



## Assistance Association for Political Prisoners (Burma)

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### Summary of the current Situation

As of the end of January, there are 159 political prisoners incarcerated in Burma, with 213 activists currently awaiting trial for political actions. The Peaceful Assembly and Peaceful Procession Act continues to be used in an attempt to silence those critical of the current regime. This month the controversial law has been criticized by a well known international human rights group. January once again saw the death of innocent civilians. The recent increase in the death of civilians is a worrying sign that the promised reforms to human rights will not be fulfilled.



Picture from Irrawaddy © 2015 Accessed on February 11, 2015

### January, 2015

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

## MONTH IN REVIEW

To start the year, President Thein Sein and other high level government officials have commented on the continued reform process in the country and spoke categorically on the continued release of prisoners of conscience and the promotion of human rights such as freedom of expression. It remains to be seen if all of these promises will be upheld but the 159 political prisoners who are currently imprisoned and the 213 people that are awaiting trial as well as the government's failure to sign important international human rights conventions, do not lend any credibility to the comments made.

The Myanmar National Human Rights Commission found that the police were at fault for the death of Khin Win, a protester who was killed during a protest over the controversial Letpadaung Copper Mine. The statement by the MNHRC notes that several steps used in order to disperse crowds were skipped by the police before they began to open fire.

The murder of two Kachin teachers, Maran Lu Ra and Tangbau Hkawn Nan Tsin, who were allegedly raped and killed by members of the Burmese Army on January 19th and 20th has once again put human rights violations into the spotlight. Police were sent to the scene of the crime and have started preliminary investigations, but even though there have been many calls from both domestic and international bodies; an official government investigation has yet to be initiated. On January 29th the army released a statement where it denied any responsibility in the murders and the Defense Ministry warned that legal action will be taken against anyone claiming the army killed the teachers. Allegations that the army attempted to provide monetary compensation to the family's further adds to the suspicion.

The month also saw the reconstituting of the Committee for Scrutinizing the Remaining Political Prisoners to The Prisoners of Conscience Affairs Committee. According to Thein Sein, the

change was made so that the cases of political prisoners who were arrested after the creation of the committee could be reviewed. The previous title contained the word remaining, which limited the cases it was able to take on. It is also worth noting that AAPP has been left out of the committee without any official reason. The move has been criticized by Ye Aung, a member of the previous committee. He said "[AAPP] are good at collecting facts, they're experienced and they drew up the list of prisoners and their exclusion is problematic". The government has said that the reason for the exclusion will be provided at the new committee's first meeting.

The National Education Bill also came to the forefront this month with hundreds of students planning a march from Mandalay to Rangoon in protest over the bill, which they believe gives too much power to the government. The march was met with heightened police activity and eventually led to the government agreeing to four-way talks with the students in Nay Pyi Daw on February 1 where the students will be able to share their list of 11 demands concerning the bill

Finally, Brang Shawng, the father who has accused the Burmese military of being behind the murder of his daughter faces jail time after the doctor who was able to testify was transferred and the original judge was replaced by a another who ruled against Brang Shwang even in the midst of evidence that supports his case.

[\(1 January 2015 - Global New Light of Myanmar\)](#) [\(3 January 2015 - Global New Light of Myanmar\)](#) [\(15 January 2015 - Irrawaddy\)](#) [\(20 January 2015 - The Irrawaddy\)](#) [\(27 January 2015 - DVB\)](#) [\(27 January 2015 - The Irrawaddy\)](#) [\(29 January 2015 - DVB\)](#) [\(6 January 2015 - Global New Light of Myanmar\)](#) [\(7 January 2015 - Eleven\)](#) [\(9 January 2015 - Myanmar Times\)](#) [\(7 January 2015 - Burma News International\)](#)

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# DETENTIONS

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## **Solo Protester Arrested for Demanding Return of Land**

Protester Ko Saw Wae was detained and arrested after he demonstrated holding a placard and wearing a shirt which said “Give Back Our Land”. He demanded that local authorities return the land, near Ngapali beach, which they confiscated from local farmers in order to build a hotel chain. According to Narinjara News the land confiscator was the Major General Win Myint, a former commander of Western Command, and no one was paid any compensation for the land.

