



Assistance Association for Political Prisoners (Burma)
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Summary of the Current Situation

As of the end of September, there are 96 political prisoners incarcerated in Burma, with 466 activists currently awaiting trial for political actions.

September, 2015

Table of Contents

- Month in Review
- Incarcerations
- Releases
- Conditions of Detentions
- Demonstrations and Related Restrictions on Political and Civil Liberties
- Land Issues
- Key International and Domestic Developments
- Conclusion
- Links and Resources

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

MONTH IN REVIEW

This month, six political activists were arrested in total, one of whom was incarcerated. Eight were sentenced, and 15 were released. Seven political prisoners are reported to be in bad health.

Multiple political prisoners have continued to receive additional charges and sentences under the Peaceful Assembly and Peaceful Procession Act this month. Five student leaders of the All Burma Federation Students Union (ABFSU) and the Confederation of University Students Union (CUSU) received additional charges under Section 18 of the Peaceful Assembly and Peaceful Procession Act. Two separate pairs of activists already serving prison sentences, Nay Myo Zin and Naw Ohn Hla, and Htay Aung and Soe Zaw received additional jail time under Section 18 as a result of charges under multiple townships. Phyo Wai Kyaw, a solo protester protesting the use of bribery in the judicial system, was also sentenced under Section 18, continuing the trend to use the Peaceful Assembly and Peaceful Procession Act to suppress freedom of expression and dissent.

Garment protest leaders Myo Min Min and Naing Htay Lwin were sentenced on September 11 to two years and six months and two years and two months respectively for their roles in the protests against unfair wages and unfair dismissals of garment workers. An additional 13 workers and three supporters of the workers are still awaiting trial for their participation in the protests.

Efforts to release the students and activists arrested for protesting the National Education Bill on March 10 have also continued. On

September 7 a 'Failed Law' campaign was launched in protest of the judicial system that is currently failing these students and many other activists. On September 10 networks of lawyers in Burma announced their plans to petition for the release of the students and activists.

Rather than listen to public pleas, in a hearing on September 10 - six months after the March 10 arrests - the judge rejected the students' requests to dismiss the case, to take action against the violent police officers and to release on bail the detained 12 non-student activists.

In another effort to draw out the Letpadan trial, Khin Khin Kyaw, a lawyer representing the students and activists, was summoned to court for obstructing authorities. She appeared in court this month, was released on bail and has a second hearing scheduled for October 5.

The concerns over the treatment of student activists and human rights defenders were echoed by the UN High Commissioner for Human Rights and the Myanmar National Human Rights Commission (MNHRC). The MNHRC made a rare statement following an investigation they conducted into the violent crackdowns on the Letpadan protesters in which they denounced police brutality and called for legal action to be taken against the police officials involved in the crackdown. The UN High Commissioner for Human Rights singled out the detention and the conviction of student activists, farmers and human rights defenders as undermining the ability of the November election to transition Burma towards democracy.

INCARCERATIONS

Village Administrator Sentenced to Three Years Imprisonment

On September 29, Win Maung, an administrator for Laharpyin Village in Minbya Township, Arakan State, was sentenced to three years imprisonment with labor by Minbya Township Court under Article 17/1 of the Unlawful Association Act for having contact with the Arakan Army.

Aye Nu Sein, Win Maung's lawyer, said they plan to apply to appeal the sentence.

In April 2015, Win Maung was arrested after clashes occurred between the Arakan Army and the military in Pechaung Region, Kyauktaw Township. There are 16 other people facing trial at Kyauktaw Township Court for having contact with the Arakan Army. Of the 16, 13 are accused of being members of and three are accused of helping the Arakan Army.

[\(30 September 2015 - RFA/Burmese\)](#)

Solo Protester Sentenced to Four Months with Hard Labor

Phyo Wai Kyaw received a four month sentence under Section 18 of the Peaceful Assembly and Peaceful Procession Act from the Pyinmana Township Court on September 16 for staging a solo protest against bribery in court relating to a judge who demanded a bribe in a civil case in Dekkhina District.

