

APRIL CHRONOLOGY 2016

Summary of the Current Situation:

There are **64** political prisoners incarcerated in Burma.

138 activists are currently awaiting trial for political actions, **43** of whom are incarcerated.



Picture from Irrawaddy © 2016
Accessed April 29, 2016

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Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW

This month, 235 political activists were released following a series of presidential amnesties, two political activists were arrested in total, and 16 individuals were sentenced. Three political prisoners are reported to be in bad health. Also this month, 25 activists were charged, of which 12 were farmers.

The new NLD government led by President Htin Kyaw took office on April 1. On April 6 the new government created the role of State Counselor, assumed by Aung San Suu Kyi. Her first act was to release a statement on April 7 announcing the government's intention to release political prisoners, political activists, students and supporters who are facing trial because of their political activities, as a first priority. A series of releases of political prisoners followed this announcement.

On April 8, the government announced that they had dropped charges against 199 political prisoners under Section 494 of the Code of Criminal Procedure. AAPP has been able to confirm 115 of these. All of the 115 were facing trial, but had not yet been sentenced, for various offences including the National Education Bill protests, labor rights protests, and protests against the military's 25% seat share in Parliament. On April 17, the President announced a pardon of 83 political prisoners under Section 401. (1) of the Code of Criminal Procedure. AAPP has verified 70 of these releases. A further 48 political activists had charges against them dropped before the end of the month.

Despite the amnesties this month, courts in Burma continued to hand down sentences under Section 17 of the Unlawful Association Act. A total of 13 Arakanese youth were sentenced this month for alleged Arakan Army (AA) connections, while three of them were released as part of the presidential amnesty on April 17. They received sentences ranging from three to five years.

Also sentenced under the Unlawful Association Act this month were the interfaith activists, Zaw Zaw Latt and Pwint Phyu Latt, who received an additional two years in prison with labor on top of their existing 2 year sentence.

Contrary to the expectations of the international community, U Gambira, one of the leaders of the 2007 Saffron Revolution, received a sentence of six months' imprisonment with hard labor. He was charged under Section 13. (1) of the Immigration (Emergency Provisions) Act for illegally crossing the border to Thailand where he intended to receive medical treatment for his mental health problems related to his former imprisonment and torture. Human rights groups such as Amnesty International and Human Rights Watch called the sentencing politically motivated.

ARBITRARY DETENTIONS

Police Detain Solo Protester

On April 1, Tun Myint Soe, a solo protester, was detained by police in Kyaukpyu Township for staging a protest calling for the release of Maung Aye, the chairman of the Rural Development Association. On April 1, the day of Maung Aye's court hearing, Tun Myint Soe, from YwarThitYwar in LakeKhaMaw village tract, Kyaukpyu Township, marched from the clock tower to the court and then to the police station holding a poster saying "release Maung Aye who is working for the Arakan people, was not related with any politics and was not related with the Arakan Army."

[\(1 April 2016 - Narinjara/Burmese\)](#)

SENTENCES

U Gambira Sentenced to Six Months

On April 26, leader of the 2007 Saffron Revolution, U Gambira was sentenced to six months in prison with hard labor. With time served, he will spend a further three months in prison. He was arrested on January 19 under Section 13. (1) of the Immigration (Emergency Provisions) Act after crossing the border from Thailand five days earlier. Human rights groups such as Amnesty International and Human Rights Watch have condemned the sentencing declaring that his charges are politically motivated. U Gambira is suffering from organic brain syndrome and other mental health issues including PTSD relating to his imprisonment and torture under the military regime.

[\(26 April 2016 - RFA/Burmese\)](#) [\(26 April 2016 - DVB/Burmese\)](#) [\(26 April 2016 - BBC/Burmese\)](#) [\(26 April 2016 - Irrawaddy/Burmese\)](#) [\(26 April 2016 - VOA\)](#) [\(26 April 2016 - DVB\)](#) [\(27 April 2016 - Irrawaddy\)](#) [\(27 April 2016 - Myanmar Times\)](#) [\(27 April 2016 - VOA/Burmese\)](#)

Muslim Interfaith Activists Sentenced to Two More Years in Prison

On April 8, Zaw Zaw Latt and Pwint Phyu Latt were sentenced to an additional two years in prison with labor under Section 17. (1) of the Unlawful Association Act by Mandalay's Chanayethazan township court. They have been detained by local police since July 2015 for sharing photos on social media that suggest a connection to the Kachin Independence Army (KIA). The pictures show a visit to Kachin State in 2013 and to Mizoram State in 2014 and in one of the pictures Zaw Zaw Latt can be seen holding a M16 rifle in a displaced persons camp in Kachin State.

