

OCTOBER 2015

# CRACKDOWN at LETPADAN

Excessive Force and Violations of the Rights to  
Freedom of Peaceful Assembly and Expression

LETPADAN, BAGO REGION  
MYANMAR



**IHRC**

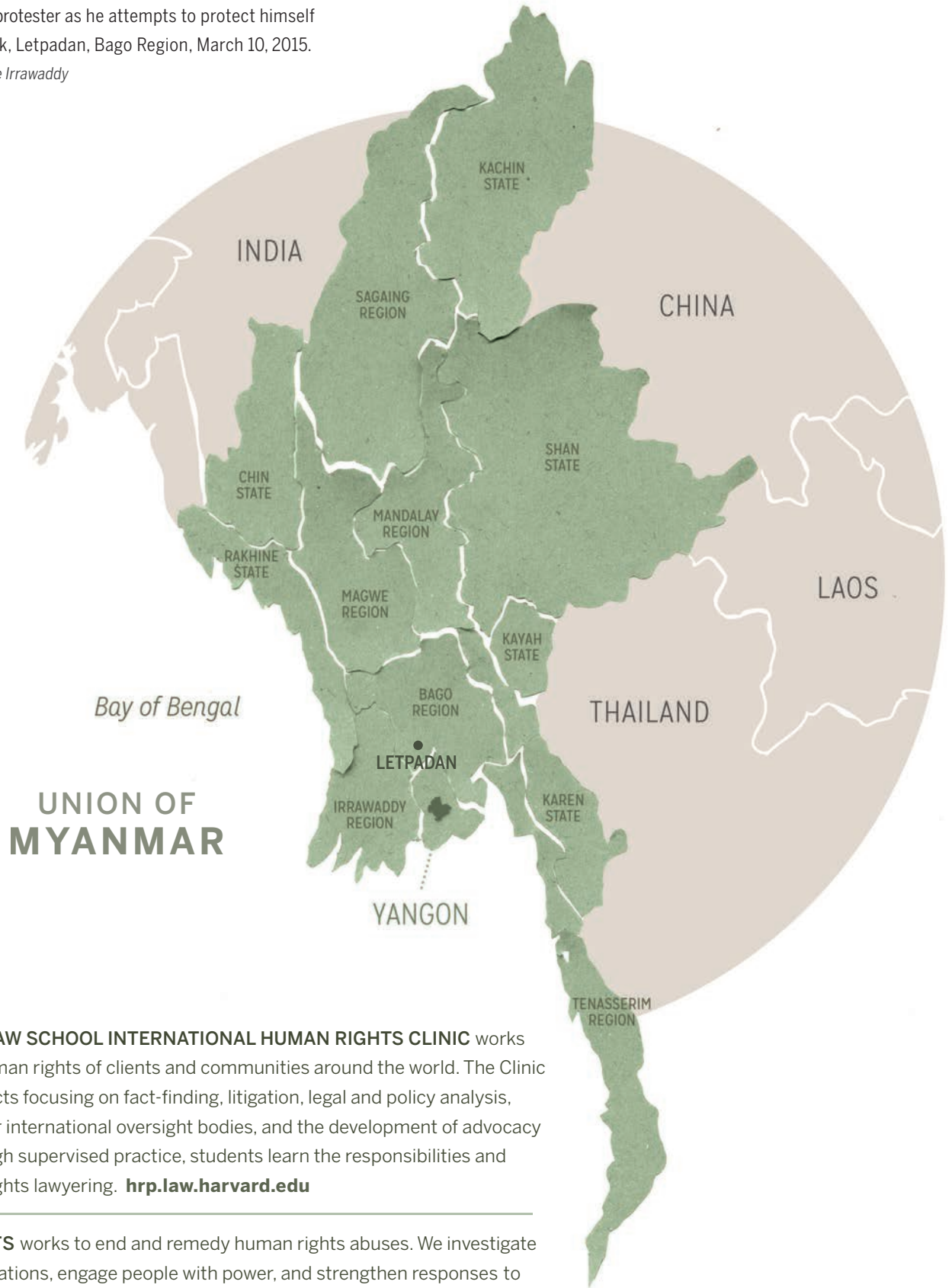
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COVER PHOTO: Multiple police officers use batons to beat a single, squatting protester as he attempts to protect himself from being struck, Letpadan, Bago Region, March 10, 2015.