Phyo Wai Kyaw staged two protests in front of the Bogyoke Statue in Nay Pyi Taw, the first on October 20, 2014 and the second on July 20, 2015, after the authorities did not respond to his first protest.

He was first arrested on October 21, 2014 and later released on bail. On July 20 2015, he was again arrested and detained. Phyo Wai Kyaw received a four month sentenced for the first protest and was sent to Yamethinn Prison. Phyo Wai Kyaw told the media that he would go on a hunger strike in response to his sentence. He is still awaiting trial for the second protest.

[\(22 October 2014 - The Nation\) \(17 September 2015 - Eleven\)](#)

Garment Protest Leaders Sentenced to Insein Prison

Protest leaders, Myo Min Min and Naing Htay Lwin, were sentenced to two years and six months, and two years and two months respectively for charges concerning Section 505 (b) of the Penal Code and Sections 18 and 19 of the Peaceful Assembly and Peaceful Procession Act. The pair was arrested for protesting against unfair wages and unfair dismissals of garment workers in February 2015. The sentence came from South Okkalapa Township Court on September 11. Myo Min Min and Naing Htay Lwin's lawyer, Yin Aung, said they will appeal the sentence.

The pair received sentences of two years under Section 505 (b) and two months under Section 19, while Myo Min Min was also sentenced to an additional four months incarceration under Section 18. The time they have already spent in prison will count towards their overall sentence.

An additional 13 workers are awaiting trial for their participation in the protests organized by Myo Min Min and Naing Htay Lwin and three supporters, including Naing Zaw Kyi Win and his older brother Thu Zaw Kyi Win, are being

INCARCERATIONS

detained in Insein Prison for their roles in assisting the garment workers. Naing Zaw Kyi Win and Thu Zaw Kyi Win were arrested for supporting and advising workers on their rights. They are facing trial at Yankin Township Court for charges under Section 505 (b) of the Penal Code.

[\(10 September 2015 - The Voice/Burmese\)](#)

[\(11 September 2015 - RFA/Burmese\)](#) [\(29 September 2015 - Amnesty International\)](#)

Solo Protester Sentenced Under Section 19

On September 9, U Moe Thu, an activist from the Democracy Forces Group, received a 15 day prison sentence, or a 10,000 Kyat fine under Section 19 of the Peaceful Assembly and Peaceful Procession Act. The sentence was given by the Lammadaw Township Court in relation to a solo protest. U Moe Thu staged a solo march through four townships, demanding the truth about the death of villager Daw Khin Win - who was shot during a protest against a mining project in Letpadaung on December 22, 2014 - and freelance reporter Ko Par Gyi. He further demanded the release of students arrested during the Letpadan protest.

U Moe Thu stated that he wanted to serve 15 days in prison and not pay the fine. However, his friends collected money and paid the 10,000 Kyat for him. In June 2015, U Moe Thu received a 15 day prison sentence from the Latha Township Court for the same case.

RELEASES

Three Women Activists Released

Three leading political activists, who were arrested for staging a prayer session, were released on September 24 from Meikhtila Prison. Daw Myint Myint Aye of the Social Assistance Network, May Thet Oo of the 88 Generation Peace and Open Society and National League for Democracy's district information officer Khin May Si were sentenced to four months imprisonment on July 10 under Section 18 of the Peaceful Assembly and Peaceful Procession Act. The three women were charged in May for organising a prayer session calling for nonviolence during the student education rally in Letpadan earlier this year.

[\(AAPP Source\)](#)

CONDITIONS OF DETENTIONS

Two Imprisoned Activists Sentenced to Additional Jail Time

On September 18, activists Nay Myo Zin and Naw Ohn Hla each received an additional four months of jail time from Kyauktada Township Court in Yangon for a protest they are already serving a sentence for. The pair have been sentenced by four separate townships for holding an unauthorised protest outside the Chinese Embassy in December 2014. The protest was incited by the killing of an unarmed woman, Khin Win, by police during a protest at the Letpadaung mine site a week earlier.

In May, Yangon's Dagon Township Court convicted the pair under Section 18 of the Peaceful Procession and Peaceful Assembly Act, amongst other charges, and sentenced them to four years and four months imprisonment for their involvement in the Chinese Embassy protest. The additional four month sentence from Kyauktada Township Court in Yangon is for charges relating to the same incident.

