



## Assistance Association for Political Prisoners (Burma)

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### The Release of Political Prisoners in Burma

There are approximately 475 political prisoners currently in prison in Burma. The nominally civilian government denies that there even are political prisoners in Burma. In its response to questions about political prisoners made as part of the UN's Universal Periodic Review on Burma's human rights record, published 2<sup>nd</sup> February 2011, it was said that "Those referred to as "political prisoners" and "prisoners of conscience" are in prison because they had breached the prevailing laws and not because of their political belief.'

There have been many prisoner amnesties over the years. Hundreds or even thousands of prisoners are released under amnesties and they usually include the release of some political prisoners. Often the political prisoners released have already finished their sentences or their sentence is due to end soon. Some political prisoners who are released in amnesties are in ill health and the regime does not want the embarrassment of political prisoners dying in prison.

The military-backed government uses these prisoner releases as public relations exercises designed to try and ease international pressure. In reality, very few political prisoners are ever released during these amnesties. Although often welcomed as a positive sign by the international community, these prisoner releases have never been followed by a long-term reduction in the number of political prisoners. The number of political prisoners has, with occasional exceptions, remained roughly between 900 and 2,100 since 2002.

Between November 2004 and September 2009 there have been at least six amnesties for prisoners, under which, according to the regime's own figures, 45,732 prisoners were released. The Assistance Association for Political Prisoners in Burma (AAPP) calculates that only 1.3% of these were political prisoners.<sup>1</sup> More recent data shows that despite the fact that the new nominally civilian Government had introduced some positive political and economic reforms; only 3% of the prisoners released under presidential orders between 2010 and 2012 were political prisoners.<sup>2</sup>

#### May 1980

General Ne Win issued the General Amnesty Decree 2/80. Thousands of political prisoners were released.<sup>3</sup>

#### 1989

In 1989, the regime announced a general amnesty. Some political prisoners were freed under this amnesty, while others had their prison sentences commuted.<sup>4</sup>

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<sup>1</sup> AAPPB. Media Statement, 22 September 2009. Available online on [www.aappb.org/release154.html](http://www.aappb.org/release154.html)

<sup>2</sup> According to the regime's own figures, and AAPP's list of releases and arrests, updated in June 2012.

<sup>3</sup> <http://www.amnesty.org/en/library/asset/ASA16/024/2000/en/bd046f47-dcf7-11dd-bacc-b7af5299964b/asa160242000en.html> and AAPP 8 Seconds of Silence

<sup>4</sup> AAPP 8 Seconds of Silence, page 100

## **April-May 1992**

Political prisoners released: Exact number unknown.

After Senior General Than Shwe takes power in April 1992, the regime announced a general amnesty for political prisoners who are “not deemed as a threat to national security”.<sup>5</sup>

International community statement: “Since April, the military Government of Burma has taken some limited steps toward political reforms and has released some political prisoners. Most recently, the government began a dialogue with certain elected parliamentarians and political party representatives” (US State Department Deputy Spokesman Richard Boucher, Washington, DC, July 16, 1992).<sup>6</sup>

## **1993**

Political prisoners released: Exact number unknown. Some prisoners are released and others have their sentences reduced.

## **July 1995**

Political prisoners released: 163, according to the government figures.<sup>7</sup> After six years under house arrest, Aung San Suu Kyi was released on July 10.

Context: Increased regime confidence following the establishment of the National Convention, combined with international pressure.

## **1997**

Political prisoners released: Exact number unknown. A general amnesty was issued by the regime.

Context: Burma is admitted as a member of the Association of South East Asian Nations (ASEAN)

## **October 2000-2001**

Political prisoners released: 212 NLD members.<sup>8</sup> However, the regime ignored the UN Working Group on Arbitrary Detention’s decision stating that the regime was arbitrarily detaining Min Ko Naing and seven other political prisoners.<sup>9</sup>

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<sup>5</sup> AAPPB. ‘Political Prisoner Profile: Win Htein.’ 06/04/08. Available online on: [www.aappb.org/bio\\_pdf/Win\\_Htein\\_6Aug09.pdf](http://www.aappb.org/bio_pdf/Win_Htein_6Aug09.pdf)