[\(22 January 2015 - Narinjara News\)](#)

## **Two More Letpadaung Mine Protesters Arrested**

Six protesters of the Letpadaung Copper Mine, a Chinese backed mining company supposedly guilty of land-grabbing and environmental damage, have been prosecuted with offences such as “harming the image of the nation” and obstructing police and may be facing up to five years in prison. An additional charge was laid on the activists under the controversial Article 18 Peaceful Assembly and Peaceful Association Act. Aside from the six, one more protester has been charged and the police are looking for additional evidence against them. The protesters held small yet regular protests outside of the Chinese embassy in Rangoon after police opened fire on protesters who were trying to halt the company’s plans of building a fence on territory which is disputed with local farmers. The violent action taken by the police would lead to the death of one of the protesters, Khin Win.

[\(14 January 2015 - Mizzima\)](#) [\(15 January 2015 - DVB\)](#) [\(15 January - Eleven\)](#) [\(20 January 2015 - The Irrawaddy\)](#)

# INCARCERATIONS

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## **Phyu Hnin Htwe Supporter Sent to Prison**

Tin Mar Ye, a supporter of Phyu Hnin Htwe, the student activist who spent one month in Monywa Prison after being charged with kidnapping two workers from Chinese company Wanbao Mining Ltd, was given a one month prison sentence on January seventh for publicly showing support for Phyu Hnin Htwe. She was charged under Article 18 of the Peaceful Assembly and Peaceful Procession act, which doesn't allow for protest without prior permission from the local authority. She, along with several others, walked to Maha Myat Muni pagoda in Mandalay and prayed for the release of Phyu Hnin Htwe. Out of the 50 people who were there, she is the only one who was charged under Section 18.

[\(8 January 2015 - DVB\)](#) [\(8 January 2015 - Irrawaddy\)](#)

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## RELEASES

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### **Dr. Tun Aung Released**

The prominent doctor who was sentenced to 17 years in prison after trying to calm rioters during sectarian violence in western Burma has been released. Tun Aung received wide international attention after he was wrongfully accused of inciting violence between Rohingya Muslims and Arakanese Buddhists even though witnesses claim that the doctor was approached by authorities and told to try to intervene and calm the violence. According to a brief interview Dr. Tun Aung said that Congressman Mr. Aaron Schock aided in his release and thanked the Prague Freedom Foundation for its efforts.

[\(20 January 2015 - The Irrawaddy\)](#) [\(20 January 2015 - Mizzima\)](#)

# CONDITIONS OF DETENTIONS

## **Detained lawyer on hunger strike**

Zaw Win, a high court lawyer, who has been in Obo prison since August 2014 for giving assistance to land rights activists has gone on hunger strike. The strike began on January 30 when the police superintendent was absent from his court hearing. Zaw Win demanded that he be released on bail if the superintendent didn't show up. The officer didn't show and he was released on bail under section 18 of the Peaceful Assembly and Peaceful Procession Act, but was immediately rearrested under section 505(b) of the penal code and sent back to Obo Prison. He has been on hunger strike since and his wife, San Kyi Thar, was denied the opportunity to visit him due to his being on strike. She says that he is suffering from liver and kidney problems.

[\(31 January 2015 - RFA/Burmese\)](#)

## **Activists Plan Hunger Strike in Response to Bail Rejections**

On January 27, 2014 activists who were charged and detained after the protest in front of Chinese Embassy in Rangoon, said at the hearing in Dagaon Township court that they plan to stage a hunger strike starting January 27 after being rejected bail numerous times. Seven activists including Naw Ohn Hla, Nay Myo Zin, Sein Htay, San San Win (aka) Lay Lay, Tin Htut Paing and Than Swe have been tried at the Dagaon Township court under five different sections of law including Section 353 and 505 (b) of the Penal Code, even though the activists claim that Section 505 (b) is not related to their case. According to lawyer Robert San Aung, bail was rejected at the third court hearing on January 27 as well as the following bail request. The next court hearing is scheduled for February 2.