In addition to the convictions from Kyauktada and Dagon Townships, the two activists have also been sentenced by courts in Alone and Latha Townships for the Chinese Embassy protest. They face additional charges related to the incident in Pabedan and Lamdataw Townships.

[\(18 September 2015 - RFA\)](#) [\(18 September 2015 - DVB/Burmese\)](#) [\(20 September 2015 - Mizzima\)](#)

Additional Four Months for Two Activists

Htay Aung and Soe Zaw, two activists already serving jail time in Insein Prison, received an additional sentence of four months under Section 18 of the Peaceful Assembly and Peaceful Procession Act. The sentence was imposed by the Pabedan Township Court on September 18.

[\(Source from Former Political Prisoner Society\)](#)

Rector Allows Student to Take Exams, Prison Board Says No

The Rector of the Yangon University's Institute of Economics permitted third year student Zeyar Lwin, who is currently detained at Insein Prison for his role in protests against Military MP's on June 30, to take his exams while detained. However, the Prison Board told Zeyar Lwin he could not partake in the exams as the judge had already decided that he would not be released on bail to sit his exams.

On August 15, Zeyar Lwin, together with Paing Ye Thu, requested the Kyauktada and Pabedan Township Courts to allow them to partake in the exams set on September 17. The judge stated that it was up to the Prison Board to decide whether they could sit the exams while detained.

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

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

Government Officials Shut Down Conference in Karen State

On September 25, government officials stopped a conference hosted by Youth Circle in Hpa-an, Karen State. During the three-day conference, Youth Circle intended to release a report they produced on development projects in Karen State and their impacts on local communities. The report and conference were intended to bring together all stakeholders to spark and “allow an exchange of views on development projects” and to discuss “what could be done better in the future”. Around 200 people, including village representatives and individuals from a collection of community groups were in attendance. The government had also received an invitation to attend.

The conference was stopped on the second day of the three-day event by state government officials.

Reasons for shutting down the conference included holding a conference without permission, not following correct procedure, bypassing township authorities by sending a permission letter directly to the Chief Minister, undermining peace and stability and not requesting permission to hold a peaceful assembly.

[\(28 September 2015 - BNI\)](#)

Band Charged for Entertaining and Canvassing for Votes

On September 25, Myint Htay, superintendent

of number (1) Nay Pyi Taw Myoma Police Station, stated that the Pan Ye Lann band was charged under Section 18 of the Peaceful Assembly and Peaceful Procession Act for marching through Shwe Kyar Pin, Thapyay Kone, Aung Zabu, Gon Min Inn and A Hlin Lo Villages in Zabuthiri Township. The Pan Ye Lann band provides entertainment in the Nay Pyi Taw Region and simultaneously canvasses for votes for the NLD. They are charged for illegally disseminating stickers and posters of the NLD and for holding illegal entertainment marches in the mentioned villages. The band members have not yet been formally informed of their charges.

[\(25 September 2015 - Mizzima/Burmese\)](#)

[\(25 September 2015 - YouTube/Burmese\)](#)

[\(26 September 2015 - BBC/Burmese\)](#)

Lawyer Khin Khin Kyaw Summoned to Court for Interruption

On September 1, Khin Khin Kyaw, a lawyer representing the students and activists involved in the Latpadan protests, made an appeal in court to change a statement on the record, but the judge denied her request. She mistakenly used the incorrect title for a police official and wanted to give the correct title to the court. The denial by the judge sparked a noisy outcry by the students.

Khin Khin Kyaw later received a court summons from Thayarwady Court. She appeared in court on September 21 where

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

she was charged for obstructing the authorities under Section 228 of the Penal Code. She was released on bail. She claims her appeal was in line with the court's rules. A second hearing is scheduled for October 5.