The pair are already serving a 2 year sentence under Section 13. (1) of the Immigration (Emergency Provisions) Act for crossing the India-Burma border illegally in 2014.

[\(8 April 2016 - Irrawaddy\)](#) [\(8 April 2016 - RFA/Burmese\)](#) [\(8 April 2016 - Mizzima/Burmese\)](#)

Arakan Youth Bo Than Sentenced

On April 7, Bo Than was sentenced to five years in prison for unlawful association with the outlawed Arakan Army (AA) by the Kyauktaw township. He had been held at Kyauktaw police station since his arrest on January 28. He was sentenced to three years of imprisonment under Section 17. (1) of the Unlawful Association Act and five years of imprisonment under Section 17. (2) of the same Act, and will serve these sentences concurrently.

[\(8 April 2016 - Narinjara/Burmese\)](#) [\(10 April 2016 - Narinjara\)](#)

Six Arakanese Convicted

On April 6, Oo Ba Maung, Maung Kyaw Thein, Maung Than Wai, Tun Tun Win, Tun Soe Naing, and Soe Naing were sentenced to five years of imprisonment by the Kyauktaw Township court in Arakan State. According to their lawyer, Tun Hla, the six convicted individuals confessed to having involvement with the Arakan Army (AA).

[\(6 April 2016 - Narinjara/Burmese\)](#) [\(8 April 2016 - Narinjara\)](#)

Six Youths Sentenced for Arakan Army (AA) Ties

On April 4, six men who had been detained since April 2015 confessed to being members of the AA. Maung Shwe Thein, Nyi Nyi Hlaing and Zaw Myo Aung were sentenced to five years in prison under Section 17. (2) of the Unlawful Association Act by the Kyauktaw Township Court. San Aye Maung, Maung Shwe Lone and San Maung Thar were sentenced to three years of imprisonment under Section 17. (1) of the Unlawful Association Act. All of them were brought to Sittwe Prison to serve their sentences. San Aye Maung, Maung Shwe Lone and San Maung Thar were released as part of the presidential pardon on April 17 (see below for details).

[\(4 April 2016 - DVB/Burmese\)](#) [\(4 April 2016 - Irrawaddy/Burmese\)](#) [\(4 April 2016 - Narinjara/Burmese\)](#) [\(April 5 2016 - Narinjara\)](#) [\(April 18 2016 - Narinjara\)](#) [\(8 April 2016 - Mizzima\)](#) [\(17 April 2016 - BBC/Burmese\)](#) [\(17 April 2016 - Mizzima/Burmese\)](#)

RELEASES

More Charges Dropped as Part of Amnesties

Another 48 political prisoners had charges against them dropped as part of an amnesty under Section 494 of the Code of Criminal Procedure at the end of April, bringing the total number of amnesties granted under Section 494 of the Code of Criminal Procedure in April to 163.

On April 21, 21 political activists had charges dropped against them. This included **Zaw Win**, and the two students, **Soe Hlaing** and **Zin Ko Thant**, accused of lowering the national flag during an education reform demonstration in Myin Chan. All three were awaiting trial in detention and have been released from prison. Zaw Win was released from Mandalay's Oh-Bo prison after one year and eight months of detention. However, he is now facing trial for other charges outside prison.

On April 26, a further 18 students, farmers and land rights activist who were awaiting trial outside of prison after having been released on bail have had charges against them dropped. Among those released were eight farmers and nine students.

On April 27 and 28, eight more political prisoner had charges dropped against them as part of the amnesties.

