ko Barbu, Ko Thein Myint, Ko Thein Win, Ko Zeyar Soe and Ko Maung Oo

<sup>2</sup> The wardens were U Cho Win Tun and U Cho Lwin

<sup>3</sup> DVB August 27<sup>th</sup>, translated from Burmese by AAPP.

**August 17<sup>th</sup>**

[Five detained NGO aid workers released in Rakhine State \(Mizzima\)](#)

**August 3<sup>rd</sup>**

[‘Rangoon bomber’ receives presidential pardon \(DVB\)](#)

## **Update on Individual Cases**

Phyo Wai Aung, released from Insein prison on a presidential pardon on August 3<sup>rd</sup>, 2012 appealed his conviction in order to have the sentence overturned. The conviction where Phyo Wai Aung was found guilty of a bombing in Rangoon in 2010 was based solely on his confession – a confession made under torture, and without any additional evidence. Phyo Wai Aung has consistently maintained his claim of innocence, and as the pardon does not mean that he is considered innocent and that his sentence is overturned he is now calling for the Supreme Court in Naypidaw to clear his name. During the trial Phyo Wai Aung testified that the confession was forced but that was not the opinion of the judge in his case. Despite suffering from the final stages of liver cancer Phyo Wai Aung is determined to follow through with the appeal. **(See also Prisoners Released & Torture and treatment of prisoners and their families)**

The court has convened for a fourth time on July 27<sup>th</sup>, 2012, in the trial of Lahtaw Brang Shawng, an internally displaced person (IDP) charged for being a member of Kachin Independence Organization (KIO), who was severely tortured during his detention. During the hearing the section leader from Lahtaw Brang Shawng’s home village testified for the prosecution. The section leader however, stated that he had never seen Lahtaw Brang Shawng being in contact with KIO or participating in a bombing, according to defence lawyer U G Mar Khar. The fifth hearing took place on August 3<sup>rd</sup>, 2012. The prosecution will question the ten remaining witnesses, who amount to a total of 17.<sup>4</sup>

That in Burma the judicial system leaves much to be desired can be seen in the case of the UN workers arrested and detained accused of participation in the Arakanese riots in the beginning of July. The list of human rights violations and the right to a fair trial is long, starting with the fact that no information about the charges under which they were held was given neither to their families nor the UN.

On Friday August 24<sup>th</sup>, the court of Muangdaw sentenced two UN Staff members to prison for their alleged involvement in the communal outbreak of violence in Arakan State in June. No details or explanation of the sentences was given at the time of the sentencing. One of those sentenced was an employee of the UNHCR - UN refugee agency and the other the UN World Food Program. A spokesperson for the world body’s refugee agency in Bangkok, Vivian Tan, called the verdicts “very disappointing.” A third aid worker employed by a partner organization to the UN was also released. According to the UN the accused were refused their right to speak to a lawyer and despite enquiries made by the UN no information was given to the organization.

Ma Cho Lay Mar, an employee at UNHCR, was sentenced to six years imprisonment. Maung Khin Shwe and Maung Khin Zaw from Buthidaung Township, who were arrested along with Ma Cho Lay Mar, were sentenced to three years and two years imprisonment respectively.<sup>5</sup>

Family members of the UN workers that were sentenced to imprisonment after the Arakanese riots that began in June report that the accused were not allowed to have their lawyers present during the trial. Family members who showed up at court to attend the trial were not allowed to enter and were instead told to move away from the building. The lawyers who were hired to assist the accused during trial tried, unsuccessfully, to get information from the court ahead of trial.

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<sup>4</sup> Ethnic Kachin refugee, accused of being a KIO member, released.(Irrawaddy) August 2, 2012, translated from Burmese by AAPP

<sup>5</sup> UN staff sentenced to 6 years regarding Arakanese case (BBC) August 25, 2012, translated from Burmese by AAPP

It is believed that 12 staff members of humanitarian groups are being held in detention. Groups that have reported members of their staff to have been detained include the United Nations and Doctors Without Borders. The World Food Program is also believed to be among those who have had staff members arrested. No details of the official charges have been given, neither to the UN nor to the families of those charged.