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# **CRACKDOWN** at **LETPADAN**

Excessive Force and Violations of the Rights to  
Freedom of Peaceful Assembly and Expression in

**LETPADAN, BAGO REGION, MYANMAR**



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Police officers confront protesters at the outset of the violent crackdown at Letpadan, Bago Region, March 10, 2015.

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# EXECUTIVE SUMMARY

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On March 10, 2015, following a weeklong standoff in the town of Letpadan in Myanmar's Bago Region, police officers violently cracked down on a group of approximately 200 protesters demonstrating against the recently passed National Education Law. Several days prior to the crackdown, the police imposed a blockade on the protesters and prevented them from continuing their march to Yangon. On March 10, after tension escalated during the morning, police officers charged into the group with batons drawn and severely beat unarmed protesters and bystanders. At the time of writing, the Government of Myanmar has taken no known disciplinary or criminal action against police officers involved in the excessive use of force at Letpadan.

The police arrested 127 protesters, journalists, and bystanders in Letpadan on March 10 and physically and verbally abused individuals in police custody. At the time of writing, 77 men and women arrested in Letpadan face charges that carry sentences of up to nine years and six months imprisonment. Fifty of those arrested remain behind bars. Some student leaders face multiple counts of the same alleged violation under a law regulating assemblies.

Fortify Rights and the Harvard Law School International Human Rights Clinic (hereinafter "the Clinic") interviewed 25 eyewitnesses to the events of March 10 and analyzed more than 500 photographs and 40 videos taken during the protest and crackdown in Letpadan. Many police officers who employed excessive force in Letpadan are clearly identifiable in these photographs and videos, and eyewitness testimonies implicate several commanding officers.

International law protects protesters' rights to freedom of peaceful assembly and freedom of expression. Myanmar authorities violated these protesters' rights by ordering them to disband, enforcing a blockade to prevent them from continuing their march to Yangon, and imposing unjustifiable and unnecessary restrictions on their protest activities. During the crackdown, police officers beat unarmed protesters while disbursing them as well as individuals after they were taken into police custody. These actions constitute an excessive use of force in violation of international law and standards. Finally, the ongoing detention and prosecution of individuals targeted solely for exercising their rights to freedom of peaceful assembly and freedom of expression is arbitrary and violates international law.

Fortify Rights and the Clinic recommend that the Government of Myanmar conduct a full, impartial, and independent investigation into the excessive use of force by police, arbitrary arrest and ongoing detentions, and violations of the rights to peaceful assembly and expression in Letpadan on March 10, 2015 and during events that preceded it. Individuals imprisoned solely for exercising their rights should be immediately and unconditionally released. The Government should hold accountable all officials involved in rights violations and provide full remedies to individuals harmed. The Government should also take all necessary steps to ensure that these rights violations are not repeated in other contexts, including by reforming legislation to fully protect the rights to freedom of peaceful assembly and freedom of expression.

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A police officer with raised baton appears to strike at the legs of a protester being carried away from the scene of the crackdown in Letpadan, Bago Region, March 10, 2015. A confidential memo obtained by Fortify Rights and the Clinic contains a report from a police officer who acknowledged the use of force against protesters. ©2015 Steve Tickner/ *The Irrawaddy*





## MAJOR FINDINGS

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Myanmar's Parliament passed the National Education Law on September 30, 2014, despite objections by students, activists, and academics. Critics of the law argue that it fails to protect the right to form student unions, marginalizes the role of states and regions in determining education policy, and does not accommodate the particular needs of ethnic communities, among other shortcomings.

After the passage of the law, a significant student-led protest movement quickly formed. In January 2015, groups of students and activists began marching to Yangon from various locations around the country to draw attention to their demands regarding the law.

In February, negotiations between student leaders, activists interested in education reform, government officials, and parliamentarians resulted in the development of a draft bill to amend the National Education Law. In response, several protest groups disbanded. However, a large group of protesters from Mandalay remained skeptical of the Government's intentions regarding the proposed amendment and decided to suspend their march rather than disband. In late February, this group of protesters, numbering approximately 200 people, took up residence in the Aung Myay Baik Mann monastery in Letpadan, Bago Region, about 75 miles north of Yangon.

