



**Assistance Association for Political Prisoners (Burma)**  
နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

P.O Box 93, Mae Sot, Tak Province 63110, Thailand  
E-mail: [info@aappb.org](mailto:info@aappb.org), [info.aappburma@gmail.com](mailto:info.aappburma@gmail.com) Website: [www.aappb.org](http://www.aappb.org)



## Summary of the current Situation

As of the end of November, 72 political activists remained in prison, while 136 are awaiting trial. With only a month remaining in 2014, the situation faced by political activists, human rights workers, and journalists within Burma continues to be one of repression. This has led many observers, including Aung San Suu Kyi, to the conclusion that the democratization process in Burma has “stalled”. With the long awaited elections approaching in 2015, questions still remain about the current government’s commitment to a peaceful and democratic political transition in Burma.

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*“There can be no national reconciliation in Burma, as long as there are political prisoners”*

## MONTH IN REVIEW

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This month, 17 political activists were charged and 7 sentenced, while 8 current political prisoners were released. AAPP also received information regarding one death resulting from police brutality, as well as multiple reports of torture and mistreatment in the country.

The body of Aung Kyaw Naing (a.k.a. Par Gyi), who was shot and killed while in army custody last month, was exhumed on November 5. According to eyewitness accounts, his body showed signs of torture; it appeared that he had a broken jaw and that his skull was caved in. After exhumation, his body was moved to Moulmein Hospital where a proper post mortem was undertaken. The autopsy found five bullet wounds: one in the chin, two in his back, one in his thigh and one in his ankle. The Myanmar National Human Rights Commission (MNHRC), which has been tasked with investigating his death, stated that it hoped to deliver a report to the president's office before the end of the month, yet no mention of the case has been made since mid November.

This month saw the first signs of government action against the ongoing protests over the National Education Bill. Opposition to the bill has been steadily building for several months, yet the authorities, until this month, had allowed demonstrations to be carried out in a peaceful manner. On November 29, six of the student leaders were charged under Section 18, the first of such charges to be brought against the demonstration.

The ongoing denial of the existence of political prisoners by the government was in evidence again this month. State run newsgroup *Global New Light of Myanmar* published in their November 1 issue the agreed upon list of 27 political prisoners determined by the Committee for Scrutinizing the Remaining Political Prisoners. The article claims that the 27 no longer remain imprisoned for political

acts but instead are incarcerated on criminal convictions. However, AAPP and the Former Political Prisoner Society (FPPS) maintain that the 27 are in fact political prisoners and that their ongoing incarceration is arbitrary and unfounded. The first two cases, La Phai Gam and Brang Yung, are indicative; both of them were subject to extreme forms of torture and were convicted based on confessions obtained during their torture. AAPP continues to call for the immediate release of all 27 prisoners.

AAPP also mourns the loss of Hla Myo Naung, who passed away November 27. Hla Myo Naung was a leading member of the 88 Generation Student Group and a former political prisoner in Burma. His commitment to the struggle for democracy and freedom in Burma was unfaltering, and he will be sorely missed.

[\(3 November 2014 - Mizzima\)](#) [\(5 November 2014 - DVB\)](#) [\(6 November 2014 - DVB\)](#) [\(6 November - RFA\)](#) [\(8 November 2014 - DVB\)](#) [\(20 November 2014 - Myanmar Times\)](#) [\(1 November 2014 - Global New Light of Myanmar\)](#) [\(2 November 2014 - Eleven\)](#) [\(28 November 2014 - AAPP\)](#)

## DETENTIONS

### **Villagers Detained in Shan State**

Two villagers in Shan State were detained and questioned by government soldiers because they were wearing Shan State Progressive Party/Shan State Army t-shirts. Sai Sein and Sai Yone, from Mong At Village in Wam Sot Village-Tract, Monshu Township, were detained and questioned at the Nam Ket Bridge Checkpoint on November 12 for the entire day by Military Operations Command 2. A member of the People's Militia Force, which has close ties to the army, said "Nothing was seized from the villagers and the only reason they were detained for about half a day was because they were wearing SSPP/SSA T-shirts and carrying green backpacks." The two villagers were released late that same evening.