While the United Nation's top official in Burma Ashok Nigam welcomed the release of some of the aid workers detained he urged the Burmese authorities to release all those behind bars. **(See also Prisoners Released)**

**August 27<sup>th</sup>**

[Burma Sentences UN Staff to Prison for Rakhine Violence \(VOA News\)](#)

[Two UN Staff Jailed for Role in Arakan Strife \(Irrawaddy\)](#)

[UN Workers Denied Attorneys \(RFA\)](#)

**August 20<sup>th</sup>**

[UN Calls on Govt to Release Aid Workers Still in Detention \(Irrawaddy\)](#)

**August 14<sup>th</sup>**

[Freed Rangoon bomber appeals guilty verdict \(DVB\)](#)

## **National League for Democracy**

NLD member Aung Thein, a prominent lawyer and former political prisoner, is being denied his right to travel. Originally stripped of his passport on reentry from Thailand in July he had to cancel a medical appointment in August as his passport had yet to be returned to him. Aung Thein believes that the removal of his passport might be related to his work in human rights, talking at work shops and attending seminars abroad. **(see also Generation 88 Students Group)**

## **Ethnic Nationalities**

Four ethnic Kachin, U Bayan Yone, U Laphine Gam, U Zaw Baut and U Zakhon La Rain, who were arrested by a brigade, Light Battalion, Kha La Ya-37 on the 15<sup>th</sup> of June, 2012, in Kachin state, have all been indicted with section 17 (1) of the Unlawful Associations Act at Myitkyinar Township court. The prosecution witnesses of the case have been tried on 23 and 28 August. Family members of the detainees also shared how the detainees had been tortured during interrogation.<sup>6</sup>

Ethnic Mon politician Min Soe Lin told *the Irrawaddy* that the government refuses to issue him a new passport whereas a high profile ethnic Shan leader Khun Htun Oo has travelled to Thailand twice for medical checkups. Also, Zarganar, a famous dissident comedian, has made various trips to the United States and Europe. The immigration authorities are awaiting orders from Naypyidaw before handing over the document, Min Soe Lin said.

In addition, Courts in northern Arakan State have sentenced around 60 ethnic Arakanese to six months in prison for violating curfews imposed following the outbreak of communal riots in June. Around 800 people, including four members of the Rakhine Nationalities Development Party (RNDP), have been arrested for violating the dusk-to-dawn curfews, but only a handful have faced charges, according to local sources. "Among those who were detained, most were released, while some have been held for the past two months pending a court decision," said RNDP central committee member San Hla Kyaw. There have also been reports that around 10 Rohingyas have been sentenced to prison, some on charges of inciting violence, which carries sentences of up to 10 years.

Five university students, Chinrot Larsan, Lahtaw Tan Gwal, Kon Prindee, and Zaw Dwal Aung were freed on August 19, 2012. The students were accused of being in connection with the

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<sup>6</sup> Second court hearing of four ethnic Kachin held (Mizzima) August 28, 2012, translated from Burmese by AAPP

Kachin Independence Organization (KIO) and arrested at their homes in Tat-Kone and Du-Ka-Htaung sections in Myitkyinar Township by Ministry of Home Affairs Security (MAS) authorities. U San Aung, a representative of the Kachin Peace process, said that the students had been detained and interrogated regarding connections to KIO for five days in a special detention center in the Thidar section in Myitkyinar Township. "After the interrogation, it was found that they were not in contact with KIO and later they were released," added U San Aung.<sup>7</sup>

Similarly, an ethnic Kachin refugee, U Bawm Zaun, who was accused of being connected with the Kachin Independence Organization (KIO) and arrested by Myitkyinar district Crime Enforcement Group, was released by Myitkyinar Township Court as the judge ruled him 'not guilty'. On August 1 2012, the court came to the conclusion that the prosecutor's accusation was unfounded. "The prosecutor should in fact consider whether a defendant is to be charged or not after a review of the case. Here he was released as it was the court found the charges to be unfounded." said U Bawm Zaun's lawyer U G Mar Khar.

Furthermore, Ja Roi, a mother of three from Manhkhun village near Munggu (Mongkoe) Kawnglung, says she was beaten by troops from a joint unit consisting of soldiers from Light Infantry Battalions 16 and 143 as the soldiers believed her husband was a member of the Kachin Independence Army (KIA), the Kachin voice reported quoting an extensive interview with Ja Roi. When the soldiers entered her home the victim was initially dragged to the ground and tied to a post before her captors repeatedly assaulted her physically with punches and kicks to the head and body. According to Ja Roi the soldiers were demanding to know the whereabouts of her husband Gamaw Kyang Bawm. "I told them that my husband works for the village headman and that he was away at a farm". The soldiers were angered by her answers and went on to "tie me to a wooden pole in front of my house and beat me," Ja Roi said. On August 3<sup>rd</sup> Ja Roi was taken by her captors to nearby Munggu (Mongkoe) Kawnglung village apparently in an effort to track down her husband. While the Burmese soldiers rested at the house of the village headman, a badly injured Ja Roi was able to escape her captors.