[\(21 April 2016 - Irrawady\)](#) [\(21 April 2016 - DVB/Burmese\)](#) [\(21 April 2016 - RFA/Burmese\)](#) [\(21 April 2016 - VOA/Burmese\)](#) [\(22 April 2016 - Myanmar Times\)](#) [\(22 April 2016- The Global New Light of Myanmar\)](#) (AAPP sources)

83 Prisoners Receive Presidential Pardon

On April 17, 2016 the President announced a pardon of 83 political prisoners under Section 401. (1) of the Code of Criminal Procedure*. The President said the pardon was aimed at “national reconciliation and peace of mind” as part of the celebrations of the Burmese New Year. A senior prison official told *Reuters* that “As far as I know, [those being released] are people considered by rights groups to be political prisoners.”

Among the released were the **Unity Five**, sentenced to 10 years' hard labor in 2014 for reporting on an alleged military chemical weapons factory. The pardon also included **Htin Lin Oo**, a writer and former NLD information officer, and **Htin Kyaw**, a well-known democracy activist who spent more than a decade in and out of prison. Notably, **NeLynn Dwe** and **Chit Ko**, the former air force captains arrested for publishing a blog describing life in the army, and **Thura Kyaw** were released. These three political prisoners were among the 30 prisoners who remained at the end of 2013, despite the Thein Sein administration's pledge to have released them all by this date. In addition, four Arakan convicts, namely, **San Aye Maung**, **Maung Shwe Lone**, **San Maung Thar** and **Tin Shwe**, were also pardoned and released from Sittwe Prison, after being in detention since April 2015 because of their alleged affiliation with the Arakan Army (AA). A number of others, such as the renowned dissident and a leader of the 2007 Saffron Revolution, U Gambira, remain behind bars.

****AAPP has been able to confirm 70 political prisoners releases on April 17 (see attached released list)***

Included in the government figures is Myo Thu Htut, who AAPP has documented as being released on April 8. Also on the list are Tin San, Tin Ngwe, and Myint Htay, all of whom have been documented by AAPP as being released in January. In addition, there are 13 prisoners released from Lashio Prison, Myitkyinar, Sipaw, Kawthoung whose identities and charges AAPP cannot yet confirm.

[\(April 17 2016 - DVB\)](#) [\(17 April 2016 - Mizzima\)](#) [\(17 April 2016 - BBC/Burmese\)](#) [\(17 April 2016 - DVB/Burmese\)](#) [\(17 April 2016 - Eleven/Burmese\)](#) [\(17 April 2016 - VOA/Burmese\)](#) [\(18 April 2016 - Mizzima\)](#) [\(18 April 2016 - Narinjara\)](#) [\(19 April 2016 - Mizzima\)](#) [\(20 April 2016 - RFA\)](#)

Student Activists Released under Amnesty

On April 8, 2016 the government announced that they had released 199 political prisoners. AAPP is able to confirm that 115 political prisoners had charges dropped against them under Section 494 of

RELEASES

the Code of Criminal Procedure as part of an amnesty (see attached list). All of those included in the amnesty were facing trial, but had not yet been sentenced, for various offences including the National Education Bill protests and labor rights protests.

Of the 115 who had cases against them dropped, 104 were activists involved in the National Education Bill protests, four were arrested for their involvement in labor rights protests, and seven for their involvement in a range of other protests.

Of the 115, 62 were awaiting trial inside prison, and 52 of the 62 awaiting trial in prison were involved in the National Education Bill Protests. As a result of the amnesty, there are no longer any students incarcerated for their involvement in the National Education Bill protests.

[\(8 April 2016 - DVB\)](#) [\(8 April 2016 - Mizzima\)](#) [\(8 April 2016 - Irrawaddy\)](#) [\(8 April 2016 - Myanmar Times\)](#) [\(8 April 2016 - RFA/Burmese\)](#) [\(8 April 2016 - VOA/Burmese\)](#) [\(8 April 2016 - Mizzima/Burmese\)](#)

USDP Leader Released After Time Served

On April 8, Than Tun, a USDP leader, was released from the Patheingyi (Bassein) Prison after completing his sentence. He was arrested on November 25, 2015 for defaming Aung San Suu Kyi on Facebook and was sentenced to six months imprisonment with hard labor under Section 66. (d) of the Telecommunications Law by the Kangyidaunt Township court on March 28.