[\(20 November 2014 - BNI\)](#)

### **Activist Briefly Detained at Airport**

Kyaw Thaung, director of the Myanmar Association in Thailand (migrant activist group), was detained by officers of the Immigration and Population Department at Yangon International Airport on November 6 for more than an hour. Kyaw Thaung was attempting to return to Thailand after escorting the parents of the two Burmese suspects in the Koh Tao murder case. He was told by the authorities that he had been "blacklisted" due to a complaint submitted by the secretary of the Myanmar Overseas Employment Agencies Federation about Kyaw Thaung owning three passports. Kyaw Thaung has submitted a complaint to the president's office.

[\(7 November 2014 - Irrawaddy\)](#) [\(7 November 2014 - Mizzima\)](#)

### **Four Arrested and Beaten by Soldiers**

Four men - Sai Ka Lar, Sai Kyaw Awe, Sai Haum and Sai Maung - from Wan Mai Zan Leaik Village, Hsipaw Township were arrested and beaten by soldiers from Light Infantry Battalion 504 on November 5. They were accused of affiliation with the Shan State Army (SSA) and detained overnight. On November 6 they were taken to Hsipaw Police Station and charged under the Unlawful Association Act and for driving without a license. Sources have stated that the reason for their detention is linked to a disagreement between Sai Haum and the Captain of the Battalion that occurred last year. As of November 8 they remained in detention.

[\(11 November 2014 - BNI\)](#) (8 November 2014 - AAPP)

### **Villagers Arrested for Allegedly Helping Ethnic Armed Forces**

On October 28, 2014, the head of Louk Loan Village, Momeik Township, Shan State and another villager were arrested for allegedly helping ethnic armed groups. 40 plain clothed soldiers from Light Infantry 276 and 223 entered the village while around 30 uniformed soldiers surrounded the village itself. Sai Myat Tun and Sai Kyaw Hla were arrested and taken for questioning, whilst several other villagers were put under house arrest for the day. Sai Kyaw Hla's family attempted to visit him in the army camp where he was being held but they were refused permission to see him.

[\(4 November 2014 - BNI\)](#)

### **Reported Torture in Kachin State**

A 50 year old Kachin man was arbitrarily detained and tortured on August 12, 2014. The

## DETENTIONS

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man was arrested by Army Division 66 in Kap Maw Village. Although the case of arbitrary detention occurred in August, it was not reported until this month.

[\(4 November 2014 - BNI\)](#)

### **Army Major Held Incommunicado**

Major Kyaw Swar Win has been detained since early April after being caught allegedly signing a pro-constitutional amendment petition circulated by the National League for Democracy (NLD). He has been kept in military custody and his family has not been able to see him for almost eight months. His case is being tried in a military court.

[\(24 November 2014 - RFA/Burmese\)](#) [\(27 November 2014 - Irrawaddy\)](#)

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## INCARCERATIONS

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### **Two Individuals Sentenced to Six Months**

Thet Wai was sentenced to six months imprisonment by Kyaung-Kone Township Court under Section 143 and 447 of the Penal Code for membership in an unlawful assembly and trespassing. He is currently suffering from tuberculosis in Bassine Prison and has not been provided proper medical treatment. His co-defendant, Shwe Oo, was also sentenced to six months under Section 143 and 447 and is incarcerated in Bassine Prison.

(26 November 2014 - AAPP)

### **Five Farmers Convicted, Two Released**

On November 11, five farmers were sentenced to hard labor by Judge Ko Ko Naing at Thegon Township Court, Pegu Division. All five (Daw Nyo, Pauksa, Daw Mone, Maung Win and Khin Mar Aye) were sentenced to six months imprisonment with hard labor under Section 505(b) of the Penal Code, while Pauksa and Day Nyo were also fined 10,000 Kyat under Section 18 of the Peaceful Assembly and Peaceful Procession Act. Daw Nyo received a second sentence under Section 505(b), bringing her total sentence up to one year. Pauksa and Maung Win were released that same day due to the fact that they spent the trial in detention. Kin Mar Aye, Daw Mone, and Daw Nyo will have to serve their sentences in prison.