<sup>6</sup> US Department of State Dispatch, July 20, 1992. Available online on: [http://findarticles.com/p/articles/mi\\_m1584/is\\_n29\\_v3/ai\\_12504792/](http://findarticles.com/p/articles/mi_m1584/is_n29_v3/ai_12504792/)

<sup>7</sup> Amnesty International USA. ‘1996 Annual Report for Myanmar (Burma).’ Available online on: <http://www.amnestyusa.org/annualreport.php?id=ar&yr=1996&c=MMR>

<sup>8</sup> AAPPB. ‘Burma’s Confidence Building and Political Prisoners.’ 2002. Available online on: [www.aappb.org/report7\\_confidence\\_buil\\_ding\\_pp.pdf](http://www.aappb.org/report7_confidence_buil_ding_pp.pdf)

<sup>9</sup> Ibid.

In early October 2001, a government statement described the release of five NLD members as a “goodwill gesture”.<sup>10</sup> The SPDC said the releases reflected the progress in talks with Aung San Suu Kyi, who remained under house arrest.<sup>11</sup>

Context: Talks began in October 2000 between the NLD and SPDC. Also, in early October 2001, UN human rights envoy Paulo Sergio Pinheiro arrived on a two-week visit.<sup>12</sup>

A UN statement said: “This visit comes at a time when Myanmar [Burma] has been taking steps...towards an important dialogue both inside and outside of the country in search of peace and reconciliation.”<sup>13</sup>

### **6 May 2002**

Political prisoners released: Aung San Suu Kyi released.

Regime statement: On the same day, the regime issued a statement entitled “Turning of a New Page”, which read: “[...] We shall recommit ourselves to allow all of our citizens to participate freely in the life of our political process, while giving priority to national unity, peace and stability of the country”.<sup>14</sup>

### **21 November 2002**

Political prisoners released: 115 (including members of the NLD).<sup>15</sup>

Context: This was the largest single release during the confidence-building process between the NLD and the dictatorship.<sup>16</sup>

International community reaction: In its December report to the Commission on Human Rights, Paulo Sergio Pinheiro said that the amnesty demonstrated the “continuing goodwill of the SPDC to ease the political atmosphere”.<sup>17</sup>

### **November 2003**

Political prisoners released: 5 senior NLD leaders released from house arrest.<sup>18</sup>

Regime statement: On November 18, a regime press release stated the release of a total of 58 prisoners on humanitarian grounds, the November 17<sup>th</sup>.<sup>19</sup>

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<sup>10</sup> BBC Online. ‘Burma frees prisoners as envoy arrives.’ 09/10/01. Available online on:

<http://news.bbc.co.uk/1/hi/world/asia-pacific/1587460.stm>

<sup>11</sup> BBC Online. ‘Burma Timeline.’ October 2010. <http://news.bbc.co.uk/1/hi/world/asia-pacific/1300082.stm>

<sup>12</sup> BBC Online. ‘Burma frees prisoners as envoy arrives.’ 09/10/01. Available online on:

<http://news.bbc.co.uk/1/hi/world/asia-pacific/1587460.stm>

<sup>13</sup> BBC Online. ‘Burma Timeline.’ October 2010. <http://news.bbc.co.uk/1/hi/world/asia-pacific/1300082.stm>

<sup>14</sup> Ibid.

<sup>15</sup> Altsean. Chronology of Visits and Reports.

<http://www.altsean.org/Research/UN%20Dossier/EnvoysandRapporteurs.htm>

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> BBC Online. ‘Burma Timeline.’ October 2010. <http://news.bbc.co.uk/1/hi/world/asia-pacific/1300082.stm>

<sup>19</sup> Zin Linn, ‘Burma: Evolution Towards a Democracy – Excluding the Nobel laureate and Political Prisoners.’ *Asia Tribune*, 23/11/2003.

Political context: The releases came a week after Paulo Sergio Pinheiro's visit, when he urged the regime to release all political prisoners.