[\(8 April 2016 - Mizzima/Burmese\)](#)

Solo Protester Released after completing his sentence

On April 8, 2016, Thet Wai, a 61 year old former soldier, was released from Insein Prison after completing his sentence. A lawsuit had been filed against him in December relating to a protest he staged on December 4 calling for the release of former military captain Nay Myo Zin. He was later arrested and sentenced to three months imprisonment under Section 18 of the Peaceful

Assembly and Peaceful Procession Act.

[\(10 December 2015 - Eleven/Burmese\)](#) [\(8 April 2016 - DVB/Burmese\)](#)

Patrick Khum Jaa Lee Released After Imprisonment for Facebook Post

Patrick Khum Jaa Lee was released from Insein prison on April 1 after serving a six month sentence. He was arrested on October 14, 2015 under Section 66. (d) of the Telecommunications Law, for sharing a photo on Facebook that showed a photo of the Commander-in-Chief, Senior General Min Aung Hlaing being stepped on. Upon his release, Patrick Khum Jaa Lee said he believed that the new government would release all political prisoners. He labeled the laws as oppressive and in need of reform to protect freedom of speech.

[\(April 1 2016-Myanmar Times\)](#) [\(1 April 2016 - Irrawaddy\)](#) [\(1 April 2016 - RFA/Burmese\)](#) [\(1 April 2016 - Mizzima/Burmese\)](#) [\(2 April 2016 - Eleven\)](#) [\(2 April 2016 - Mizzima\)](#) [\(5 April 2016 - Myanmar Times/Burmese\)](#) [\(8 April 2016 - Mizzima/Burmese\)](#)

DEMONSTRATIONS & RESTRICTIONS ON POLITICAL & CIVIL LIBERTIES

Yay Pu Sayadaw Charged Under Section 42. (b) of the Forest Law

On April 22, Yay Pu Sayadaw, was charged under Section 42. (b) of the Forest Law by the Pyinoolwin Township court. At the same hearing the court dismissed the case against him under Section 295 of the Penal Code. They are yet to make a decision on whether to press charges under Section 41. (a) and (b) of the Myanmar Gemstone Law. Yay Pu Sayadaw has been in detention since June 9, 2015 when he was arrested and defrocked for destroying five pagodas and precious stones when he attempted to build a new pagoda.

Yay Pu Sayadaw is a well-known activist. He was one of the leaders of a demonstration that took place in Mogok as part of the 2007 unrest, and he also played a major role in protests against the construction of the headquarters of the Gem Traders' Association on the shores of the town's iconic lake. AAPP believes that his charges are politically motivated.

His next court hearing is scheduled for April 27.

[\(22 April 2016 - Eleven/Burmese\)](#)

Six Activists Charged for Holding a Praying Ceremony Last Year

On April 8, six activists, Nwe Oo, the vice chairman of the All Burma Federation of Student Unions of Upper Myanmar, Mhone Gyi aka Phyo Zaw Oo, a member of the All Burma Federation of the Student Unions of Monywa District, Myint Aung and Than Aye from the Letpadaung Taung Rescue Committee, as well as Naing Htut Oo and Yarzar, activists from Monywa, were charged under Section 505. (b) of the Penal Code by the Monywa Township Court. Their charges relate to a praying ceremony held at Shwe See Khone Pagoda in Monywa between November 6 and December 7, 2015, calling for the release of detained students and political prisoners.

Than Aye was arrested on April 8 and was the only member of the group to attend the hearing. The rest of the group refused to attend the court hearing, stating that they thought Section 505. (b) was unfair and that they did not trust the judicial system. They were subsequently declared fugitives.

After the court hearing Than Aye was sent to the Monywa Prison. On April 21, Than Aye appeared before court and was granted bail.

[\(6 April 2016 - RFA/Burmese\)](#) [\(8 December 2015- Eleven/Burmese\)](#) (6 April 2016 - All Burma Federation of Students Union's Facebook Page)

Eight Farmers Charged for Trespassing

On April 8, eight farmers were charged by the municipal court in Nay Pyi Taw for trespassing on the Nay Pyi Taw Project Area. They were accused of violating Section 26 of the Municipal Act and were summoned by the Zabuthiri Township judge to attend the Nay Pyi Taw municipal court on April 28.