(12 November 2014 - AAPP) ([11 November 2014 - Mizzima/Burmese](#))

## RELEASES

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### **Six Additional Prisoners Released over Last Two Months**

Myo Han, Aung Soe Thein, Htin Aung Kyaw, and Toe Maung, from Myingyan Township, Mandalay Division, were all released from Myingyan Prison on November 18 after serving a two month sentence under Section 18 of the Peaceful Assembly and Peaceful Procession Act. Wai Lu, who had been incarcerated on August 25, 2014, under two counts of Section 18, was also released on the same day from Insein Prison after serving his three month sentence (he had one month deducted from his original four month sentence). In addition, AAPP has learnt that Myint Aung, an activist associated with gold mining protests, was released from Yamathin Prison in October.

(November 2014 - AAPP)

## CONDITIONS OF DETENTIONS

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### **Supreme Court Rejects Unity Journalist's Appeal**

On November 26 the Supreme Court in Burma rejected an appeal from the five Unity Journal members. Originally sentenced to 10 years imprisonment, they had their sentence reduced to seven years by Magwe Division Court in a partially successful appeal last month. Their lawyer, Robert San Aung, said that they would make one more appeal, after which they would be without any other legal recourse.

[\(27 November 2014 - Irrawaddy\)](#) [\(27 November 2014 - Eleven\)](#)

### **Wai Lu Reports on Prison Conditions**

Wai Lu, upon his release from prison, raised concerns about the deplorable prison conditions in Insein Prison. He stated that he was aware of around 40 remaining political prisoners in Insein, and said that the situation of those who are infected with HIV is particularly troubling. He also said that there was a very real potential for fighting to occur between political and criminal prisoners.

[\(19 November 2014 - RFA/Burmese\)](#)

### **Aung Soe Facing Additional Charges**

Aung Soe, a member of Rangoon People's Support Network (RPSN), had additional charges of trespassing and vandalism brought against him by Madaya Township Court on November 3. He is being charged under Section 447 of the Penal Code for the vandalism of a fish farm located in Thapyae-Thar Village. Aung Soe was previously sentenced on August 6, 2014, to three and a half years in prison for his involvement in anti-land-grabbing protests.

[\(3 November 2014 - RFA/Burmese\)](#)

### **Man Dies from Injuries Sustained in Prison**

A man has allegedly died due to injuries sustained while in prison. His family held a press conference on November 29 where they displayed pictures of his injuries and explained what had happened. He was arrested on October 6, 2014, on suspicion of breaking a car windshield, and was detained overnight at Tamwe Police Station. When his family collected him the next day, they became aware of the severe injuries that he had sustained. He died a week later from a brain hemorrhage. The Tamwe Police Station has denied any wrongdoing while the family plans to press charges.

[\(1 December 2014 - DVB/Video\)](#)

## DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

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### **Six Student Activists Charged under Section 18**

On November 29 six student leaders of the All Burma Federation of Student Unions (ABSFU) were charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act for a protest against the National Education Bill held in Taungoo Township, Pegu Division the day before. Min Thway Thit, Aung Htet, Aung Ko Khant, Myat Thu, Aung Nay Paing, and Min Min Zaw refused to post bail and have requested that the authorities arrest them instead. Opposition to the Education Bill has been building since the summer, with these charges being the first leveled against any of the protestors.

[\(29 November 2014 - RFA/Burmese\)](#) [\(1 December 2014 - DVB\)](#)

### **Public Event Held for La Phai Gam and Brang Yung**

A town hall meeting was held on November 4 at Myitkyina Kachin Baptist Church to raise awareness about the case of La Phai Gam and Brang Yung, who were both brutally tortured in 2012 before being handed long prison sentences. The two civilians are amongst the 27 names that were published by state owned media *Global New Light of Myanmar* (Month In Review, see above). This event focused on their ill treatment and arbitrary detention and called for their immediate release.