[\(27 January 2015 - DVB/Burmese\)](#)

## **Former NLD Member Denied Bail Again**

Writer Htin Lin Oo has been denied bail for a fourth time according to his lawyer. The former NLD member gave a speech on October 23, 2014 where he decried Buddhist extremism and nationalism. He is being charged under Section 295 of the Penal Code which prohibits malicious acts intending to outrage religious feelings and Section 298 which prohibits saying words with intent to wound religious feelings. His next trial was scheduled for January 15, 2015 and his lawyer is looking to have a change in venue. He said "Some Ma Ba Tha monks came to the court and shouted 'put him in jail,' so we worry about the case and asked to change the court".

[\(9 January 2015 - Mizzima\)](#)

# DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

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## **88 Generation Peace and Open Society Member Charged**

On January 29, 11 members of NLD and 88 Generation Peace and Open Society were acquitted for trespassing charges under Article 447 of the Penal Code, which stemmed from a protest calling for constitutional amendments in June of last year. Nay Myo Kyaw and two others still had to pay a 3,000 kyat fine for illegal use of a megaphone. Nay Myo Kyaw now faces a further charge under Section 18 of the Peaceful Assembly and Peaceful Procession Act. After the 11 had been acquitted Nay Myo Kyaw was immediately taken to the police station and questioned over his role in organizing the 2014 protest. After his questioning he was told he had been officially charged. He is currently awaiting trial.

[\(30 January 2015 - DVB\)](#)

## **Solo Protester Charged**

On January 9, 2015 a solo protester Than Htike Oo was indicted under Section 19 of Peaceful Assembly and Peaceful Procession Act after his January 8 demonstration which called for the cancellation of Sagaing Division Minister Thar Aye, because he was not accountable for the Letpadaung Affair. His case was filed by Sagaing Myoma police station commander Theinkha Win. Than Htike Oo said he plans to sue the Township Director and Deputy Police Chief because he assumed they misused their authority. He is quoted as saying "A citizen has worked under the framework to respect the law, but the authorities violated the law. This is also violating the citizen rights. I will also try to let international community to know about this".

[\(8 January 2015 - Mizzima/Burmese\)](#) [\(12 January 2015 - Mizzima/Burmese\)](#)

## **ABFSU Students Beaten Near Former Ministers Office**

Five All Burma Federation of Student Union (ABFSU) members were beaten by an unknown group of 20 to 30 people. The attack happened around 1 am on January 17, 2015. According to Htet Lin, one of the students who were attacked, the group of students was discussing politics when one of their members loudly proclaimed his displeasure when a group of people suddenly came and attacked them. Four of the group members suffered minor injuries, but one of them sustained major head injuries and was taken to the brain and nerves department of Rangoon Public Hospital. The five members who were attacked are: Aung Thaug Oo, Kyaw Swar Lin, Vitar, Htet Lin and Hein Nay Zaw. Several of the members have filed a case at Botahtaung Township Police Station.

[\(17 January 2015 - RFA/Burmese\)](#) [\(17 January 2015 - DVB/Burmese\)](#)

## **Eleven Media Blocked From Press Conference**

Reporters from Eleven Media Group were not allowed access to a press conference held by Htay Oo, the vice president of the Union Solidarity and Development Party. Initially all reporters were kept waiting from noon to three PM, but reporters from other media outlets were eventually allowed in. After many phone calls to an individual within the party, the journalists from Eleven Media Group were allowed to enter the press conference, but the conference ended soon after they were let in. Htay Oo maintains that no journalists were blocked.

[\(17 January 2015 - Eleven\)](#)

### **Group of Activists Indicted**

On June 1, 2014 Htain Lin Aung, Kyaw Zin Oo, Thu Zaw Kyi Win, Tin Soe, Hla Hla Aye (aka) Boatson Ma and Than Than Htwe (aka) Ball Lone, a group of activists, were indicted under Section 18 of the Peaceful Assembly and Peaceful Procession Act. The group protested the 2014 verdict of Kyaw Hein, who was sentenced to one month in prison under Criminal Procedure Act 21 for organizing a Buddhist preaching ceremony without permission. The Shwepyithar Township judge said they would be sentenced on January 16, 2015 but they have not yet received their sentences.