MNHRC has accused the army of committing serious abuses against civilians in Kachin state, in the wake of a five-day mission of inquiry to the conflict-torn region. "Based on complaints we received, there are human rights abuses by armed personnel from the both sides of the conflict – we want these to stop," MNHRC Secretary Sitt Myaing told *DVB* in an interview, although he refused to disclose how many complaints the commission had received. Government forces have been accused of systematically razing villages, torturing, raping and killing civilians. The delegation met with displaced Kachins, as well as 25-year old prisoner Lahtaw Brang Shawng, whose detention and alleged torture has attracted widespread condemnation from rights groups.

A Kachin man who was arrested by the Burmese military Battalion 125 is now being forced to work as a porter, according to a Chinese man who was also detained. Maran Yaw Han from Namsu village in northern Shan state was arrested under suspicion of being connected with the Kachin Independence Army (KIA) on July 24. Hong Si, a Chinese man from the same village, told a villager after his release that both were beaten and forced to carry the soldiers' equipment at the frontline. "They were beaten when they denied having connections to the KIA. Hong Si was left on the road after he couldn't walk anymore. But Yaw Han is still being held by the soldiers," the villager told the Kachin News Group (KNG). At the time of Yaw Han's arrest, the soldiers briefly detained his wife, Labang Bawh Hkawn, in a separate household, but she was released after a village deacon intervened.

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<sup>7</sup> Five detained ethnic Kachin students released (Irrawaddy) August 20, 2012, translated from Burmese by AAPP

### **August 23<sup>th</sup>**

[Around 60 Get Prison for Breaking Arakan Curfews \(Irrawaddy\)](#)

### **August 16<sup>th</sup>**

[Shan girl gang raped by Burmese government soldiers \(Kachin News\)](#)

### **August 15<sup>th</sup>**

[Kachin women demand Myanmar Human Right Commission hold in-depth investigation into Kachin abuses \(Karen News\)](#)

### **August 9<sup>th</sup>**

[New Curfews Imposed in Arakan State \(Irrawaddy\)](#)

### **August 8<sup>th</sup>**

[Burma army troops assault Kachin woman in northern Shan state \(Kachin News\)](#)

### **August 7<sup>th</sup>**

[Human rights commission recognises Kachin abuses \(DVB\)](#)

### **August 3<sup>rd</sup>**

[Burmese military forces Kachin man to work as a porter \(Kachin News\)](#)

## **Monks**

There was no news to report this month.

## **Journalists, Bloggers and Writers (media activists)**

The month of August saw a very interesting development of the situation for the Burmese media. At the end of the month the government finally announced the abolishment of pre-censorship, no longer requiring journalists to submit their articles for review prior to publishing. The removal of pre-censorship is indeed a very welcome move but as long as the same laws regarding publishing remains press freedom will not be present in Burma. The situation was initiated as heavy criticism of the Press Scrutiny and Registration Division's decision to ban two popular journals took protesting journalists demonstrating on the streets of Rangoon. In an effort to stem the angry voices the government announced the formation of an interim press council, meant to serve until the new media bill had been passed. In the end had to back down as journalists did not accept the council, pointing out that it was merely a replacement of the censorship board.

On August 20<sup>th</sup> the announcement of the abolishment of pre-censorship came. Authorities informed the press that they were no longer required to submit their article for review prior to publication but were free to go ahead and publish at their own discretion. The move was a very welcomed one and was an absolute need if Burma is to be perceived as being serious about becoming a democracy. Among the cheers voices of concerns were raised pointing out the fact that neither 1962 Printers and Publishers Registration Act restricting publication nor the censorship board itself had been abolished. Instead the PSRD will now monitor the media and ensure they follow the strict laws in place. Should the board find otherwise, publishers can face heavy sentences under Burma's Penal Code. The Ministry of Information also made sure to send out a list of 16 guidelines to ensure that the media does not criticise the state. Calls for the complete abolishment of censorship including repeal of the laws listed above also came pointing out that while it is a welcome step to remove pre-censorship there is still a lot left to do before one can say there is freedom of the press in Burma.