Tin Win, whose five acres of farmland had been confiscated, stated that their lands were confiscated in 2009 for Nay Pyi Taw Project and they received 3.5 lakh per acre as crop compensation. At the end of 2015, Nay Pyi Taw Municipality sold the rest of lands in the project area. The farmers decided to fence the land that was not sold. They were charged under Section 26 of the Municipal Act for trespassing.

[\(25 April 2016 - DVB/Burmese\)](#)

LAND ISSUES

Burma Lawmaker Takes Up Land Confiscation Issue

Thant Zin Tun, NLD deputy in the Lower House, announced that he would ask the Nay Pyi Taw Council chairman for an amnesty for farmers who have been sentenced or face trial for protesting against land confiscation. He also said he would work for them to get either their land back or an appropriate compensation for it.

[\(25 April 2016 - Radio Free Asia\)](#) [\(25 April 2016 - RFA/Burmese\)](#)

RELATED HUMAN RIGHTS NEWS

Upper House Bill Committee Starts Reviewing Laws

On April 26, the Upper House Bill Committee started reviewing controversial laws that were criticised by human rights activists since these laws have been used to detain political activists. The first laws to be reviewed are the Peaceful Assembly and Peaceful Procession Law and the Emergency Provisions Act. The committee will then submit their propositions on amendments or abolishment of the laws to the parliament.

[\(26 April 2016 - Irrawaddy\)](#) [\(April 2016 - Eleven\)](#) [\(28 April 2016 - Irrawaddy/Burmese\)](#)

The Former Political Prisoners Society Calls for Detailed list of Freed Prisoners

FPPS Secretary Tun Kyi called for greater transparency around the political prisoners released under the new NLD government. Tun Kyi said “the new government should counter-check its list with ours in order to avoid announcing the release of people who were released under the previous government.”

[\(18 April 2016 – Mizzima/Burmese\)](#) [\(26 April 2016- Eleven\)](#)

Aung San Suu Kyi outlines Plans to Free Political Prisoners

On April 7, the President’s Office published the first announcement of the State Counselor’s Office, signed by Aung San Suu Kyi, announcing the government’s intention to release political prisoners, political activists, students and supporters who are facing trial because of their political activities, as a first priority. In the signed official statement, Aung San Suu Kyi said “I am going to try ... for the immediate release of political prisoners, political activists and students facing trials related to politics.”

The statement also stipulated three ways in which the government intends to secure the release of these prisoners. The first method is via Section 401. (1) of the Code of Criminal Procedure, under which the President may suspend a sentence or remit punishment for any persons sentenced. The second is through a presidential amnesty granted by Article 204 of the Constitution, which requires consultation with

the National Defense and Security Council. Finally, Section 494 of the Code of Criminal Procedure sanctions the withdrawal of charges by prosecutors for prisoners who have not yet been tried.

[\(7 April 2016 - Myanmar Times\)](#) [\(7 April 2016 - RFA\)](#) [\(7 April 2016 - Irrawaddy\)](#) [\(7 April 2016 - Coconuts Yangon\)](#) [\(7 April 2016 - Irrawaddy/Burmese\)](#) [\(7 April 2016 - VOA/Burmese\)](#) [\(7 April 2016 - RFA/Burmese\)](#) [\(7 April 2016 - BBC/Burmese\)](#) [\(7 April 2016 - BBC/Burmese\)](#) [\(8 April 2016 - Mizzima\)](#) [\(8 April 2016 - Eleven\)](#) [\(8 April 2016 - Myanmar Times\)](#)

Investigations stopped on Par Gyi case

The Kyaikmaraw Township police in Mon State closed the investigation on the case of Par Gyi who died in military custody in 2014. The case has been closed despite the evidence of a post-mortem examination of Par Gyi’s body — exhumed in November 2014, about a month after his death — that revealed five gunshot wounds to his body, including one to his head, a broken jaw, a caved-in skull and broken ribs. According to the police, the murder was a ‘mistake of fact’, a mistake caused by unconscious ignorance. Par Gyi’s widow Ma Thandar stated that she will continue to pursue legal action in order to reopen the case and get justice for her husband. Robert San Aung, the lawyer representing Ma Thandar, disagreed with the decision to close the investigation saying that it discounted the evidence and was not correct legal procedure.