[\(5 November 2014 - DVB\)](#) [\(November 2014 - BNI\)](#)

### **Journalists Face Possible Charges**

An unknown number of journalists may face charges under Section 19 of the Peaceful Assembly and Peaceful Procession Act. The journalists were praying for media rights worldwide on November 2, the 'International Day to End Impunity for Crimes Against Journalists'. The group had applied for permission to have their protest but were told that they had to have it at Hi' Tain, which is a designated place for people to air their grievances. The protesters instead went to both Sule Pagoda and Maha Bandoola Park and face possible charges under Section 19 for breaching the authorized area of their protest.

[\(22 November 2014 - Eleven\)](#) [\(21 November 2014 - Irrawaddy\)](#)

### **Government to sue News Group**

Eleven staff of the *Myanmar Herald Journal* are being sued by the Ministry of Information (MOI) for an interview they published with Myo Yan Naung Thein. The story was published on August 9, 2014, and contained a statement by Myo Yan Naung Thein that was highly critical of President Thein Sein. The *Herald* has been praised by journalist associations and has faced harassment from the government before. The eleven staff are being charged under Section 25(b) of the Media Law. The accused include chief editor Kyaw Swar Win and publishing officer Zeya Moe. This is the first case involving the Media Law since it was passed this year. They were set to appear in court on November 14. If found guilty they face fines



## DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

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of between 300,000 Kyat and 1,000,000 Kyat.

[\(4 November 2014 - DVB\) \(7 November 2014 - RFA\)](#)

### **Phyu Hnin Htwe Charged**

All Burma Federation of Student Unions (ABFSU) member Phyu Hnin Htwe, who was recently released from prison, was indicted under Section 18 of the Peaceful Assembly and Peaceful Procession Act by Sarlingyi Police Station, Monywa District, Sagaing Division. The charges stem from her participation in a protest on October 29, 2014, which marked the 23 month anniversary of the police's violent crackdown on the Letpaduang Mine protesters. She is yet to receive an official notice of indictment. Five others have also been charged under Section 18.

[\(4 November 2014 - DVB/Burmese\)](#)

## RESTRICTIONS ON FORMER POLITICAL PRISONERS

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### **Activists to Run in Yangon City Development Committee Elections**

Two human rights activists, Susanna Hla Hla Soe (director of the Karen Women's Action Group (KWAG)) and Win Cho (lands rights activist), plan to run for the Yangon City Development Committee (YCDC) next month. However, the YCDC has restrictions on who can run for office, one of which is a prohibition on anyone who has been previously convicted of a crime. This would appear to disqualify Win Cho from the running, and he was initially barred from the election race for providing inaccurate information about his time in prison on his application. He stated, "I didn't provide an untruthful biography. I didn't mention my prison sentences because I didn't think it was necessary." The city's Election Commission granted him a review and, upon clearing up the misunderstanding, granted him permission to run for the YCDC.

[\(4 November 2014 - The Irrawaddy\) \(26 November 2014 - Irrawaddy\)](#)

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## LAND ISSUES

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### **Case Filed Against Landowners in Tavoy District**

Sixteen landowners from Yebyu Township, Tavoy District have had a case opened against them on charges of trespassing and deterring public service. The charges are being brought by the Myanmar Oil and Gas Enterprise, which has been operating with the Thai owned PITEP Company in the area. The landowners have been barred from returning to their land and have rejected the compensation that has so far been offered.

[\(15 November 2014 - RFA/Burmese\)](#)

### **Five Jailed with Hard Labor**

Five members of the same family, including two 70 year old individuals, were sentenced on October 28, 2014, to six months imprisonment with hard labor after harvesting paddy on disputed land in Kyunggyi Village, Irrawaddy Division. They were already standing trial for trespassing and destruction of property when they received the jail sentence for theft. The land, which had previously been theirs, was lost when they failed to repay a loan. They have been sent to Myaung Mya Prison, while two children in the family have been placed under the protection of a farmer's assistance NGO.

