

MAY CHRONOLOGY 2019

Summary of the Current Situation:

There are **388** individuals oppressed in Burma due to political activity.

28 are currently serving prison sentences,

142 are awaiting trial inside prison,

218 are awaiting trial outside prison.

Peacock Generation thangyat group appears in courts.



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Assistance Association for Political Prisoners (Burma)

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May in Numbers

- Sentenced: 6
 - Arrests: 299
 - Charged: 90
 - Released: 284
-

MONTH IN REVIEW

May Month in Review

Presidential Pardon and Prison Conditions

After the third presidential pardon in May, inmates in seven prisons - Shwebo Prison, Maw Lite Prison, Hpa-an Prison, Myitkyina Prison, Tharyarwaddy Prison, Tavoy Prison, and Pathein Prison - rioted. The riot in Shwebo prison became particularly violent when security personnel shot tear gas and fired their weapons at the rioting inmates, which resulted in the death of four unarmed inmates. As prisons are controlled by the Correctional Department which is run by the Ministry of Home Affairs, the Ministry of Home Affairs and the Correctional Department have the responsibility for the deaths of the rioters. The riots were related to the lack of transparency regarding the Presidential Pardon. There are prisoners who were not released under the pardon, despite fellow prisoners being released despite having committed the same offense. Further, the Presidential Pardon is taken unilaterally and there is no external scrutiny of the release list before it is announced. As such, and in order to prevent confusion and anger regarding future releases, an independent and free investigation commission has to be formed, clear guidelines regarding the selection of prisoners for release should be issued and a commission or committee should be set up to investigate the deaths of the rioters. Furthermore, a Ministry of Justice should be re-established within Burma, and the correctional department should be transferred to being run under this MOJ as opposed to the military controlled MOHA.

Another major issue related to prisons is the poor physical and mental conditions of prisoners serving in prison labor camps. On May 21, Major-General said at the Union of Parliament that there is no plan to increase the one day pay rate for prisoner wages in prison labor camps from 250 Kyat in prison labor camps to 4800 Kyat per day, to be the same as workers outside of prison. While everyone has the right to equal wages, prisoners in prison labor camps have had their rights infringed and violated. In addition, as they are working in the prison labor camp, they do not have any opportunities to learn vocational skills which are beneficial upon return to civilian life. As a result, immediate and thorough prison reform is needed.

Freedom of Speech

Freedom of speech is a basic human right and it has to be addressed to reform the country. Even though the international and domestic laws have enacted freedom of speech, Burma has continued to fail to respect and follow. Consequently, political activists, civilians, farmers, and workers in Burma face different oppressions. The last month saw many people across the country being charged for exercising this right.

- Lieutenant Colonel Myo Min Oo charged Zayar Lwin, Paing Ye Thu, Paing Phyto Min, Zaw Linn Htut a.k.a. Phoe Thar, Kay Khaing Tun, Nyein Chan Soe a.k.a. Chit Youne and Su Yadana Myint, Seven performers of Peacock Generation Thangyat Troupe under 505(a) of the Penal Code at the Botataung Township Court and filed under Section 66(d) of the Penal Code
- Lieutenant Colonel Myint Oo has filed a charge against five comedians, from the Zwe Anyeint troupe, for their satirical performance at a pro-constitution amendment rally

- Lieutenant Colonel Aung Myo Kyaw filed a charge against monk U Thawbita, who is already facing trial under Article 66(d) of Burma's Telecommunication Law, under Section 505(b) of the Penal Code at the Amarapura Township Court in Mandalay for defaming the military
- Lieutenant Colonel Thant Zaw Oo charged Sayadaw Si Nein Ta at the Pyigyidagun Township Court in Mandalay Division
- Thet Naung, Deputy Director of the Kayah State Government opened a case against Khu Chwe Pyel Kay, Khu Reedu, Pyar Lay, Khun Thomas, Myo Hlaing Win and Dee De, the six Karreni activists, under Article 10 of the Citizens Privacy and Security Law for the Statement made by the Karreni Youth on March 25
- The 13 villagers from Aung Thabyay village Patheingyi Township, Mandalay Division, were filed under Section 19 of Peaceful Assembly and Peaceful Procession Law, Section 505(b), 333, 435, 114 of the Penal Code for staging a protest to abolish the coal-powered cement factory in Aung Thabyay village and to release farmers who were arrested the previous protests, as over 150 police raided and shot the villagers, 18 villagers injured
- Kyauktada Township Court in Rangoon sentenced four activists Aung Myint, Myat Kyaw, Zayyar Phyo, and Thet Oo Maung to 15 days imprisonment or pay 20,000 Kyat fine under Section 19 of Peaceful Assembly and Peaceful Procession Law for supporting the Fu Yuen Garment Labour Protest