### **November-December 2004**

Total number of prisoners released: 14,318

Number of Political prisoners released: 60, including the leading democracy activist Min Ko Naing.<sup>20</sup>

Context: The amnesty began on the 19<sup>th</sup> November, and was likely intended to ease international pressure in the lead up to the 10<sup>th</sup> ASEAN Summit, which took place between the 29<sup>th</sup> and 30<sup>th</sup>.

UN Secretary-General welcomed the releases with the following statement:

"The Secretary-General welcomes the announcement by the Myanmar Government on 18<sup>th</sup> November that it has begun releasing a total of 3,937 prisoners, and is encouraged by reports that a number of people detained for political activities are included among them.

The Secretary-General considers the release as an important step towards creating an environment conducive to genuine national reconciliation in Myanmar. He hopes that this step will be followed by the release of the remainder of those detained for articulating their political beliefs, including all those who are still under house arrest".<sup>21</sup>

### **July 2005**

Total number of prisoners released: 400

Number of Political prisoners released: 341<sup>22</sup>

U Win Tin, 75, was reportedly taken to the Home Minister on July 6 in preparation for his release, only to be put back in prison until 2008.<sup>23</sup>

Context: Announced when the regime was attempting to chair ASEAN.

Despite the releases, the arrest and harassment of activists continued. From the 2<sup>nd</sup> of July to the 9<sup>th</sup>, a total of 15 people were arrested for political activities. In May, Aung Hlaing Win, a detained NLD member, was tortured to death by the regime.<sup>24</sup>

The EU welcomed the releases stating that: "These releases are a welcome step towards national reconciliation in Burma/Myanmar"<sup>25</sup>

UN Secretary-General welcomed the releases with the following statement:

"The Secretary-General welcomes the release of 249 prisoners today, reportedly including two prominent journalists and a close aide of the still-detained National League for

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<sup>20</sup> Burma Campaign UK. 'Political Prisoners Group: Prisoner Releases 'Cynical Ploy to Ease International Pressure.' 22/09/10.

<sup>21</sup> <http://www.un.org/apps/sg/sgstats.asp?nid=1190>

<sup>22</sup> Burma Campaign UK. 'Political Prisoners Group: Prisoner Releases 'Cynical Ploy to Ease International Pressure.' 22/09/10.

<sup>23</sup> AAPPB. 'Statement on the Recent Release of Political Prisoners in Burma.' July 9 2009. Available online on: [www.aappb.org/statement38.html](http://www.aappb.org/statement38.html)

<sup>24</sup> Ibid.

<sup>25</sup> [http://www.europa-eu-un.org/articles/en/article\\_4904\\_en.htm](http://www.europa-eu-un.org/articles/en/article_4904_en.htm)

Democracy (NLD) leader Aung San Suu Kyi. The Secretary-General reiterates his call for the lifting of remaining constraints on all political leaders and the re-opening of NLD offices. He further calls on the Myanmar authorities to resume their political dialogue with all parties concerned.”<sup>26</sup>

### **January 2007**

Political prisoners released: 5 ‘88 Generation Student’ leaders - Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Mya Aye.

Context: The releases were made the week before the UN Security Council votes on a resolution on Burma.

UN Secretary-General welcomed the releases with the following statement:

“The Secretary-General has taken note of the decision by the Government of Myanmar on the 3<sup>rd</sup> of January 2007 to grant amnesty to 2,831 prisoners. He welcomes reports that this includes the release of up to 40 political prisoners. The Secretary-General urges the Myanmar authorities to go beyond this first step by releasing all other political prisoners in the country, including Daw Aung San Suu Kyi, and by making further concrete progress on all of the issues raised in the context of his good offices.”<sup>27</sup>

### **November 2007**

Total number of prisoners released: 8585

Number of Political prisoners released: 20

Context: Amnesty marked the conclusion of the National Convention.

### **September 2008**

Total number of prisoners released: 9,002

Number of Political prisoners released: 9 including U Win Tin.<sup>28</sup>

However, between July and September 2008 at least 91 had been arrested for political activities, with at least 60 of them being imprisoned.<sup>29</sup>

One of those released, U Win Htein, member of the National League for Democracy (NLD, led by Aung San Suu Kyi), was re-arrested few days later.<sup>30</sup>

The regime said that it wanted to release the prisoners to “turn them into citizens that will be able to participate to the process of building a new nation”.<sup>31</sup>

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<sup>26</sup> <http://www.un.org/apps/sg/sgstats.asp?nid=1556>

<sup>27</sup> <http://www.un.org/apps/sg/sgstats.asp?nid=2398>

<sup>28</sup> AAPPB and US Campaign for Burma. “The Future in the Dark: The Massive increase in Burma’s Political Prisoners, September 2008.” p3.