[\(4 November 2014 - DVB\)](#)

## AAPP IN THE MEDIA

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### **Controversy Surrounding Remaining Political Prisoner List**

On November 1 state owned Global New Light of Myanmar published a complete table of the 27 remaining political prisoners that were previously agreed upon by the Scrutinizing Committee for Remaining Political Prisoners, of which AAPP Joint Secretary Bo Kyi has been a member. The article then states that the remaining 27 prisoners are incarcerated on criminal charges and that their politically related sentences have been pardoned. However, Bo Kyi refutes this claim, stating, “The other 27 were arrested for politically motivated reasons, and sentenced with other additional alleged criminal charges during the military dictatorship.” Former Political Prisoner Society (FPPS) is also opposed to the opinion expressed by the government, and considers all 27 to be legitimate political prisoners. As mentioned above, events were held this month to raise awareness for two of the 27 prisoners, La Phai Gam and Brang Yung. This public support reaffirms the conviction that these individuals should not be considered criminal prisoners. FPPS and AAPP continue to call for their immediate release.

[\(3 November 2014 - Irrawaddy\)](#) [\(1 November 2014 - Global New Light of Myanmar\)](#) [\(2 November 2014 - Eleven\)](#)

## KEY INTERNATIONAL DEVELOPMENTS

### **UK Foreign Affairs Committee Issues Strong Report**

The Foreign Affairs Committee of the British Parliament published a stern report on November 27 regarding the current political situation in Burma. The committee called on the British Government to support the re-introduction of EU sanctions in 12 months if improvements are not made on critical issues, including the release of all remaining political prisoners. The report also recommends “that the UK Government closely monitors whether former political prisoners who wish to stand for election in 2015 are able to do so.”

[\(27 November 2014 - Burma Campaign UK\)](#) [\(11 November 2014 - House of Commons Foreign Affairs Committee\)](#)

### **UNGA Resolution**

The UN General Assembly passed its resolution on Burma on November 21. The resolution urges the continued release of political prisoners and calls on the government, “to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities.”

[\(21 November 2014 - UNGA\)](#)

### **Report Accuses Military Leaders of Crimes Against Humanity**

The International Human Rights Clinic at Harvard Law School has published a report where they name Major General Ko Ko (currently Home Affairs Minister), Lieutenant General Khin Zaw Oo (currently Commander of the Army Bureau of Special Operations), and Brigadier General Maung Maung Aye as perpetrators of war crimes and crimes against

humanity. The report draws from an in depth study of villages in the Thai border region where they documented, “widespread and systematic’ attacks directed against civilians.” They claim sufficient evidence for an arrest warrant to be issued against the three.

[\(5 November 2014 - NY Times\)](#) [\(6 November 2014 - DVB\)](#)

### **US Blacklist MP**

Aung Thaung, Union Solidarity and Development Party representative for Taungtha Township, has been blacklisted by the US Treasury Department. The decision was made due to Aung Thaung’s attempts to undermine political reform in Burma. Aung Thaung is the former minister for industry under the military government and his family is one of the wealthiest in the country.

[\(1 November 2014 - DVB\)](#)

## Conclusion / Analysis

This month, U Thein Sein's government showed no indication of relenting on its attempts to stifle political opposition in Burma.

Once again, the government has relied heavily upon Section 18 of the Peaceful Assembly and Peaceful Procession Act to silence its opponents, with a total of twelve individuals being charged and two being sentenced under the law. An additional four people were charged under the Unlawful Association Act, and five were sentenced under Section 505 (b) of the Penal Code. Looking ahead, special attention should be paid to the ongoing opposition to the National Education Bill, as this month saw the first charges laid against a number of the movements leaders.

Police and military mistreatment of prisoners was also of continued concern this month. AAPP learnt that one civilian had passed away suddenly due to injuries sustained in prison last month, while an additional four people were beaten and arbitrarily detained by the military in November. This is indicative of the fact that the extrajudicial killing of Par Gyi last month was not an isolated event but instead part of a larger trend of police and military disregard for the basic human rights of people under detention.

Controversy continues to surround the Committee for Scrutinizing the Remaining Political Prisoners. By publishing the list of 27 political prisoners agreed upon by the committee in state

run *Global New Light of Myanmar*, the government in Burma is seeking to cement the fact that they have released all political prisoners and that the remaining prisoners are criminals. This position fails to account for the fact that the individuals on that list were previously incarcerated for their political activity, were illegally and arbitrarily detained without proper legal recourse, were subject to torture and ill treatment, and remain imprisoned under the guise of 'criminal' activity despite overwhelming evidence of their innocence. The Scrutinizing Committee will be unable to achieve its goal of securing the release of all remaining political prisoners if the government continues to deny the clear evidence it is presented in favor of denial.

