

JULY CHRONOLOGY 2019

Summary of the Current Situation:

There are **513** individuals oppressed in Burma due to political activity.

41 are currently serving prison sentences,

175 are awaiting trial inside prison,

297 are awaiting trial outside prison.

Villagers arrested for protesting against the construction of a cement factory in Pathneingyi Township sentenced



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Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW

In July, fighting between the military and ethnic armed groups remained fierce. As a result, those who live the ethnic regions continue to face human rights violations. Some incidents which occurred in July are highlighted below;

Torture

Arakan State

Zaw Win Hlaing, a Shwe Tun Phyu Villager from Mrauk-U Township, Arakan State, was arrested and investigated for alleged ties to the Arakan Army (AA), died while he was receiving treatment at the Sittwe Hospital for injuries received from being tortured in military detention. Maung Zaw Linn, from Kyauktan village in Arakan State's Rathedaung Township, died after being struck by a bullet fired by the Army.

Bago Division

On June 30, Aung Ye Zaw, who lived in Pang Taung Town in Pang Taung Township, Pyay District, died at the Rangoon General Hospital after being unconscious for five days due to being beaten by police. Deputy Superintendent Aung Aung of the Pang Taung Township Police Station said they have taken action against four police members responsible.

Shan State

The Shan Human Rights Foundation (SHRF) stated Burma Army soldiers beat Ja Paul of Mong Leng village in Mong Peng Township in Eastern Shan State after accusing him of buying rice for soldiers serving in Shan ethnic armed organizations.

Torture is a crime against humanity but the perpetrators are able to operate with impunity. As long as the government fails to ratify the [United Nations Convention against Torture \(UNCAT\)](#) these abuses are likely to continue happened. According to the documentation of the Assistance Association for Political Prisoners (AAPP) from the end of December 2018 to end of July 2019, there are a total of 15 Arakanese Ethnic who died while in military detention; some were shot by the Army, and some died following their tortures. The [Military's True News Information Team announced that it is forming an investigation team to probe the deaths of civilians held in custody during the army's clearance operations against the Arakan Army \(AA\) in Arakan State.](#) AAPP welcomes the investigations and urges that these investigations are to be independent and transparent. In addition, we urge the government to bring justice for those who died in custody due to beatings by the police. [Code of Conduct for Law Enforcement Officials](#) outlaws the use of torture. Accordingly, we urge the members of organizations who holding power to secure the rights of civilians by respecting and following domestic and international laws. Moreover, MP Ye Htut of Upper House urges the parliament to take action effectively against police members who are being violated the human rights at the meeting of the parliament. Therefore, AAPP urges the government to address these issues immediately..

Arrests and Charges

Among the conflicts, arrests and charges have continued unabated.

- Maung Phyu Tan and San Aung Kyaw from Dattaw Village in Ann Township and Ye Baw from Pauktaw Township in Arakan State were detained under suspicion of being linked to a landmine which struck an army vehicle in Aung Thapyay, Dat Taw village in Arakan State
- Six People of the Arakan Association Singapore (AAS), who were arrested and deported by the Singapore Government for allegedly collecting funds and supporting the Arakan Army (AA), and three civilians were arrested and charged under the Section 52(b) and © of the Counter Terrorism Law upon arrival in Burma.
- Ye Lin Naing, a local NGO worker for Plan International in Arakan State's Mrauk-U Township, was shot by the Burma Army while he was riding his motorbike near Myin Kon Tan Monastery. Before he was sent to the Sittwe Hospital, military had taken police and judges to the hospital and filed charges against him under the Counter Terrorism Law.
- On July 27, Ponnagyun Township Police Station arrested 10 youths and driver Tun Myint taking a car from Rathedaung to Ponnagyun Township for allegedly having ties to the Arakan Army(AA)
- On July 10, military arrested Nandiya, a Shan Ethnic, who lives in Nant Tak Village, Yan Kham Village Tract in Maing Pyin Township, Eastern Shan State under suspicion of being a TNLA member. On July 28, the military transferred him to the Maing Pyin Township Police Station and filed a lawsuit against him under the charge being in possession of drugs with intent to supply. A family member of Nandiya said they have a concern in regards to Nandiya's health as he was tortured while he was being investigated.

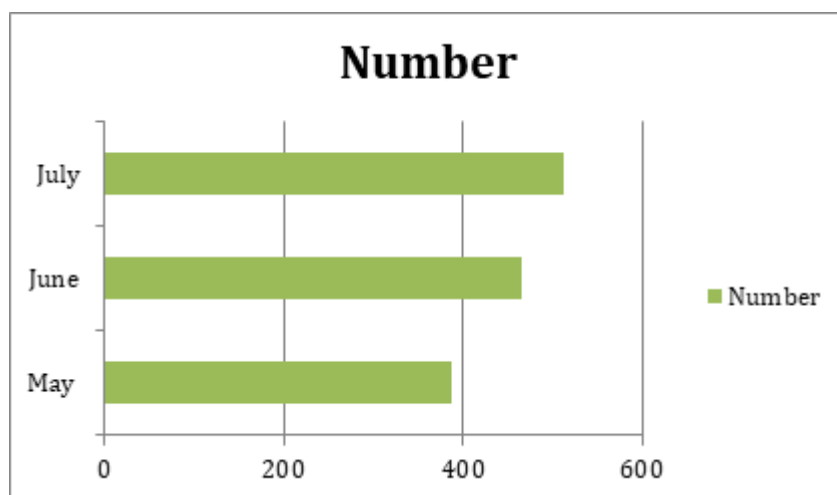
Even though the government is working for the national reconciliation and peace, such detentions are impeding the peace process. As [Burma's 2008 Constitution](#), [Universal Declaration of Human Rights \(UDHR\)](#) and [the International Covenant on Civil and Political Rights \(ICCPR\)](#) protects liberty and safety of the civilians, AAPP urges the government to respect and implement these treaties and law.