### **August 28<sup>th</sup>**

[Thein Sein announces long-awaited cabinet reshuffle \(DVB\)](#)

[DVB journalist questioned after being sued by civil servant \(DVB\)](#)

### **August 27<sup>th</sup>**

[President of Myanmar Reshuffles His Cabinet \(NY Times\)](#)

### **August 25<sup>th</sup>**

[Mizzima's websites under DDoS attack \(Mizzima\)](#)

### **August 24<sup>th</sup>**

[Press Protest Gets Red Light, as Journals Put on Trial \(Irrawaddy\)](#)

### **August 21<sup>th</sup>**

[Burma must abolish censorship department: journalism group \(Mizzima\)](#)

[What Does Ending Pre-censorship Really Mean? \(Irrawaddy\)](#)

### **August 20<sup>th</sup>**

[Govt agrees talks on press body \(Myanmar Times\)](#)

[Journalists Call for More Freedom as Censorship Lifted \(Irrawaddy\)](#)

[Burma abolishes pre-censorship, but forbids criticism of state \(DVB\)](#)

### **August 14<sup>th</sup>**

[Media Objects to Interim Regulatory Body \(Irrawaddy\)](#)

[Ministry delays interim press council's debut \(DVB\)](#)

### **August 13<sup>th</sup>**

[New journalism association formed \(Myanmar Times\)](#)

[Hluttaw committee promises freedom of press \(Myanmar Times\)](#)

[Questions over Press Council formation \(Myanmar Times\)](#)

### **August 10<sup>th</sup>**

[Burma Govt Forms Interim Press Council \(Irrawaddy\)](#)

### **August 6<sup>th</sup>**

[Myanmar lifts suspensions on journals after protests \(Reuters\)](#)

[PSRD clarifies suspensions on two weekly journals \(New Light of Myanmar\)](#)

[Journals Black Out Covers to Protest Press Restrictions \(Irrawaddy\)](#)

[Journalists rally against censorship \(DVB\)](#)

### **August 6<sup>th</sup>**

[Media committee calls for better protection of press \(DVB\)](#)

## **Women**

There was no news to report this month

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

There was no news to report this month

## **Labour Activists**

Labour activist Aye Thein was arrested and detained on Wednesday August 8<sup>th</sup>, 2012, in Mandalay. Aye Thein was assisting vendors at a protest in front of the municipal building and was seen negotiating with authorities just prior to the arrest. Aye Thein's family has not been allowed contact with him and no information regarding the charges has been provided. In addition to the support Aye Thein was giving to the vendors he also provided assistance to child soldiers and victims of forced labour who were seeking assistance from the ILO.

### **August 9<sup>th</sup>**

[Labour activist arrested in Mandalay after protest](#)

## Students

University students in Burma are still being harassed for forming student unions.

Ko Soe Thint Tun, the secretary of the Mergui district student union, in the Tenasserim division, was questioned by the special branch police, SB and Military Affair Security (MAS) members on the morning of Sunday August 12<sup>th</sup>, 2012, together with other committee members, according to chairman Ko Oak Soe Tun. The district student union had been formed at Information Technology University, University of Computer Studies and Arts & Science University in Mergui district by 25 committee members the day prior to the questioning. The authorities asked Ko Soe Tint Tun and some committee members about the reason for their activities and who their leader was. They also recorded his personal data as well as the data of other students. Other executive committee members were also interviewed, but no arrests were made. Ko Oak Soe Tun, a chairman of Mergui district student union, said the Mergui district student union will handle the situation with the authorities.

Ko Oak Soe Tun commented that now, there are farmers' unions but there are no student unions. He added that as there are many students in Burma there is also a need for student unions. Students in the Mergui district intended to form the student union in order to improve the situation for the students at the university, however, forming student unions have been risky and students who want to work for improving students' welfare have been challenged.<sup>8</sup>

The All Burma Students' Democratic Front, ABSDF, in northern Burma's Kachin state reported that its troops clashed with government forces on August 18. La Hseng, chairman of the ABSDF's Northern Command that is carrying out joint operations with the Kachin Independence Army's Brigade-5 territory in Lajayang, said that the group returned fire after being attacked by the Burmese army. The ABSDF was formed by university students who took up arms against the Burmese government after the 1988 uprising and the following crackdown.

