



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

P.O Box 93, Mae Sot, Tak Province 63110, Thailand
E-mail: info@aappb.org, info.aappburma@gmail.com Website: www.aappb.org



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Summary of the Current Situation

As of the end of August, there are 108 political prisoners incarcerated in Burma, with 459 activists currently awaiting trial for political actions.

August, 2015

Table of Contents

- Month in Review
- Detentions
- Incarcerations
- Releases
- Conditions of Detentions
- Demonstrations and Related Restrictions on Political and Civil Liberties
- Land Issues
- AAPP in the Media
- Conclusion
- Links and Resources

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

MONTH IN REVIEW

This month, 16 political activists were arrested in total, two of whom were incarcerated. Eleven were sentenced, and 12 were released. Four political prisoners are reported to be in bad health.

On August 11, the Thayarwaddy Township Court rejected the defence team's motion to countersue two Police officers they alleged to have violated due process by illegally detaining students for 24 hours after their arrests. Ten students detained for their involvement in the Letpadan crackdowns were also denied bail. Following their arrests last month All Burma Federation of Student Union (ABFSU) members Naing Ye Wai, Git Too, Nyan Linn Htet and Aung San Oo - accused of using graffiti on a wall of their university to denounce the crackdown of the student protests - have been denied their request for bail in order to sit their September exams. Naing Ye Wai launched a hunger strike on August 21 in response to this decision, and the four students were placed in solitary confinement as a result. In response, Yadanabon University Student Union announced that its students will boycott their exams in support of the four student's request to sit their exams, and threatened more countrywide student protests.

On August 25, nearly 60 detained students from the Letpadan student protests regarding education reform issued a petition calling for legal action against the police involved in the crackdown on the protest in March 2015. The students argue that the police used unnecessary force during the peaceful protest which lead to the arrest of 127 student activists

and their supporters. Khin Khin Kyaw, the lawyer for the detained students that signed the petition, said the police were responsible for the destruction of property during the crackdown as well as causing serious injury to students - many of whom were beaten with sticks.

Yanghee Lee, the UN Special Rapporteur on human rights in Burma expressed concern about the arrests of activists and journalists upon completion of her third official visit to the country. She criticized the selective use of Article 18 of the Peaceful Assembly Law and Article 505 (b) of the Criminal Code and also called for the immediate release of the all Letpadan student activists and an immediate end to the practice of arbitrarily arresting students, activists, farmers and workers and charging them on multiple counts for exercising their right to free expression.

[\(7 August 2015 - UNIC Yangon\)](#) [\(8 August 2015 - DVB\)](#) [\(10 August 2015 - Mizzima\)](#) [\(11 August 2015 - Irrawaddy\)](#) [\(25 August 2015 - RFA\)](#)

DETENTIONS

88 Karen Generation Student Organization Chairman Arrested [August 2015 - Karen News](#) ([21 August 2015 - DVB/Burmese](#))

Saw Maung Gyi, a chairman of the 88 Karen Generation Student Organization, Pa-an Township, Karen State, was arrested at midnight on August 7 for allegedly assisting a man that police claim is a Karen insurgent. He has been charged under Section 17(1) of the Unlawful Associations Act which, if found guilty, incurs a two-to-three-year prison sentence. The Karen State Police Force accused him of being in contact with Saw Al Sey, a member of the Democratic Karen Benevolence Army (DKBA). The two have been detained by police and are currently being held at Pa-an Myoma Police Station.

Saw Maung Gyi's wife, Nan Mya Yee, said her husband was arrested at home at midnight on August 7. Authorities were looking for weapons that Saw Al Sey- the DKBA soldier who claims to have lived with the accused for two years - informed police were given to her husband. Saw Maung Gyi maintains that he does not know the soldier and that he does not have any weapons.

Saw Maung Gyi was arrested along with eight other members of the 88 Karen Generation Student Organization. The other members were freed after they paid a 5000 Kyat fine each for staying overnight, outside their home district, without government permission. Saw Maung Gyi and Saw Al Sey are currently being detained in Pa-an Myoma Police Station, their first court hearing was held on August 21, at Pa-an Township Court. ([12 August 2015 - RFA/Burmese](#)) ([15 August 2015 - Human Rights Watch](#)) ([16](#)

INCARCERATIONS

Solo Protester receives 4 month Sentence

Ko Win Hlaing, a solo protester who is currently incarcerated in Prome Prison, was given an additional 4 month sentence. The newest sentence was given on August 27, 2015 under Section 18 of Peaceful Assembly and Peaceful Procession Act. Ko Win Hlaing is still facing trial for 7 additional counts of Section 18.