[\(25 March 2016 - VOA/Burmese\)](#) [\(27 March 2016 - RFA/Burmese\)](#) [\(April 1 2016 / DVB\)](#)

CONCLUSION

April saw a total of 163 charges dropped against activists awaiting trial for political actions and 70 political prisoners released in a presidential pardon. The release of scores of political activists is an important and essential step in Burma's democratisation process and can be seen as a demonstration of the new government's commitment to breaking the cycle of political arrest and imprisonment and addressing human rights violations in the country.

While the releases this month were a positive step, 64 political prisoners remain incarcerated and scores more continue to face trial for their political actions. Many of those that remain incarcerated are members of ethnic minorities charged and sentenced under the Unlawful Association Act. In the interest of national reconciliation - purported to be the motivation behind this month's releases- it is imperative that that the remaining activists convicted and facing trial on politically motivated charges be immediately and unconditionally released.

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In the interest of national reconciliation, it is imperative that that the remaining activists convicted and facing trial on politically motivated charges be immediately and unconditionally released.

The amendment or abolishment of repressive legislation used to detain political activists remains a priority under the new government. This month at least 25 more activists have been charged for peacefully exercising their rights, demonstrating that as long as repressive and outdated legislation remains in Burma, activists and human rights defenders will remain at risk of arrest and imprisonment for peaceful activities.

Sentences continued to be handed down under the Unlawful Association Act this month to 13 Arakanese and the two Muslim interfaith activists. The continued use of this law evidences the urgent need for legislative reform and signals the continued oppression of ethnic minority groups.

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Furthermore, charges against Yay Pu Sayadaw and the sentencing of U Gambira - both former political prisoners previously convicted for their involvement in leading peaceful protests - demonstrates that authorities continue to harbor resentment toward former political prisoners and further reiterates the need for legislative reform so that laws cease to be used arbitrarily by authorities to detain activists.

It has been reported that the Upper House Bill Committee started addressing this issue on April 26, by reviewing controversial laws that have been used to detain political activists. The first laws to be reviewed are the Peaceful Assembly Law and the Emergency Provisions Act. The committee will decide on amendments or even abolishment of the laws and submit their proposals to parliament. It is important that civil society be included in these discussions and that the process is open and transparent.

AAPP hopes for the ongoing release of political prisoners until there are no more political prisoners in Burma. However, given the struggles former political prisoners face upon release, including health problems and barriers to employment, it is essential that the government starts planning restorative and rehabilitation programs and laws to assist former political prisoners in rebuilding their lives. As part of this a formal definition and recognition of political prisoner needs to be adopted.

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[Investigations Stopped on Par Gyi Case \(DVB\)](#)

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[Six youths Sentenced for Arakan Army \(AA\) Ties \(DVB/Burmese\)](#)
[Six youths Sentenced for Arakan Army \(AA\) Ties \(Irrawaddy/Burmese\)](#)
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[Six Arakanese Convicted \(Narinjara/Burmese\)](#)
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[Aung San Suu Kyi Outlines Plans to Free Political Prisoners \(Myanmar Times\)](#)
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April 8

[Muslim Interfaith Activists Sentenced to Two More Years in Prison \(Irrawaddy\)](#)
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[Arakan Youth Bo Than Sentenced \(Narinjara\)](#)

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[The Former Political Prisoners Society Calls for Detailed List of Freed Prisoners \(Mizzima/Burmese\)](#)

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[83 Prisoners Receive Presidential Pardon \(Mizzima\)](#)

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[More Charges Dropped as Part of Amnesties \(Irrawady\)](#)

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[U Gambira Sentenced to Six Months \(DVB/Burmese\)](#)

[Eight Farmers Charged for Trespassing \(DVB/Burmese\)](#)

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April 26

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[U Gambira Sentenced to Six Months \(Irrawaddy\)](#)

[U Gambira Sentenced to Six Months \(Myanmar Times\)](#)

[U Gambira Sentenced to Six Months \(VOA/Burmese\)](#)

April 28

[Upper House Bill Committee Starts Reviewing Laws \(Irrawaddy/Burmese\)](#)

[Two Detained Students Allowed to Take Exam, One Denied \(RFA/Burmese\)](#)

[Student Arrested Under Section 18 \(RFA/Burmese\)](#)

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