President U Thein Sein has given permission for the exiled former leader of the All Burma Students Democratic Front, Moethee Zun, and six colleagues to visit Burma at the end of the month, the student leader said. "This is a peace mission, there will be seven members including myself," Moethee Zun said in an email interview on August 7. "I've been given a life sentence [in absentia] and was told that's why the government had to discuss the issue and take their time to make a decision. We don't have to make any promises to the president. We will definitely discuss peace building and economic development when we are there," he said. He said the ABSDF wanted to return to the country to establish political freedom and "broaden the idea and culture of democracy and to increase the number of democrats".

Although the president welcomes home the exiled former leaders of ABSDF and that the government peace group had talked it over with ABSDF, the clashes between the Burmese Army and ABSDF has been ongoing.

**August 21<sup>th</sup>**

[Burmese troops, student army engage in brief fight \(DVB\)](#)

**August 13<sup>th</sup>**

[ABSDF visit gets approval \(Myanmar Times\)](#)

## Lawyers

As the lawyers of some former political prisoners, including Robert San Aung, had their lawyer licenses returned to them in July, observers now say that the conditions for lawyers of human

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<sup>8</sup>Founders of Mergui District students union questioned by authorities (RFA) August 12,2012, translated from Burmese by AAPP

rights activist in Burma have improved. However, recent events suggest that conditions for lawyers of human rights activists in Burma are still unsteady and intimidating. One situation that demonstrates how the harassment continues is the fate of homecoming exile lawyer Saw Kyaw Kyaw Min.

Saw Kyaw Kyaw Min, a political activist and lawyer, who recently returned home after years in exile, was sentenced to six months in prison for charges of contempt of court on Wednesday, August 29, 2012. Earlier in 2008, when lawyers Saw Kyaw Kyaw Min and Nyi Nyi Htway were defending eleven NLD members, they were accused of contempt of court after three of their clients turned their backs to the court during their trial; a protest against the legal process. Whereas lawyer Nyi Nyi Htway was presented with a six months sentence, lawyer Saw Kyaw Kyaw Min fled from Burma to Thailand.

He went back to Burma again in May 2012 when President Thein Sein invited the country's exiled community to return to the country as the nominally civil government unveiled new reforms. On his return however, he was indicted under the previous charges and given the highest punishment - six months – a case that normally would be dismissed with a 200 Kyat fine. According to Nyi Nyi Htway, Saw Kyaw Kyaw Min's friend, U Saw Kyaw Kyaw Min was charged under criminal act 228 for disrupting judicial civil servants. National League for Democracy member U Saw Kyaw Kyaw Min, who fled the country in 2008, became the first former-exile to be prosecuted upon his return to Burma on August 29.

A reader of law, U Myo Min Tun, residing in Thingangyun-Gyi, Mingaladon Township, was sent a notice letter by the Supreme Court ordering him to return his license to practice law on the basis that he had been convicted prior to becoming a licensed lawyer. According to U Myo Min Tun, he had assisted in a trespass case at Mingaladon Township between a civilian and the City Development Committee when he was a freelance tutor in 2007. For that reason, he was sentenced to three months of imprisonment under section 332; voluntarily causing grievous hurt to deter public servant from his duty. The authorities did not mind the aforementioned case when he was granted his license in 2009. U Myo Min Tun believes that the revocation of his license is a way to try and intimidate him since he has been working on a case involving charges against a well known company. U Myo Min Tun commented that the time at which he received the notice letter coincides with him working for U Nay Myo Wai, helping farmers who had been suffering from land confiscation problems.

Deputy Director of Asia at Human Rights Watch, Phil Robertson commented that the current condition of lawyers of political activists raises concerns that not everybody in the government and the judiciary system are on board with the reform agenda. Also, UN Special Rapporteur on Human Rights for Burma Mr. Tomas Ojea Quintana voiced similar concerns that "the judiciary is absolutely static and we haven't seen that the judiciary really understands the importance of the process of reform."<sup>9</sup>

## Individual Activists

With the emergence of President Thein Sein's government, victims of land grabs and vendors forced to relocate have started speaking up about their plight assisted by activists. However, activists who have assisted victims of land confiscations to regain their lands have themselves been charged. In addition, one labour activist and two vendors, who led the Mandalay Kine-Dan night market protest on the night of August 6<sup>th</sup>, 2012, and were arrested in the morning, have also been tried.