[\(27 August 2015 - AAPP Source\)](#)

Factory Workers Charged for Protesting Fair Wages and Unfair Dismissals

Ma Win Pa Pa, Ma Khine Sabel Oo and Ko Naing Htay Lwin were found guilty of violating the Peaceful Assembly and Peaceful Procession Act on August 17, almost one year after they were initially charged. The three prisoners were former garment workers at Ford Glory, and were active protesters against unfair wages and the dismissal of factory workers in five factories in the Shwe Pyi Thar industrial zone.

Ko Naing Htay Lwin, Ma Win Pa Pa and Ma Khine Sabel Oo were arrested and charged for allegedly protesting without permission, participating in a riot, intending to disturb public order, and failing to follow protest procedures. They have received a four-month sentence for their involvement in the November garment worker protests, which they have already served in pretrial detention. However, the three remain in detention pending charges relating to

boycotts staged in January and February of this year.

[\(18 August 2015 - Myanmar Times\)](#)

Extra Four Months for Latpadaung Activists

Nay Myo Zin, Naw Ohn Hla, Tin Htut Paing, and Than Swe, who were sentenced to four years and four months in May 2015, and Ba Myint have received an additional four month sentence from the Ahlone Township Court on August 20. The group were initially arrested in December 2014 for their involvement in a protest denouncing the death of a Latpadaung villager, who was shot dead by police at the copper mining project in Monywa, Sagaing Division.

The most recent sentencing of the five activists was filed under Section 18 of the Peaceful Assembly and Peaceful Procession Act. Previously the group was sentenced under Sections 353, 147 and 505(b) of the Penal Code, as well as Section 18 by a court in Dagon Township, Rangoon Division. Nay Myo Zin, Naw Ohn Hla, Tin Htut Paing, Ba Myint and Than Swe also face additional charges in other courts in the country.

[\(20 August 2015 - DVB\)](#)

RELEASES

Su Su Nway Released with Time Served

Su Su Nway, who was arrested on July 23, was released on August 17 after being found guilty of criminal trespass under Article 447 of the Penal Code. Su Su Nway was sentenced to 15 days hard labour, but was released due to the time she served awaiting trial.

Su Su Nway is the head of the Myanmar Farmers Union and a prominent lands rights activist. Prior to her arrest, she had been acting as a mediator between the army and villages, who claim their land was stolen from them during Burma's former military regime.

Despite her recent release Su Su Nway still awaits trial regarding a different charge under Section 18 of the Peaceful Assembly and Peaceful Procession Act.

[\(17 August 2015 - Irrawaddy\)](#) [\(20 August 2015 - FIDH\)](#)

Farmers Released under Presidential Amnesty in July

Five farmers from Kantbalu Township, Shwebo District, Sagaing Division, who were sentenced on July 17, 2014, were amongst the 6,966 prisoners freed under Presidential amnesty on July 30. AAPP sources identified Win Bo, Sein Tun, Hla Moe, Zaw Min - who were sentenced to two years imprisonment each under Section 427 of the Penal Code - and Mya Lin - who was sentenced to one year and six months under Section 427 - as among those freed on July 30. Win Bo and Sein Tun were released from Myingyan Prison, Hla Moe and Zaw Min were released from Taungoo Prison and Mya Lin was released from Nyaung Oo

Prison.

Two Political Prisoners Released

Two political prisoners who were charged under Section 505(b) of the Penal code have been released in August. All Burma Federation of Students Union (ABFSU) member and land rights activist Thant Zin Htet, a resident of Prome Township, Pegu Division, was released from Paungde Prison on August 8, 2015. Thant Zin Htet was initially arrested on February 8, and sentenced to six months imprisonment on July 30, under Section 505(b) for organizing the welcoming of student protesters on their way from Mandalay to Rangoon. Nyunt Swe, who was sentenced to two years in prison under Section 505(b), was also released this month.

Three Farmers Released from Prome Prison

Maung Lwin, Aung Tin Win and Tin Hla, who were sentenced under Section 43(a) on February 18, 2014, were released in August 2015. Maung Lwin - who was serving a three year sentence - and Aung Tin Win and Tin Hla who were sentenced to two years and three months respectively, were freed from Prome Prison in August 2015.

Two Farmers Released from Pyapon Prison

Two farmers from Kyaklat Township, Irrawaddy Division were released from Pyapon Prison in August. Kyaw Min Shwe and Than Naing Win, were released this month from their one year sentence,

RELEASES

charged under Section 35 of the Penal Code on September 24, 2014.

University Tutor Released from Bassein Prison

Wai Yan Aung, a Bassein Township University tutor, has been released from prison. He was sentenced to three months imprisonment under Section 18 of the Peaceful Assembly and Peaceful Procession Act on May 22, and was released from Bassein Prison, Irrawaddy Division, on August 14.