Restrictions on Civil and Political Rights

Freedom of Speech and Expression

Activists, students and civilians face continued oppression and restrictions upon their freedom of speech and expression. In July, a total of 16 people including eight students who staged a protest march to Rangoon University for the 57th Anniversary of 7th July Uprising were charged under the PAPPL as well as the Privacy Law, Electronic Transactions Law and Telecommunication Law. Moreover, five civilians and activists were sentenced under Section 505(b) of the Penal Code and the Telecommunication Law. These laws should be immediately amended or repealed because Section 505(b) of the Penal Code is still being used to oppress the activists, and Electronic Transactions Law and Privacy Law has become a tool to oppress. In July, Eight members of activist group Arakan Alin Dagar were sentenced to pay a fine of MMK 20,000 under Section 188 of the Penal Code for collecting donations for refugees in Arakan State. Further, farmer Mya Mya, Than Paing and Aye from Aung Tha Pyay Village, and Mya from Thayet Kine Village were sentenced to 14 months imprisonment with hard labour under Sections 22 and 23 of the Penal Code by the Patheingyi Township Court in

Mandalay Division. The increase in charges and sentences in Burma shows how civil and political rights continue to be violated in Burma. At the end of May, AAPP had documented a total of **388** people being charged, facing charges or sentenced under repressive legislation; at the end of June, there were **466** individuals and this had increased to **513** at the end of July. This rise is shown in the graph below.



Accordingly, we urge the government to release prisoners of conscience and drop the charges against those who are facing trial inside and outside of prisons to help the process of national reconciliation, as there can be no national reconciliation in Burma as long as there are political prisoners.

Prison Reforms

Prison overcrowding and insufficient medical healthcare has continued to be an issue throughout July. The Myanmar National Human Rights Commission (MNHRC) had investigated Shwebo Prison and Monywa Prison in June and released their findings in July. MNHRC recommended that prisoners in Shwebo Prison in Sagaing Division should be allowed to take a shower daily as they are currently only allowed to take a shower once every four days. Other recommendations include being given the wooden beds to sleep on as opposed to the floor, and ensuring that officers and officials supervise the healthcare officials to ensure the prisoners receive sufficient medical healthcare. On July 20, Prisoner Ye Lay a.k.a Myae Lay of Yin Nyein Production Camp in Paung Township, Mon State, died while he was labouring at the camp. He fell down a mountain while breaking rocks at the labour camp. A report submitted to the Pyidaungsu Hluttaw by MNHRC, surveying 105 children living at Hnget Aw San Youth Rehabilitation Centre, Thanlyin Youth Rehabilitation Centre, and the Vocational Training Centre for Women, discovered most were tried without a lawyer. Only 41 youth had a lawyer and 1 had a prosecutor, the rest faced trial without representation.

The [Standard Minimum Rules for the Treatment of Prisoners \(SMRs\)](#) provides guidelines on how to treat the prisoners and the government needs to respect and follow these rules and to train the respective officials to understand these rules. Moreover, the government should review and evaluate the recommendations of the organizations working on the prison issues. We urge the government to protect the rights of the children who are serving prison sentences and facing trial as Burma had already ratified the [Convention on the Rights of the Child \(CRC\)](#).

Finally, we urge the government to respect and follow [the United Nations Rules for the Protection of Juveniles Deprived of their Liberty](#).

Land Issues

Land issues are still unsolved in Burma. In July, Artillery Battalion 360 arrested three farmers from Dawsohay village in Demoso Township in Kayah State for trespassing on their land which had been confiscated lands, they were later granted bail from the Demoso Myoma Police Station. The Military had filed charges against eight farmers from Phaung Taw Myay Ni in Pyin Oo Lwin Township, Mandalay Division under Section 427 and 447 of the Penal Code for cultivating their confiscated lands. The military shot farmers while they were going to the farms to cultivate at Htate Wa Pyin Village and Yote Chaung Village in Mrauk-U Township in Arakan State. No. 539 Light Infantry Regiment, has banned farmers in Pabechaung village Kyauktaw township from cultivating 300 acres of their land. As long as farmers suffer from land confiscation and land disputes they will face challenges in securing their livelihoods. Therefore, we urge the government to immediately implement the rights and the benefits of farmers who face struggles due to land confiscation and face restrictions

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July in Numbers

Sentenced: 25
Arrests: 46
Charged: 57
Released: 19

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