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<sup>9</sup> Human rights lawyer's license revoked (BBC) August 26, 2012, Political prisoners' lawyer given 6 months imprisonment (BBC) August 30 2012, An exile, returned Burma, sentenced to six months (DVB) August 30, 2012, all translated from Burmese by AAPP

The activist Nay Myo Wai, president of the Peace and Diversity Party has been summoned to appear in a Rangoon Divisional court to answer for the defamation charges filed by a Burmese company he accused of illegal land grabs. He received an official notice to appear at Mingaladon Township court on August 23<sup>rd</sup> to respond to allegations under Section 500 of the Penal Code made by Zay Kabar Company<sup>10</sup>. Thein Than Oo, of the Lawyers Network who will represent the activist, said he has received no formal explanation regarding the exact nature of the complaint and will hear the full details for the first time in court.

More than one thousand vendors, who were forcefully ordered by authorities to transfer from Kine-Dan market to a new market at the 41<sup>st</sup> street in Mandalay, assembled to protest in the Kine-Dan market in the evening of the 6<sup>th</sup> of August, 2012. Once the approximately 300 protesters reached the Mandalay city hall at 5 am on August 7, 2012, three of the protesters, who led the demonstration, were arrested. The three detainees include labour activist Ko Aye Thein, U Win Myint Swe and U Sein Aung. They were initially tried with section 505 (b) of the Statements conducting to public mischief at the court on the 13<sup>th</sup> of August, 2012, according to their lawyer U Myint Thwin.<sup>11</sup>

While Burma has plunged into a series of reforms in the past year, many experts say that the moves are being driven from the top down. Unions and protests are now legal on tentative terms; however, this has not stopped local police from shutting down demonstrations and arresting participants.

## 88 Generation Students Group

The Burmese government is continuing to harass former political prisoners. Many rights activists continue to be refused permission to travel abroad as several former political prisoners are still waiting for their passports to be granted. After members of the 88 Generation Student Group publicly spoke out about their difficulties, authorities granted Ko Min Ko Naing a passport to enable him to go to the United States in September as planned to collect an award from the National Endowment for Democracy.<sup>12</sup>

Still as many as twenty prominent members of the 88 Generation Students Group have yet to be issued passports despite submitting applications over six months ago. That is to be compared to the one month waiting period for non-former political prisoners requesting passports. The 88 Generations Students Group is demanding the authorities to clarify their policy on the matter. As Soe Tun, member of the group said: “We want to know what their clear policy is — who they can give passports to and who they cannot give them to. We have found that they do not have one policy for everyone”. **(See also NDL)**

The month did start out with a positive event as the celebrations of the 24<sup>th</sup> anniversary of the 8<sup>th</sup> of August, 1988, could proceed without harassment from police or military. In Mandalay as many as 1000 people gathered and many other organizations recognized the day commonly known as Four Eights Day. 88 Generations Students Group published a video speech made by Ko Min Ko Naing as well as a five-point statement pledging to speed up democratic reform and urging the government to free all remaining prisoners of conscience unconditionally. Railway Minister Aung Min, Naypyidaw’s chief peace negotiator with ethnic armed groups, donated one million kyat (US \$1,250) for the occasion. Aung Min met group leaders in Mandalay on Tuesday and said that his

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<sup>10</sup> Zay Kabar Company is owned by Khin Shwe, an MP from the ruling military-backed Union Solidarity and Development Party.

<sup>11</sup> Three arrested in Mandalay shopkeepers' protest (RFA) August 7, 2012, Activists participating Kine-Dan night market protest will be tried with section 505 (b) August 12, 2012,

<sup>12</sup> Most 88 Generation Members still being refused passports (RFA) August 26, 2012, translated from Burmese by AAPP

visit was conducted with the blessing of President Thein Sein. The 88 Generation Students viewed the donation as a contribution to national reconciliation in recognition of their activities.