CONDITIONS OF DETENTIONS

Student Protesters Denied Bail and Suffering From Health Issues

On August 11, Tharawaddy Township Court denied bail for ten defendants of the Letpadan Student Protests in March 2015. During the same hearing, the defense team attempted to countersue the police officers that made the arrests, on the grounds of arbitrary detention of the protesters. The court also rejected this motion (see “Month in Review”). According to DVB, 55 students and civilians detained at the Letpadan protest are still incarcerated at Tharawaddy Prison, some of whom are suffering from injuries sustained during their arrest, and have been denied medical treatment. Student activist, Honey Oo, is among those needing medical attention. Her father, Tun Oo, told reporters that his daughter “is coughing, having difficulty breathing and vomiting”.

[\(11 August 2015 - Irrawaddy\)](#) [\(12 August 2015 - DVB\)](#) [\(25 August 2015 - RFA\)](#)

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

University Students Union Members Charged Under Section 18

On August 23, University Students Union members staged a protest near Mahabandoola Park, in Rangoon. According to the Win Tin, Deputy Police Captain and Kyauktada Township Myoma Police Station Commander, the students will be charged under Section 18 of Peaceful Assembly and Peaceful Procession Act. Two students, Min Thu Kyaw of Rangoon Economic University and Pho Thar of Dagon University, were sent an official letter informing them of their charge under Section 18.

Students campaigned for the release of political prisoners, and highlighted the failure and unjust nature of the rule of law in Burma. Win Tin argued that the case was necessary as the students staged a protest without permission, and therefore must be charged under Section 18. The police are still investigating other potential suspects involved in the protest, and they plan to sue the students for their actions. University Students Union members said they will continue campaigning against unjust laws, failure of the judicial system, and for the release of political prisoners.

[\(24 August 2015 - Eleven/Burmese\)](#)

Graffiti Students Denied Bail to be Able to Sit Their Exams

On August 21, four students, Naing Ye Wai, Git Too, Nyan Linn Htet and Aung San Oo were denied bail to be able to sit their exams on September 17-29. The students requested bail immediately after their third court hearing on August 12. The judge rejected the request on the grounds that granting them bail would cause too much of a distraction to their fellow students, as there was a risk they would start another protest. The hearing lasted for a total of ten minutes. In response to the decision, Naing Ye Wai launched a hunger strike on the evening of August 21. According to sources inside Burma all four students are being held in solitary confinement in punishment cells.

The four students from Yadanarpon University's ABFSU were arrested on July 1 for allegedly using spray paint to write on the front of the university on June 26. The messages included "We don't want the National Education Law" and "Release students in Tharyarwaddy Prison immediately"- the latter referring to the student protesters facing trial following the brutal police crackdown at Letpadan, Bago Region, in March. The students face charges of incitement, rioting, abetting, and unlawful assembly under Sections 143, 147 and 505 (b) of the Penal Code and Section 18 of the Peaceful Assembly and Peaceful Procession Law.

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

An unnamed prison official has stated that the students are being monitored 24 hours a day, but families have been denied access to the students. According to family members, Ko Nyan Lin Htet has needed medical treatment since his last two court hearings.

[\(24 August 2015 - Myanmar Times\)](#)

Land Issues

Farmers and Activists Fined

Police arrested and fined 9 farmers and activists who were staying at the 88 Karen Generation Student Organization's office on August 7. They were fined for staying overnight outside their home district without government permission. (See "Detentions").

[\(15 August 2015 - Human Rights Watch\)](#) [\(16 August 2015 - Karen News\)](#)

Eight protesters were released on bail

Eight land rights activist were released on bail on August 17, 2015. U Thaung, Maung Aye, Htun Htun, Zaw Gyi, Bo Htun, Tin Shein, Bo Ni and Win Tin are facing charges under Sections 427 (mischief causing damage) and 447 (trespassing) of the Penal Code.

[\(17 August 2015 - AAPP Source\)](#)

Aung Htun Lin was Sentenced to 1 Month Protesting for the Rights to His Own Land

Aung Htun Lin, son of U Htun Htun, was sentenced to 1 month under Section 19 of the Peaceful Assembly and Peaceful Procession Act at Prome (Pyay) Court on August 17, 2015. Aung Htun Lin's was protesting for the right to his grandmother's land, which was confiscated under General Ne Win's one-party State.

Aung Htun Lin's grandmother, Daw Sein Aye, who lives in Pauk Pin Camp, Nawaday Quarter, Prome (Pyay) Township, has records demonstrating her ownership of the lands. These records include a Land Record

Form (c) and Lands Tax forms. Aung Htun Lin argues that Members of the former Township Party Unit Council confiscated Daw Sein Aye's lands illegally and was protesting for their return.