There have also been cases against those standing in support with those charged, such as in the case against Nilar Thein, Nan Lin, Naing Ko Thu, Min Han Htet, and Shar Yamone under Penal Code Articles 114, 186, 332 and 353, charged for a clash between the police and activists during the Peacock Generation Thangyat Troupe Performers' court hearing. Worryingly, the government is using repressive legal mechanisms that were previously used by the former dictatorships.

Press Freedom

Despite the release of Reuters reporters Thet Oo Maung a.k.a Wa Lone and Kyaw Soe Oo a.k.a Moe Aung, press freedom has continued to decline in May.

- Chief Editor of Development Media Group, U Aung Min Oo, is being sued under Article 17(2) of the Unlawful Association Act
- Aung Kyi Myint a.k.a Nanda, a reporter from Channel Mandalay TV, was arrested for broadcasting live from the protest against a coal-fired cement factory over the station's Facebook page at the time of his arrest and charged under Section 114, 333 and 435 of Burma's Penal Code.
- A lawsuit was filed against Channel Mandalay TV Reporter Win Naing Oo under Section 66(d) of the Telecommunication Law at the Pyin Sar Police Station in Pyin Oo Lwin Township, Mandalay Division for broadcasting a piece titled, "Farmers' Lands confiscated for Cow Fostering Project"
- Dawei District Court in Tanintharyi Division rejected the appeal of the Tanintharyi Journal who was sentenced to pay a K500,000 (US\$326) fine

[A message of greetings from President U Win Myint on the occasion of World Press Freedom Day Ceremony stated that "for the democratic system to be strong media freedom is vital."](#) Yet, today in Burma the oppressions of media continues, and thus weakens the transition to democracy. Hence, the Assistance Association for Political Prisoners (AAPP) urges the government to release the journalists and reporters who are being arrested, charged and sentenced and work for genuine press freedom in Burma.

Ethnic Issues

While the conflicts between the Military and Ethnic Armed Organizations increase, it is indigenous population who face the consequences of these conflicts. Particularly, fighting between the Military and the Arakan Army(AA) occurred in May and the rate of arrests, charges, tortures, murders, disappearances, dies and injures increased as a result.

Arakan State

- Village administrator U Thein Soe Aung, from Kyauktaw Township's Shwe Pyi village in Northern Arakan State, was arrested following the accusation of providing rations to Arakan Army (AA) and was charged under Section 50(j) and 52(a) of the Anti-terrorism Law
- Twenty-four people from Letka Village in Mrauk-U township, Arakan State, are being detained for the accusation of in connection with the Arakan Army (AA), face charges under sections 50(a), 50(i), 54 of the Counter-terrorism law and Section 2(1)(a) of the 1949 Arms (Temporary Amendment)Act. Villagers said the detained were tortured during interrogations by having their bones broke, being malnourished and through other means of abuse.
- Kyaw Hlaing, Maung Mae, and Pyi Thein Maung, from Min Thar Thung village, Kyauktaw township, Northern Arakan State were arrested by the Army and charged under Section 50(j) and Section 52(a) of the Anti-terrorism Law. Kyaw Hlaing died following this torture while receiving medical treatment at the hospital and Pyi Thein Maung had was blinded in one eye and became deaf due to this torture.
- The Military arrested 275 villagers, from Rathedaung Township in Northern Arakan State, under suspicion of having ties to the Arakan Army (AA). While 275 villagers were being held, six out of them were shot dead as they tried to snatch guns from the soldiers (Family members were not allowed to see the bodies at the funeral ceremony), while eight others were wounded and four were missing. The military stated that six of the detainees admitted to being members of the Arakan Army (AA) and the other 2 are suspects were sent to the Sittwe Myoma Police Station and the other detainees were released. ([Deputy Minister for Defense Lieutenant-General Sein Win has promised there would be an investigation into the incident in which six locals were shot dead by soldiers of the Myanmar military, or Tatmadaw, during detention](#)) and ([The Myanmar National Human Rights Commission \(MNHRC\) arrived at Kyauktan Village and met and interviewed the locals](#))
- After fighting between the military and the Arakan Army(AA) near Waithali Village in Mrauk-U Township, Arakan State, Withali Villagers Aung Kyaw Naing a.k.a Lone Yay and Soe Soe Aung were arrested by the army
- The Burma Army's Light Infantry Battalion No. 55 and 99 arrested village administrative official, Aung Thein Kyaw, and local Kyan Thein Aung, from Min Thar Taung village, Kyauktaw Township in Northern Arakan State without providing a reason for their arrest.
- Division 55 of Military arrested and beat nine villagers from Narga Village in Kyauktaw Township, Arakan State while villagers were fishing.
- Maung Yaung and Than Kyaw from Nyaung Chaung Village in Kyauktaw Township, Arakan State were taken as guides while they were fishing