**August 24<sup>th</sup>**

[Activists Claim Travel Restrictions Remain \(Irrawaddy\)](#)

**August 13<sup>th</sup>**

[88 Gen marks anniversary in MDY \(Myanmar Times\)](#)

**August 9<sup>th</sup>**

[Min Ko Naing's 88 Uprising Video Tribute \(Irrawaddy\)](#)

## **Daw Aung San Suu Kyi**

After continuously stressing the importance of the rule of law, and the lack of it in Burma, to western political and business leaders Daw Aung San Suu Kyi was appointed chairperson of Committee for Rule of Law and Tranquility on August 7. The committee was formed by the Parliament's Lower House and will be responsible for monitoring and ensuring that parliamentary representatives, judicial bodies, civil servants and the media abide by the law. In an additional comment it was also said that among the committee's responsibilities is to monitor "concerned organizations" that are potentially involved in circumstances that may damage the tranquility of the state.

**August 23<sup>th</sup>**

[Suu Kyi, Thein Sein meet again in Naypyitaw \(Mizzima\)](#)

**August 12<sup>th</sup>**

[Thein Sein, Suu Kyi in New Talks \(RFA\)](#)

**August 10<sup>th</sup>**

[Books in Burmese about Suu Kyi widely available in Rangoon \(Mizzima\)](#)

[People's voice needed to establish rule of law \(Mizzima\)](#)

**August 8<sup>th</sup>**

[Suu Kyi to head 'rule of law' committee \(DVB\)](#)

## **Key International Developments**

Among those continuing to raise concerns over the human rights situation in Burma is United Nations Special Rapporteur Tomas Oeja Quintana. In a statement summarizing his impressions from his six day visit to Burma in the end of July he expresses serious concern over several areas he found especially problematic.

Once again Mr Quintana noted that while there have been welcomed releases of political prisoners many more remain in prison and called for the immediate and unconditional release of all prisoners of conscience. As Mr Quintana put it "National reconciliation and democratic transition cannot move forward without this necessary step. And the international community needs to remain engaged on this issue." While acknowledging the issues with discrepancies in accurate info regarding number of prisoners of conscience, something which needs to be resolved urgently, he maintained that there is no reason why those known should not be freed without further delay.

Mr Quintana commented on the situation in Arakan state, urgently calling for an independent investigation to look into the allegations of serious human rights abuses by the security and police personnel. Quintana also met with the detained UN workers and expressed his serious concerns about their treatment in detention calling for an immediate release of the NGO workers detained as well as ensuring that no harm would come to either the detainees or their families.

He also called for the allegations of human rights violations in relations to the conflicts with ethnic groups to be addressed as a matter of priority urging the nominally civilian government as well as all armed groups to ensure protection of civilians.

The Burma Campaign UK (BCUK) also pointed out that the nominally civilian government must investigate how many political prisoners remain in Burmese jails and ensure their release. To perform the investigation the organization argued that a joint domestic and international board with the involvement of the UN should be formed. “It is very disappointing to see that political activists in Burma still remain in jails regardless of all the changes,” said Wai Hnin, BCUK campaigns officer.

In the recent releases of prisoners there has been a focus on the term prisoners of conscience. It is however urgent that political prisoners, termed so as their sentence is related to violence must not be forgotten, Bo Kyi said in an op-ed in The Irrawaddy on August 28. He continued, “The only way to ensure that no one is left behind is by establishing a joint review board with a mandate of verifying the number of remaining political prisoners in Burma. The board should be transparent, independent, accountable, and include non-governmental organizations as well as former political prisoners.”

While the sanctions on financial investment were lifted by the United States in July the US congress voted to keep the import bans on all good from Burma. As Undersecretary of State Robert Hormats commented, “If the Burmese government wants more sanctions lifted, it will have to resolve issues related to the treatment of cultural minorities and release more political prisoners.” As Representative Joe Crowley, a member of the Democratic Party, commented the measure showed US support for “the immediate release of all political prisoners and prisoners of conscience, an end to violence against all minorities ....”

At the very end of the month of August the nominally civilian government announced that it has removed some 2000 names off its infamous blacklist. Among those removed were AAPP joint secretary Bo Kyi and secretary Tate Naing and the AAPP executive committee.