[\(17 August 2015 - AAPP Source\)](#)

AAPP in the Media

Report Launch and Workshop on “How to Defend the Defenders?” Held in Bahan Township

On August 27, 2015, The Assistance Association for Political Prisoners – Burma (AAPP) and Burma Partnership launched a report which outlines the specific risks and challenges that Human Rights Defenders face in Burma, and suggests practical protection mechanisms and policy recommendations that could help to improve the situation. A workshop was held in conjunction with the launch, at the Royal Restaurant in Bahan Township. The aim was to help facilitate a productive discussion regarding the situation of human rights defenders in Burma.

The report, “How to Defend the Defenders?”, is concerned with land, labor, LGBTIQ, women, and ethnic rights. The report contains 75 interviews from various human rights groups that suggest urgent reforms in legislative and judiciary sectors for the safety of human rights advocates. Two activist groups are calling on the government to end its oppression of human rights defenders amid a recent increase in crackdowns. ([27 August, 2015 - Myanmar International](#)) ([31 August, 2015 - Myanmar Times](#))

Conclusion

This month the practice of arbitrarily arresting students, activists, farmers and workers - and charging them on multiple counts for exercising their right to freedom of expression - has continued.

A major subject of concern this month has been the treatment of the students charged and detained at the Letpadan crackdown on March 10. Many students arrested at the crackdown remain incarcerated, months after their initial arrest. The students also face additional charges under Section 18 of the Peaceful Assembly Act, which will prolong their detention as they await further trials.

Poor health conditions of the detained students remains a major concern. Students who sustained injuries during the protests are not being provided with adequate medical care, despite multiple calls from family members.

Furthermore, unconvicted students have been denied their request for bail to be able to sit their exams, despite provisions in international law stating “unconvicted prisoners are presumed to be innocent and shall be treated as such”[1]. One of the students launched a hunger strike in protest of this decision,

and all four students were placed in solitary confinement as a result. The additional charges placed against the students, the denial of their bail and the punitive measures taken in response to their hunger strike are examples of the tactics used to prolong their detention, and stifle their ability to continue their activism in the lead up to the elections.

Along with the Letpadan students, several incarcerated activists have faced additional charges under Section 18 of the Peaceful Assembly and Peaceful Procession Act this month. While this law ostensibly exists to protect citizens rights, its continued overzealous use and the charging of activists under multiple laws, or under multiple townships, for the same offence is indicative of the government's broader desire to suppress freedom of expression and dissent in the lead up to the November elections.

The rejection of the motion against police officers accused of violence at the Letpadan protests demonstrates the urgent need for judicial reform in Burma. The lack of an independent judiciary allows impunity to continue and sustains an environment whereby laws can be misused to imprison political activists.

Conclusion

In order for the elections in November to be free and fair it is imperative that these tactics of prolonging sentences and detaining activists stop, and that all political prisoners are unconditionally released.

[1] United Nations, Standard Minimum Rules for the Treatment of Prisoners, 30 August 1955 available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>

Links / Resources

August 7

[Month in Review \(UNIC Yangon\)](#)

August 8

[Month in Review \(DVB\)](#)

August 10

[Month in Review \(Mizzima\)](#)

August 11

[Student Protesters Denied Bail and Suffering From Health Issues \(Irrawaddy\)](#)

August 12

[88 Karen Generation Student Organization Chairman Arrested \(RFA/Burmese\)](#)
[Student Protesters Denied Bail and Suffering From Health Issues \(DVB\)](#)

August 15

[88 Karen Generation Student Organization Chairman Arrested \(Human Rights Watch\)](#)
[Farmers and Activists Fined \(Human Rights Watch\)](#)

August 16

[88 Karen Generation Student Organization Chairman Arrested \(Karen News\)](#)
[Farmers and Activists Fined](#)

[\(Karen News\)](#)

August 17

[Su Su Nway Released with Time Served \(Irrawaddy\)](#)

August 18

[Factory Workers Charged for Protesting Fair Wages and Unfair Dismissals \(Myanmar Times\)](#)

August 20

[Extra Four Months for Latpadaung Activists \(DVB\)](#)
[Su Su Nway Released with Time Served \(FIDH\)](#)

August 21

[88 Karen Generation Student Organization Chairman Arrested \(DVB/Burmese\)](#)

August 24

[University Students Union Members Charged Under Section 18 \(Eleven/Burmese\)](#)
[Graffiti Students Denied Bail to be Able to Sit Their Exams \(Myanmar Times\)](#)

August 25

[Student Protesters Denied Bail and Suffering From Health Issues \(RFA\)](#)

August 27

[Report Launch and Workshop on “How to Defend the Defenders?” Held in Bahan Township \(Myanmar International\)](#)

August 31

[Report Launch and Workshop on “How to Defend the Defenders?” Held in Bahan Township \(Myanmar Times\)](#)

Contact Information:

Tate Naing, Secretary
+66 (0) 81 2878 751
(Thailand)

Bo Kyi, Joint Secretary
+66 (0) 81 9628 713
(Thailand)