The international community, meanwhile, has continued to recognize the stalling of political reforms in Burma. The UN General Assembly issued its 2014 resolution on Burma this month despite the government's protests, while the UK Foreign Affairs Committee issued a stern report that suggested the reimplementing of sanctions if political reform continues to flounder. Such criticism will only continue to grow if the current government does not rectify its current policy towards political opponents and activists in Burma.

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*For more information:*

Tate Naing (Secretary): +66 (0) 81 287 8751  
Bo Kyi (Joint Secretary): +66 (0) 81 962 8713

## Links / Resources

November 1

[US Blacklists MP \(DVB\)](#)  
[Controversy Surrounding Remaining Political Prisoner List \(Global New Light of Myanmar\)](#)

November 2

[Controversy Surrounding Remaining Political Prisoner List \(Eleven\)](#)

November 3

[Aung Soe Faces Additional Charges \(RFA/Burmese\)](#)  
[Controversy Surrounding Remaining Political Prisoner List \(Irrawaddy\)](#)  
[Par Gyi's Body Exhumed \(Mizzima\)](#)

November 4

[Five Jailed with Hard Labor \(DVB\)](#)  
[Activists to Run in Yangon City Development Committee Elections \(The Irrawaddy\)](#)  
[Villagers Arrested for Allegedly Helping Ethnic Armed Forces \(BNI\)](#)  
[Reported Torture in Kachin State \(BNI\)](#)  
[Government to Sue News Group \(DVB\)](#)  
[Phyu Hnin Htwe Charged \(DVB/Burmese\)](#)

November 5

[Report Accuses Military Leaders of Crimes Against Humanity \(NY Times\)](#)  
[Par Gyi's Body Exhumed \(DVB\)](#)

November 6

[Report Accuses Military Leaders of Crimes Against Humanity \(DVB\)](#)

[Par Gyi's Body Exhumed \(DVB\)](#)

[Par Gyi's Body Exhumed \(RFA\)](#)

November 7

[Activist Briefly Detained at Airport \(Irrawaddy\)](#)  
[Activist Briefly Detained at Airport \(Mizzima\)](#)

[Government to Sue News Group \(RFA\)](#)

November 8

[Par Gyi's Body Exhumed \(DVB\)](#)

November 11

[Four Arrested and Beaten by Soldiers \(BNI\)](#)  
[Farmers Convicted Following Demonstration \(Mizzima/Burmese\)](#)  
[UK Foreign Affair Committee Issues Strong Report \(House of Commons Foreign Affairs Committee\)](#)

November 15

[Case Opened Against Landowners in Tavoy District \(RFA/Burmese\)](#)

November 19

[Wai Lu Freed \(RFA/Burmese\)](#)

November 20

[Par Gyi Confirmed a Journalist \(Myanmar Times\)](#)  
[Villagers Detained in Shan State \(BNI\)](#)

November 21

[Journalists Face Possible Charges \(Irrawaddy\)](#)  
[UNGA Resolution \(UNGA\)](#)

November 22

[Journalists Face Possible Charges \(Eleven\)](#)

November 24

[Army Major Held Incommunicado \(RFA/Burmese\)](#)

November 26

[Former Political Prisoner Allowed to Run For Yangon Office\)](#)

November 27

[Supreme Court Rejects Unity Journalist's Appeal \(Irrawaddy\)](#)  
[Army Major Held Incommunicado \(Irrawaddy\)](#)  
[UK Foreign Affair Committee Issues Strong Report \(Burma Campaign UK\)](#)

November 28

[Hla Myo Naung Passes Away \(AAPP\)](#)

November 29

[Six Student Activists Charges \(RFA/Burmese\)](#)

December 1

[Six Student Activists Charges \(DVB\)](#)  
[Man Dies from Injuries Sustained in Prison \(DVB/Video\)](#)