[\(2 September 2015 - Eleven\)](#) [\(20 September 2015 - Eleven\)](#) [\(22 September 2015 - Facebook/Burmese\)](#)

Myanmar Human Rights Commission Calls for Action Against Police

On September 11, the Myanmar National Human Rights Commission (MNHRC) issued a statement calling for legal action to be taken against the police officials involved in the violent crackdown on the March 10 student-led protests in Letpadan, Bago Region. The statement follows MNHRC's investigation into the protest and condemns the use of violence in police arrests. The statement by MNHRC mentioned that "injuries to the head and face of some protesters" had been documented and that "making arrests through beatings goes against official police procedures".

The MNHRC statement said the charges brought against the students had been disproportionately harsh saying that at most they should have faced charges under the Peaceful Assembly Law. The statement also urged that the four graffiti students jailed in Mandalay for campaigning for the release of the Letpadan protesters be released on bail.

This is a rare condemnation made by the

MNHRC, as the national body usually commends the actions taken by the government.

[\(12 September 2015 - The Nation\)](#) [\(12 September 2015 - Eleven\)](#) [\(14 September 2015 - The Irrawaddy\)](#)

Lawyers Petition for the Release of Student Activists

On September 10, networks of lawyers in Burma announced their plans to petition for the release of the students and activists arrested in the March 10 protest for the National Education Law. September 10 marked six months of detention for the Letpadan protestors, and the lawyers expressed concern that the case might take years to resolve. The petition is open to the public. Aung Soe, chairman of Myanmar Media Lawyers' Network, has called on anyone and everyone to sign the petition for the students' release.

[\(13 September 2015 - Eleven\)](#) [\(18 September 2015 - Eleven\)](#)

Judge Rejects Requests from Student Activists

On September 10, the students and activists who are facing trial for their participation in the student protests that led to the violent crackdown in Letpadan, Bago Region on March 10, 2015, appeared in court for their 16th hearing. During the hearing the judge

DEMONSTRATIONS AND RELATED RESTRICTIONS ON POLITICAL AND CIVIL LIBERTIES

rejected the students' requests to dismiss the case, to take action against the violent police officers and to release on bail the 12 detained non-student activists.

The students responded by expressing their distrust in the judicial system and by planning a boycott. Student leader Min Thway Thit said, "As we expected, all of our appeals were rejected. We have no legal rights. In the next proceedings, we will sign a petition and boycott the court. We will not come to the court for the future hearings".

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

Failed Law Campaign Launched to Protest Judicial System

On September 7, the University Students' Union and the 88 Generation Peace and Open Society jointly launched the 'Failed Law' campaign. The campaign features t-shirts with the words 'Failed Law' printed on them. Activists plan to wear the shirts to the trials of detained student protesters and political activists. The campaign's mission is to demonstrate that the judicial system in Burma is flawed and that the current laws are failing the people, not protecting their rights.

[\(8 September 2015 - Eleven\)](#)

Five Student Leaders Receive Additional Charges Under Article 18

Five student leaders of the All Burma Federation Students Union (ABFSU) and the

Confederation of University Students Union (CUSU), received additional charges under Section 18 of the Peaceful Assembly and Peaceful Procession Act. Phyo Phyo Aung, Kyaw Ko Ko and Nanda Sit Aung from the ABFSU and Zeyar Lwin and Moe Thu Zar Htet from CUSU were charged by the Hlaing Township Police for marching without permission during protests to amend the National Education Law in November 2014. Zeyar Lwin was initially did not face charges for the November protests however he has since been detained for his involvement in staging a protest against the appointment of Military MP's on June 30. Zeyar Lwin now faces charges in relation to the November 2014 protests.

[\(3 September 2015 - Eleven/Burmese\)](#)

Land Issues

Farmers Charged with Trespassing

Battalion 93 has three times charged landowners with trespassing after cultivating their lands in Thazin Kone Lay Village and Thazin Kone Gyi Village in Myaungmya Township.

In 1996, Battalion 93 confiscated over 200 acres of land in this area from 32 local farmers for cantonment safety purposes. The compensation offered did not cover the farmers' losses. After the enactment of the landlaw in 2012, the farmers requested to get back their confiscated lands, but their request was denied. As of this month, they still have not received proper compensation, nor have they had their land returned. Therefore, in order to sustain their livelihoods, the farmers have decided to cultivate the lands anyway. Battalion 93 multiple times has tried to charge the farmers under Section 447 of the Penal Code. The first times, the court rejected the charges. The latest is still under review.