<sup>29</sup> Ibid. p 12.

<sup>30</sup> [http://www.amnesty.org.uk/news\\_details.asp?NewsID=17891](http://www.amnesty.org.uk/news_details.asp?NewsID=17891)

<sup>31</sup> Wai Moe. ‘122 Political Prisoners Released: AAPP.’ *The Irrawaddy*, Sept 19 2009.  
[www.irrawaddy.org/article.php?art\\_id=16816](http://www.irrawaddy.org/article.php?art_id=16816)

Context: According to Human Rights Watch, the release was at least partly intended to divert attention from the one-year anniversary of the 2007 crackdown".<sup>32</sup>

UN Secretary-General welcomed the release with the following statement:

"The Secretary-General welcomes yesterday release by the Myanmar Government of several political prisoners as part of an amnesty procedure, including Myanmar's longest-serving political prisoner, U Win Tin, and six other senior members of the National League for Democracy. The release of political prisoners, including several of the individuals released today, was one focus of discussion between the Secretary-General's Special Adviser, Mr. Ibrahim Gambari, and the Myanmar Government during his latest visit to Myanmar".<sup>33</sup>

### **February 2009**

Total number of prisoners released: 6,313

Number of Political prisoners released: 31<sup>34</sup>

Regime statement: To enable those freed "to participate in fair elections to be held in 2010."

Context: Announcement of the release came a day after the UN human rights envoy, Tomas Ojea Quintana, completed a six-day visit during which he suggested authorities to implement progressive release of political prisoners.<sup>35</sup>

### **September 2009**

Total number of prisoners released: 7,114

Number of Political prisoners released: 127<sup>36</sup>

In September 2009, 39 activists were arrested. In October 2009, 41 political prisoners were arrested.

Regime statement: Announced on September 16 that 7,114 prisoners were to be released on "humanitarian grounds."<sup>37</sup> On September 18, a high-ranking official told reporters at Insein prison that about 250 political prisoners would be released.<sup>38</sup>

Context: In mid-July the Burmese permanent representative to the U.N., U Than Swe, said that the regime was 'processing to grant amnesty to prisoners on humanitarian grounds'. U Than Swe's comments came in response to a briefing given by the UN Secretary-General Ban Ki-moon on his visit to the country earlier in July. The amnesty also comes shortly

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<sup>32</sup> Human Rights Watch. 'Burma's Forgotten Prisoners.' 16/09/09. Available online on:

<http://www.hrw.org/node/84740/section/4>

<sup>33</sup> <http://www.un.org/apps/sg/sgstats.asp?nid=3420>

<sup>34</sup> Burma Campaign UK. 'Political Prisoners Group: Prisoner Releases 'Cynical Ploy to Ease International Pressure.' 22/09/10.

<sup>35</sup> Mizzima News. 'Junta released prisoners to ease off mounting pressure: critics.' 23/02/09.

<sup>36</sup> AAPP. 'Political Prisoners Group: Prisoner Releases 'Cynical Ploy to Ease International Pressure.' 22/09/09.

<sup>37</sup> Ibid.

<sup>38</sup> Wai Moe. '122 Political Prisoners Released: AAPP.' The Irrawaddy, 19/09/09. Available online on: [www.irrawaddy.org/article.php?art\\_id=16816](http://www.irrawaddy.org/article.php?art_id=16816)

before the opening of the UN General Assembly session to be attended by General Thein Sein, the junta-appointed Prime Minister.

UN Secretary General said:

“The release of some political prisoners last week is a step in the right direction, but it falls short of our expectations”.<sup>39</sup>

### **February 2010**

Total number of Political Prisoners released: 1

Tin Oo, Vice Chairman of the NLD was released when his house arrest expired.