### **August 30<sup>th</sup>**

[Burma Releases Names of Those Removed from Blacklist \(Irrawaddy\)](#)

[US waives visa ban for Myanmar official visits \(AP\)](#)

### **August 29<sup>th</sup>**

[US Waives Visa Restrictions For Burma's Leader \(VOA News\)](#)

[The Name Game: What You Should Know about Burma's Political Prisoners \(Irrawaddy\)](#)

### **August 28<sup>th</sup>**

[Human Rights Abuses Rife in Karen State: Report \(Irrawaddy\)](#)

[Report: Burmese Army Continues Rights Violations in Karen \(VOA News\)](#)

### **August 27<sup>th</sup>**

[Finance chairs call on Obama administration to press for transparency in Burma \(Foreign Policy\)](#)

[Letter to Geithner From Bachus and Frank, August 22, 2012-1](#)

### **August 23<sup>rd</sup>**

[Thai PM set to visit Naypyidaw in September \(DVB\)](#)

### **August 22<sup>nd</sup>**

[China Reacts to Burma's Nascent Media Reform \(Irrawaddy\)](#)

### **August 19<sup>nd</sup>**

[Myanmar Progress 'Fragile,' Says U.S. Envoy \(Wall Street Journal\)](#)

### **August 21<sup>nd</sup>**

[US Wants Burmese Govt to Shut Down Censorship Board \(Irrawaddy\)](#)

[US, watchdogs call for abolishment of censor board \(DVB\)](#)

### **August 16<sup>nd</sup>**

[Thein Sein to axe blacklist \(Bangkok Post\)](#)

[Why Tomas Quintana should change his tune \(DVB\)](#)

[Diplomatic relations established between Myanmar and Luxembourg \(New Light of Myanmar\)](#)

**August 12<sup>nd</sup>**

[U Myint Aye: Amnesty urgent action \(Guardian\)](#)

**August 8<sup>th</sup>**

[Rights Envoy Meets Burmese Exiles \(Irrawaddy\)](#)

**August 7<sup>th</sup>**

[Burmese political prisoners: 444, AAPP \(Mizzima\)](#)

**August 5<sup>th</sup>**

[UN: Burma Still Has Serious Rights Challenges \(Irrawaddy\)](#)

**August 4<sup>th</sup>**

[Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar \(Office of the High Commissioner of Human Rights\)](#)

**August 3<sup>rd</sup>**

[Quintana meets with detained UN staff workers \(Mizzima\)](#)

[US Congress extends Burma import ban \(DVB\)](#)

**August 2<sup>nd</sup>**

[Senate reauthorizes ban on U.S. imports from Burma \(Foreign Policy\)](#)

[US Congress reauthorizes import ban on Myanmar \(Reuters\)](#)

## **Conclusion**

The people of Burma have no reason to feel safe in their own land, especially as the month of August has highlighted that security personnel continue to use extreme unethical measures with impunity. This is particularly concerning in ethnic minority areas where local military authorities, the main perpetrators of human rights abuses, are the de facto rulers. Any individual living in areas where there is still open conflict, such as Shan State or Kachin State, is vulnerable to arbitrary arrest and physical harassment. The Unlawful Associations Act is used as a weapon and pretext to undertaking blanket arrests of anyone residing near an area controlled by an ethnic resistance group.

The case of Ja Roi, a mother of 3 from Mankhum village in Kachin State, is a clear example. Ja Roi was dragged from her home, tied to a pole, and physically assaulted in public by Burma Army soldiers because they believed her husband to be a member of the KIA, an accusation Ja Roi consistently denied. Although she was able to escape her captors, she is in very poor health as result of beatings. The situation of Ja Roi is not an isolated one, as AAPP received updates in the month of August that a Kachin man arrested under suspicion of being connected with the KIA in July is now being forced to work as a porter. His wife was also briefly detained at the time of his arrest.

Individuals residing near of fleeing conflict zones must contend with police and military harassment and arbitrary arrest on a daily basis. Human rights monitoring and reporting in ethnic minority areas by the international community remains inadequate, and yet ensuring documentation of ongoing violations is key to ensuring accountability for these violations. While it is a good first step that the Myanmar National Human Rights Commission (MNHRC) visited Kachin State to investigate allegations of serious abuse by the Burma Army, it needs to increase the number of human rights officers monitoring and publicly reporting on human rights abuses in conflict areas, especially in regards to detentions, arrests, and torture. Any outside institution that is providing technical assistance to the MNHRC needs to ensure that all credible allegations of human rights and humanitarian law violations by the Burma Army and security forces are promptly, impartially, and transparently investigated and that those responsible for serious abuses are held accountable. Accountability measures are essential to making sure people feel safe.