[\(28 September 2015 - Eleven/Burmese\)](#)

Four Farmers Charged for Staging a Ploughing Protest

Four farmers who were involved in a ploughing protest at the project area of Yay Tan Khun Taung Golf Club, were charged under Section 447 and 114 of the Penal Code for trespassing and abetting a golf course officer, respectively. The latter had filed a report against Myint Aung, Daw Ngwe, Phay Oo and Myo Win at the Pathein Gyi Township Police Office. Consequently, the

police went to the project site and arrested the four protesters, who were later released on bail. Daw Ngwe's charges were lifted after the arrested farmers stated that she did not participate in the protests.

The lands on which the protest took place were confiscated in 1997. A total of 600 acres from 70 farmers for Yay Kyi Nyaung Pin Sanpya Village were taken, of which 300 acres were given to the golf club. On September 25, farmers started ploughing the lands after negotiations on repairs with the development committee stalled.

[\(28 September 2015 - RFA/Burmese\)](#)

Court Hearing for Farmer

Saw Maung Gyi appeared in court on September 4. He was arrested for his land activism in August 2015. He is looking at a three-year prison sentence if convicted.

[\(6 September 2015 - Khmer Times\)](#) [\(7 September 2015 - Mizzima\)](#)

Key International and Domestic Developments

Amnesty International Calls for Urgent Release of Labor Activists

On September 29, Amnesty International publicly called for the release of four labor activists. Myo Min Min and Naing Htay Lwin, two factory workers and union leaders, are serving sentences in Insein Prison for their involvement in organizing protests for higher wages for garment workers and have been charged under Section 505 (b) of the Penal Code and Sections 18 and 19 of the Peaceful Assembly and Peaceful Procession Act. Naing Zaw Kyi Win and his older brother Thu Zaw Kyi Win, two supporters of the garment workers, are being detained in Insein Prison and face trial at Yankin Township Court for charges under Section 505 (b) of the Penal Code. They were arrested for their work supporting the striking workers, including advising them of their rights. Amnesty International highlights this incident to demonstrate the need to release all prisoners of conscience before the November 8 election.

[\(29 September 2015 - Amnesty International\)](#)

UN Condemns Treatment of Detained Students

On September 14, the UN High Commissioner of Human Rights, in his opening speech at the 30th session of the Human Rights Council, spoke of his disappointment in the treatment of political

activists in Burma. He singled out the detention and the conviction of student activists, farmers and human rights defenders as undermining the ability of the November election to transition Burma towards democracy.

[\(14 September 2015 - OHCHR\)](#) [\(17 September 2015 - Big News Network\)](#)

Conclusion

Over the last few months the number of political prisoners incarcerated in Burma seems to have been declining, while the number of activists awaiting trial for political activities has been steadily on the rise. This, in conjunction with multiple cases this month of authorities placing additional charges against current detainees, lengthening current prisoners' sentences and prolonging trials of the accused is indicative of the government's change in tactic in the lead up to the November 8 election. With increased domestic and international attention on Burma in the lead up to the November elections the government is increasingly concerned over disturbances that could cause popular discontent. The current tactics enable the government to suppress political dissent by keeping activists incarcerated and out of the public eye whilst avoiding any "disturbances" that could spark criticism from the domestic and international community.

The Letpadan case continued to be a main subject of concern this month, with September 10 marking six months of detention for the activists. Lawyers, fellow students, the public, CSOs and even the MNHRC marked the day by noting the prolonged trial and making

pleas for the release of the students and activists. The MNHRC issued a statement condemning the use of violence in police arrests and calling for legal action to be taken against the police officials involved in the brutal Letpadan crackdown. While the statement made by the MNHRC was welcomed by the human rights community any impact is yet to be seen. The MNHRC holds as much legitimacy as the judicial system and government give it, and this month, the judicial system continued to deny justice to the Letpadan protesters; during multiple hearings the judge rejected the students' requests to dismiss the case, to take action against the violent police officers and to release the detained activists on bail. There has been no indication of change since the MNHRC statement.