**Source (AAPP)**

### **Former Political Prisoners Indicted**

On December 26, 2014, former political prisoners in Prome Township staged a protest against the killing of Khin Win during a protest at the controversial Letpadaung copper mine. Although they requested the authority to pass across the path before the demonstration, they were denied permission on the protest day. They continued marching on the roadway despite being denied permission and as such the following ten activists were indicted under Section 19 of the Peaceful Assembly and Peaceful Assembly Act. They are: Kyaw San, Kyaw Swe, Nyi Nyi, Chit Min Soe, Min Min, Myo Win Naing, Pyae Lwin, Nyunt Wai, Wanna and Khin Zaw.

**Source (AAPP)**

### **Burma Army Shoots Man in Front of Family and Forces Villagers to Stage Protest against Shan State Army**

Shan Human Rights Foundation issued a statement regarding the shooting of a 32-year old mentally ill villager in front of his family on December 12, 2014. Additionally they forced 1,200 villagers to stage a public “mock demonstration” against the “insurgent group” Shan State Army. According to Shan Human Rights Foundation the, “villagers were forced to shout prepared slogans in Burmese, calling for the insurgent group to be ‘wiped out’”. The foundation stated that “forcing villagers to do this is a violation of their rights, and an insult to their intelligence and dignity”.



## RESTRICTIONS ON FORMER POLITICAL PRISONERS

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### **45 Farmers Sentenced**

On January 23, 45 farmers from Ohn-Pin-Su village, Gone-Min Village Tract Thabaung Township, Irrawaddy Division were charged under Section 427 and 447 of the Penal Code for vandalism and trespassing. Ten of the farmers were sentenced from one to five months in prison and the other 35 farmers were sentenced to pay a fine. On January 24, 88 Generation Peace and Open Society hosted a press conference held by the families to speak about the unjust verdict.

[\(25 January 2015 - DVB\)](#)

### **19 Farmers Sentenced for Protesting Against Land Seizures**

The Pobbathiri Township court sentenced 19 farmers on January 22, 2015 for protesting against land seizures in September 2013 when 500 acres was confiscated in order to build a newspaper office. Zaw Lat, the protest leader, was sentenced to seven years in prison with hard labor, while the 18 others will serve prison sentences ranging from four to six years plus hard labor. "The unilateral verdict is based only on police statements. We were not allowed to call witnesses. We were afforded no rights. It is totally unfair for us to receive long-term sentences," said Zaw Lat. The protesters were charged with several crimes, including disturbances to police duties.

[\(22 January 2015 - Eleven\)](#)

### **Mandalay Division Court Waiting to Decide on Farmers from Sint Gu Case**

The Mandalay Division Court will decide in a few weeks whether or not it will accept the case of farmers from Sint Gu Township's, after hearing their lawyers arguments. In August 2014, farmers from Nyaung Wun Village protested against land confiscation under the

previous junta. Villagers were injured during the confrontation with police. In response, hundreds of villagers temporarily detained several officers in the local school. Nine of them were charged for five counts, including Penal Code's Article 333, which sets a maximum sentence of ten years in prison for causing grievous hurt to a public servant carrying out his duties. The farmers' lawyer pointed out that the court would normally schedule a hearing sooner, alluding that it is probably waiting for the possible involvement of higher authorities. Burma's judiciary is known for lacking independence from the government.

[\(15 January 2015 - The Irrawaddy\)](#)

### **Farmer Arrested Over Alleged Theft**

Farmer Shwe Chaing and his two sons Naing Win and Bo Bo from Wakema Township, Irrawaddy Division were arrested on December 31, 2014 and January 2, 2015 respectively. Shwe Chaing had submitted a land dispute to the local authorities because his land had been grabbed by another farmer Ohn Lwin. They were arrested under Section 379 of the Penal Code when Ohn Lwin accused Shwe Chaing of stealing from his property even though Shwe Chaing has the receipts that prove he owns the land that he allegedly stole from. According to Zaw Yan, their case will go to court on January 14, 2015.