Shan State

- Sai Tin Cho, village Administrator of Nam Hutaung village, Kyaukme township, Shan State was charged under article 17(1) of the Unlawful Association Act by Major Waiyan Tun of LIB 502 for allegedly passing money to the Shan State Progress Party (SSPP) and Restoration Council of Shan State (RCSS). On April 26, Sai Tin Cho was arrested by Military Affairs Security of Kyauktaw Township.

Chin State

- Chin Human Rights Organization (CHRO) released a statement and stated that locals in Paletwa Township, Chin State are subject to compulsory forced labor for the 77th Light Infantry Division (LID) currently based at Khamaungwa village based in Kha Maung Wa Village, Paletwa Township, Southern Chin State (Brigadier General Zaw Min Tun from the military's True News Information Team responded over this release that porter and forced labor are prohibited and it is reported that the forces from the bottom rent and pay the daily wages to them for labor and they will investigate this condition)

Sagaing Division

- Six members of the National Socialist Council of Nagaland – Khaplang (NSCN-K) had charges filed under Section 17(1) of the Unlawful Association Act at the Hkamti Township Police Station

Arrests by the Ethnic Armed Organizations

- The Arakan Army (AA) arrested five Chin Villagers from Minbya Township, Arakan State
- An armed group arrested 13 Pa-O ethnic civilians from Hopong Village in Mone Township, Southern Shan State

Conflicts and human rights violations are connected and far too often, we see that when conflicts occur, the human rights of civilians have been violated. Indigenous people, who have been facing civil war for over 70 years, are far from achieving justice, reparation, and compensation, as the perpetrators of these crimes enjoy impunity. Therefore, the government must sign the United Nations Convention against Torture (UNCAT) and International Covenant on Civil and Political Rights (ICCPR) immediately. In May, MP Thandar from Eainme Township, Ayeyawady Region, submitted a proposal for the government to sign the ICCPR and parliament decided to discuss it. The Assistance Association for Political Prisoners (AAPP) welcomes this positive step and urges the government to sign UNCAT.

Land Issues

Even though Burma had already ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) back in October 2017, farmers in the country have not being able to enjoy these rights in full and are still facing abuse. In addition, the consequences of land confiscation and disputes that follow have meant that farmers are still facing arrests and charges. A small selection of these cases are listed below.

- Myo Thu Naing, from Ywar Thit Village in Myeik, is being sued under Section 500 of the Penal Code for defamation by the military captain after he had complained to Aung San Suu Kyi at a town hall meeting that the military had confiscated his land.
- A lawsuit under Section 66(d) of the Telecommunication Law was filed against seven farmers from Pyin Sar Village, Pyin Oo Lwin Township in Mandalay Division by Captain Ye Ko Ko Oo of #121 Support and Transport Battalion for the interview about "Farmers' Lands confiscated for Cow Fostering Project"
- Over 300 farmers staged a protest march to have their land returned in Hsi Hseng Township, Shan State; which was confiscated by LIB 423 and LIB 424.



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