The relatively lower number of new political arrests this month and the rare announcement by the MNHRC condemning police brutality and calling for legal justice should be viewed cautiously in the current context. The weeks ahead will determine if these actions are truly steps in the right direction or if they are merely superficial attempts by the government to appear more legitimate and earnest in

Conclusion

their claims to seek to transition to a democracy to gain support in the leadup to the General Election.

The UN High Commissioner for Human Rights this month reiterated that the detention and conviction of students, activists, farmers and human rights defenders is undermining the ability of the upcoming election to transition Burma towards democracy. With the November 8 election date quickly approaching, it is imperative that political prisoners and activists awaiting trial are released immediately and unconditionally so that they can exercise their right to participate in the General Elections. The government has promised the nation and the international community that they will conduct free and fair elections; this cannot occur as long as they continue to systematically violate freedoms of expression, assembly and association and while detained and imprisoned political activists are excluded.

[\(9 July 2015 - The Nation\)](#)

Links / Resources

September 2

[Lawyer Khin Khin Kyaw Summoned to Court for Interruption \(Eleven\)](#)

September 3

[Five Student Leaders Receive Additional Charges Under Article 18 \(Eleven/Burmese\)](#)

September 6

[Court Hearing for Farmer \(Khmer Times\)](#)

September 7

[Court Hearing for Farmer \(Mizzima\)](#)

September 8

[Failed Law Campaign Launched to Protest Judicial System \(Eleven\)](#)

September 10

[Solo Protester Sentenced Under Section 19 \(The Voice/Burmese\)](#)
[Judge Rejects Requests from Student Activists \(Eleven\)](#)

September 11

[Garment Protest Leaders Sentenced to Insein Prison \(RFA/Burmese\)](#)

September 12

[Rector Allows Student to Take Exams, Prison Board Says No \(RFA/Burmese\)](#)
[Myanmar Human Rights Commission Calls for Action Against Police \(The Nation\)](#)
[Myanmar Human Rights](#)

[Commission Calls for Action Against Police \(Eleven\)](#)

September 13

[Lawyers Petition for the Release of Student Activists \(Eleven\)](#)

September 14

[Myanmar Human Rights Commission Calls for Action Against Police \(The Irrawaddy\)](#)

[UN Condemns Treatment of Detained Students \(OHCHR\)](#)

September 17

[Solo Protester Sentenced to Four Months with Hard Labor \(Eleven\)](#)

[UN Condemns Treatment of Detained Students \(Big News Network\)](#)

September 18

[Two Imprisoned Activists Sentenced to Additional Jail Time \(RFA\)](#)

[Two Imprisoned Activists Sentenced to Additional Jail Time \(DVB/Burmese\)](#)

[Lawyers Petition for the Release of Student Activists \(Eleven\)](#)

September 20

[Two Imprisoned Activists Sentenced to Additional Jail Time \(Mizzima\)](#)

[Lawyer Khin Khin Kyaw Summoned to Court for Interruption \(Eleven\)](#)

September 22

[Lawyer Khin Khin Kyaw Summoned to Court for Interruption \(Facebook/Burmese\)](#)

September 25

[Band Charged for Entertaining and Canvassing for Votes \(Mizzima/Burmese\)](#)

[Band Charged for Entertaining and Canvassing for Votes \(YouTube/Burmese\)](#)

September 26

[Band Charged for Entertaining and Canvassing for Votes \(BBC/Burmese\)](#)

September 28

[Government Officials Shut Down Conference in Karen State \(BNI\)](#)

[Farmers Charged with Trespassing \(Eleven/Burmese\)](#)

[Four Farmers Charged for Staging a Ploughing Protest \(RFA/Burmese\)](#)

September 29

[Amnesty International Calls for Urgent Release of Labor Activists \(Amnesty International\)](#)

September 30

[Village Administrator Sentenced to Three Years Imprisonment \(RFA/Burmese\)](#)

Links / Resources

Additional Sources:

July 9, 2015

[Conclusion \(The Nation\)](#)

October 22, 2014

[Solo Protester Sentenced to Four Months with Hard Labor \(The Nation\)](#)

For More Information

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