Context: He was released immediately before the UN Special Rapporteur Quintana visited Burma. His release also coincided with the lead-up to the first general elections since 1990.

### **November 2010**

Total number of Political Prisoners released: 1

Aung San Suu Kyi has spent 15 years in jail, secret detention, and house arrest. Her most recent period of house arrest was a 18 month sentence given on 11 August, 2009, only two weeks before her house arrest at that time was supposed to expire. According to the government, the reason for the 18 month extension was ASSK’s violation of house arrest by “receiving” a guest, US citizen John Yettaw who showed up unannounced.

Regime Statement: Aung San Suu Kyi was released on good behavior. State media broadcast on 12 November, “ASSK behaved well according to the regulations during the period she was under a suspended sentence, so she was allowed to be released”.

Context: Her release immediately preceded the 2010 general elections, the first one in Burma in 20 years.

### **May 2011**

Total number of prisoners released: 14,600

Total number of Political prisoners released: 73

*NOTE: On 13 September 2011, Burma’s Foreign Minister Wunna Maung Lwin told the UN Human Rights Council that approximately 20,000 inmates from prisons and labor camps were released until the end of July 2011 under an amnesty order issued by President Thein Sein in May. However, he did not disclose any details about the types of prisoners who were freed.*

Regime Statement: Order No. 28/2011 – commuting death sentence to life sentences; reduction in all sentences by 1 year.

Context: This statement was released days after UN Secretary General Burma Envoy, Vijay Nambiar’s visit.

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<sup>39</sup> <http://www.un.org/apps/sg/sgstats.asp?nid=4097>

## **June 2011**

Total number of Political Prisoners released: 4.<sup>40</sup>

## **July 2011**

Total number of Political Prisoners released: 1.<sup>41</sup>

On the 31th of July, U Pyinnya Thiri, a monk political prisoner was released after more than four years in prison.<sup>42</sup>

## **September 2011**

Total number of Political Prisoners released: 3.<sup>43</sup>

Context: The prisoners were released as their prison sentences expired; the release does not mean a change in policies or practices by the U Thein Sein regime.

## **October 2011**

Total number of Political Prisoners released: 247.<sup>44</sup>

On October 12, the U Thein Sein regime issued a release under article 204 of the constitution resulting in the release of 6,359 prisoners. Like in previous cases, political prisoners who were among them were anonymously released, and without recognition of their political status.<sup>45</sup>

Regime statement: the government announced the release of 6,359 prisoners, according to Article 204.

## **November 2011**

Total number of Political Prisoners released: 2.<sup>46</sup>

Context: A much-anticipated mass release was expected this month but it never came to fruition. On November 12<sup>th</sup> the regime-backed Myanmar National Human Rights Commission (MNHRC) sent an open letter to Thein Sein, which was published in the national newspapers, requesting an amnesty for the remaining prisoners who had engaged in “political activities.” A previous similar letter created a sense of anticipation that another release was imminent as last months’ release. An anonymous spokesperson for the regimes interior Ministry stated on the same day that: “those referred to as political prisoners would be released very soon”. High profile prisoners were expected to be transferred closer to their families. However, on the Monday of the expected release, nothing materialized. Instead it was announced that the release had been delayed and that each case would be taken into account individually.<sup>47</sup>

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<sup>40</sup> AAPP releases and arrests list, updated on June 2012.

<sup>41</sup> AAPP releases and arrests list, updated on June 2012.

<sup>42</sup> AAPP July 2011 chronology.

<sup>43</sup> AAPP releases and arrests list, updated on June 2012.

<sup>44</sup> AAPP releases and arrests list, updated on June 2012.

<sup>45</sup> AAPP. “Prisoner Release Lacks Sincerity”, 13/10/11; AAPP chronology for October 2011.

<sup>46</sup> AAPP releases and arrests list, updated on June 2012.

<sup>47</sup> AAPP chronology for November 2011.