[\(12 January 2015 - RFA/Burmese\)](#)

**Farmer Nga Chun Sentenced for Squatting**

Nga Chun was sentenced to one month in prison under Section 26 of the Municipal Act on grounds of trespassing. Nga Chun stated that he was told to relocate without compensation while other “squatters” were reimbursed with 200,000 kyat and were relocated to new plots. More than 20 residents have been jailed and four more are awaiting trial. The president had previously pledged that he would recognize the group of 50 or more houses as a village therefore it is unacceptable for the Nay Pyi Taw Council to jail these farmers. According to Nga Chun’s lawyer the “place is listed in Lewe Township by the Immigration Department and therefore it is not a squat”.

[\(10 January 2015 - Eleven\)](#)

## KEY INTERNATIONAL DEVELOPMENTS

### **Human Rights Watch Issues Statement on Controversial Law**

Human Rights Watch has issued a statement about the controversial Peaceful Assembly and Peaceful Protest Law which has been used to arrest countless people involved in peaceful protests in the recent past. The statement goes on to highlight some of the recent cases that involved the arrest of peaceful protesters and follows them up with several recommendations as to how the law should be amended.

According to Brad Adams, Asia Director for Human Rights Watch “The arrest of peaceful protesters does not augur well as Burma heads towards elections later this year, Election season will see many protests, which must be permitted and protected if the process is going to be truly democratic. There is no reason parliament can’t promptly amend the laws to allow protests in line with international standards”

[\(26 January 2015 - Human Rights Watch\)](#)

### **Meeting Between UN Special Rapporteur and Chief of Justice**

Tun Tun Oo, the Chief of Justice of the Union, has received delegation led by Ms Yanghee Lee, the Special rapporteur for the UN, on January 16, 2015. During their meeting, Tun Tun Oo presented the Supreme Court of the Union’s three-year plan for increasing access to justice and immediate court hearings and enhancing public awareness of the judicial system, judicial freedom and accountability, promotion of justice, equality and prestige.

[\(16 January 2015 - Global New Light of Myanmar\)](#)

### **Government Says No Need for UN Special Rapporteur in Burma**

One day before Ms Yanghee Lee, the Special Rapporteur for the UN, finishes her 10-day visit to Burma, the government has reiterated that the UN no longer needs a Special Rapporteur in the country. The director of the president’s office, Zaw Htay, also accused other actors of trying to “influence the internal politics of Myanmar and the assignment of the special rapporteur is a means to this end.” It appears that Ms Lee’s interest in the Rohingya situation and her support of their right to self-identification has tensed the relationship between her and the government.

[\(15 January 2015 - Mizzima\)](#)

### **UN Special Rapporteur Meets with Six Political Prisoners**

Ms. Yanghee lee, the UN Special Rapporteur on human rights for Burma, met with six political prisoners in Insein Prison on her second official visit to Burma. After her visit she met with former members of the Verification Committee for the Remaining Political Prisoners which was created to look into remaining prisoners of conscience U Ye Aung, U Ko Ko Gyi, and U Thura (Zaganar) where they discussed the number of political prisoners remaining in Burma.

[\(7 January 2015 - Mizzima\)](#)

## Conclusion / Analysis

The murder of two Kachin teachers further throws into doubt the legitimacy of the government's promises to uphold universal human rights. Not only is the case a tragedy, but the lack of a quick and transparent investigation by the government shows its apparent lack of urgency and interest in maintaining human rights for all of its citizens. This latest case along with the recent deaths of Aung Kyaw Naing and Khin Win at the hands of the army and the police respectively shows how the country is taking further steps backward in regard to human rights, even though the high ranking members of the government, as recently as the beginning of January, have said that the condition of human rights is steadily improving.