## **January 2012**

Total number of prisoners released: 651.<sup>48</sup>

Total number of Political Prisoners released: 336<sup>49</sup>

In January, President U Thein Sein issued two orders for the release of prisoners. 34 political prisoners were released on the 4<sup>th</sup> of January when the president authorized a commutation of death sentences to life and a reduction in prison terms. A further 302 were released on the 13<sup>th</sup>. The prisoners who were released included many high profile activists such as Min Ko Naing and Ko Ko Gyi from the 88 Generation group, Ashin Gambira, a monk leader of the 2007 "Saffron Revolution".<sup>50</sup>

Regime statement: The presidential order was authorized under Article 401 of the criminal code, which states that the president has the power to arbitrarily order any of those released to serve the remainder of their sentence if he wishes.

Context: The news about the release of only 34 political prisoners on January 4<sup>th</sup> was greeted with widespread disappointment with NLD members, 88 Generation members, journalists, movie directors and spokespeople from the international community condemning the release. The second presidential order, taking place on 13 January, is the most substantial release of political prisoners to date in Burma. It also came at a time when US Special Representative and the UK Foreign Minister were finishing visits to the country.

## **February 2012**

Total number of Political Prisoners released: 2<sup>51</sup>

## **March 2012**

Total number of Political Prisoners released: 8.<sup>52</sup>

## **April 2012**

Total number of Political Prisoners released: 2.<sup>53</sup>

Two prominent Mon political prisoners, Nai Yekkha and Nai Chem Gakao, were released in late April. The two leading members of the New Mon State Party (NMSP) were convicted in July 2003 of plotting to detonate bombs in Rangoon. They were originally sentenced to death, but their sentences were later commuted to life in prison. Nai Yekha (aka Nay Win) was held at Insein Prison in Rangoon. Nai Chem Gakao (aka Min Myo Thwe) was initially held at Insein Prison as well, but was later transferred to Thayarwaddy Prison, Pegu Division.<sup>54</sup>

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<sup>48</sup> Associated Press, 'Myanmar says 651 convicts to be freed under pardon', 12/01/2012. Available online on: <http://www.burmanet.org/news/2012/01/12/associated-press-myanmar-says-651-convicts-to-be-freed-under-pardon/>

<sup>49</sup> AAPP releases and arrests list, updated on June 2012.

<sup>50</sup> AAPP releases and arrests list, updated on June 2012; AAPP chronology for January 2012.

<sup>51</sup> AAPP releases and arrests list, updated on June 2012.

<sup>52</sup> AAPP releases and arrests list, updated on June 2012.

<sup>53</sup> AAPP releases and arrests list, updated on June 2012.

<sup>54</sup> Irrawaddy, 'Mon Political Prisoner Pair Released', April 2012, <http://www.irrawaddy.org/archives/3308>

Context: The release was in response to an NMSP formal plea to free the two prisoners as a goodwill gesture, made earlier this year when the party entered peace talks with the Burmese military-backed government.

### **May 2012**

Total number of Political Prisoners released: 2<sup>55</sup>

### **July 2012**

Total number of Political Prisoners released: 25

On July 3<sup>rd</sup>, 46 prisoners were released. Among them, 25 were political prisoners.

### **September 2012**

Total number of Political Prisoners released: 88

On September 17<sup>th</sup>, 514 prisoners were released. Among them, 88 were political prisoners. The release coincided with President U Thein Sein's visit to the United States to speak in front of the UN General Assembly.

### **November 2012**

Total number of Political Prisoners released: 51

On November 19<sup>th</sup>, 66 prisoners were released. Among them, 51 were political prisoners. This release came at the same time as U.S. President Barack Obama's visit to Burma.

### **April 2013**

Total number of Political Prisoners released: 69

On April 23<sup>th</sup>, 93 prisoners were released. Among them 69 were political prisoners. Prisoners released using 204.

This release came a day after the EU voted to raise trade embargos against Burma, excluding the arms embargo. The list of individuals provided by the Political Prisoners Scrutiny Committee was also greatly overlooked by the President when choosing who to release.

### **May 2013**

Total number of Political Prisoners released: 21

### **July 2013**

Total number of Political Prisoners released: 54

On July 23<sup>rd</sup>, 73 prisoners were released. Among them 54 were political prisoners.

President U Thei Sein undertakes first visits to UK and France. He pledges to free all political prisoners by the end of 2013.

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<sup>55</sup> APPP releases and arrests list.