The Peaceful Assembly and Peaceful Procession Act has continues to be used in order to repress freedom of speech. The controversial law has been used to silence a plethora of different protesters. Land rights activists, activists calling for constitutional amendment, and people in support of said jailed activists have all felt the unjust nature of the law. Human Rights Watch issued a statement in January criticizing the law and giving recommendations as to how it should be amended, but it remains highly unlikely that the government will change its policy of silencing those who have some criticism of its policies.

According to an article in Global New Light of Myanmar, the president has said in his monthly radio address that he will create

the Land Utilization Management Central Committee, which will be chaired by the vice president and will allow for the for the land reform process to continue on in a transparent manner. While this seems like progress, there are currently over 1,000 farmers awaiting trial under charges related to land rights activism. It will be worth tracking the effectiveness of this committee.

Finally, the government believes that there is no longer a need for the UN Special Rapporteur to Burma or even a UN report on the situation in Burma, due to its reforms, but it is plain to see that the reforms that have been made have not done enough to stop the continued violations of human rights and civil liberties. According to a 16 January article in the Democratic Voice of Burma, during her latest visit, the UN Special Rapporteur to Burma, Yanghee Lee explicitly stated "... In the area of freedom of expression and freedom of assembly, positive gains risk being lost. Indeed, the possible signs of backtracking I noted in my first report have gained momentum in this area." With 2015 being an election year, it is of the utmost importance that there be an international rights body present within the country to hold the government accountable to its promised reforms.

## Links / Resources

**January 1**

[President U Thein Sein 2014 Recap and Promises for the New Year \(Global New Light of Myanmar\)](#)  
[President U Thein Sein Promises Assistance in Reclaiming Land \(Global New Light of Myanmar\)](#)

**January 3**

[Interview with Acting Director-General Highlights Burma's Progress in Human Rights \(Global New Light of Myanmar\)](#)

**January 6**

[Committee for Scrutinizing the Remaining Political Prisoners Reconstituted \(Global New Light of Myanmar\)](#)

**January 7**

[Committee for Scrutinizing the Remaining Political Prisoners Reconstituted \(Eleven\)](#)

**January 8**

[Phyu Hnin Htwe Supporter Sent to Prison \(DVB\)](#)  
[Phyu Hnin Htwe Supporter Sent to Prison \(Irrawaddy\)](#)  
[Solo Protester Arrested \(Mizzima/Burmese\)](#)

**January 9**

[Former NLD Member Denied Bail Again \(Mizzima\)](#)

**January 10**

[Farmer Jailed for Squatting \(Eleven\)](#)

**January 12**

[Solo Protester Arrested \(Mizzima/Burmese\)](#)  
[Farmer Arrested Over Alleged Theft \(RFA/Burmese\)](#)

**January 15**

[Two More Letpadaung Mine Protesters Arrested \(DVB\)](#)  
[Government Says No Need for UN Special Rapporteur in Burma \(Mizzima\)](#)

**January 16**

[Meeting Between UN Special Rapporteur and Chief of Justice \(Global New Light of Myanmar\)](#)

**January 17**

[Eleven Media Blocked From Press Conference \(Eleven\)](#)  
[ABSFU Students Beaten Near Former Minister's Office](#)

**January 22**

[Mandalay Division Court Waiting to Decide on Farmers from Sint Gu Case \(The Irrawaddy\)](#)

[19 Farmers Sentenced for Protesting Against Land Seizures \(Eleven\)](#)

**January 25**

[45 Farmers Sentenced \(DVB\)](#)

**January 26**

[Human Rights Watch Issues Statement on Controversial Law \(Human Rights Watch\)](#)

**January 27**

[Two Kachin Teachers Beaten to Death, Rumors Point to Burma](#)

[Army \(The Irrawaddy\)](#)

**January 29**

[Two Kachin Teachers Beaten to Death, Rumors Point to Burma](#)  
[Army \(DVB\)](#)

**January 30**

[88 Generation Peace and Open Society Member Charged \(DVB\)](#)

**January 31**

[Detained lawyer on hunger strike \(RFA/Burmese\)](#)

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