Beginning on March 2, the police imposed a blockade against the protesters at Letpadan, preventing their onward march to Yangon. Following failed negotiations with local government officials, the protesters attempted to push through the police blockade on March 10. Soon afterwards, police officers initiated a violent crackdown on the protesters.

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ABOVE: Police officers gesture towards protesters before the crackdown at Letpadan, March 10, 2015. Analysis of more than 50 videos and 400 photographs reveals that police threw stones at protesters moments before the crackdown.

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The investigation into the crackdown undertaken by Fortify Rights and the Clinic resulted in four key findings:

**1** The Myanmar authorities ordered the protesters in Letpadan to disband, implemented a blockade to prevent protesters from continuing their march to Yangon, and announced prohibitions on chanting, singing, and flag-waving on March 10 without providing justifications that meet the criteria provided by international law for limiting the freedom of peaceful assembly and freedom of expression. The Myanmar authorities' inability to facilitate the protesters' exercise of their rights exacerbated tensions that eventually resulted in a confrontation between police officers and protesters on March 10.

Under international law, restrictions on the rights to freedom of peaceful assembly and freedom of expression are only permitted when they are necessary to achieve certain legitimate aims, such as the protection of national security and public order. The restrictions must also be proportionate to the particular legitimate aims in the given situation. International principles allow for legislation that would require protesters to notify authorities of protests but do not permit states to require that officials authorize marches or protests. Under international law, failure to comply with notice requirements should not lead to fines or imprisonment.

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A student raises an overturned Buddhist alms bowl as a sign of protest before the crackdown at Letpadan, March 10, 2015.

©2015 Paul Mooney



Myanmar's Home Affairs Ministry expressly ordered the protesters to disband on February 28, saying they posed a threat to "state stability," "state security," and "regional peace." On March 2 and 3, the police blockaded the protesters near the local monastery, preventing them from marching out of Letpadan. The students and local supporters protested the government's obstruction by taking up a position on the road directly in front of the blockade. They remained at this location throughout the following week.

The Government's February 28 order provided overly broad justifications for imposing restrictions against the protesters in Letpadan. There is no evidence, for example, that there was a threat to "regional peace" considering the nature of the protest at Letpadan. In fact, under these circumstances, none of the provided reasons justified ordering the protesters to disband, erecting a blockade, or restricting the protesters from marching out of Letpadan.

At no time during the march from Mandalay or while in Letpadan did the protest leaders attempt to obtain official authorization from township authorities to protest, as required by Myanmar's Peaceful Assembly and Peaceful Procession Law. However, the law's prior authorization requirement falls short of international standards. At the outset of the march from Mandalay, protest leaders publicly announced their opposition to the law and their intention not to comply.

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ABOVE: Protesters press against police lines before the crackdown at Letpadan, March 10, 2015. ©2015 Paul Mooney



On March 8, student leaders in Letpadan issued a statement expressing their intention to resume their march to Yangon on March 10. According to numerous eyewitnesses, a group of approximately 200 police officers continued to maintain the physical blockade throughout the morning of March 10. In two meetings held that morning, Bago Region Security and Border Affairs Minister Col. Thet Htun told student leaders that the protesters would only be permitted to march by foot to a nearby highway junction, where they would be required to board trucks bound for Yangon.

Additionally, the minister told the protesters they would not be permitted to chant, sing songs, or raise flags or banners as they made their way to the highway. Like the earlier Government actions, these restrictions were not related to any legitimate aim provided by international law and therefore were unjustified restrictions of the protesters' rights to freedom of peaceful assembly and freedom of expression.

While maintaining "public order" is considered a legitimate aim to restrict peaceful assemblies and expression under international law, the evidence does not suggest that public order was threatened by the protest activities. Under certain circumstances, governments may disband protests that occupy public spaces. However, it is not clear that these circumstances were present in the context of the protests in Letpadan. The protesters' occupation of the road in

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ABOVE: Police officers stationed behind a barbed wire barricade in Letpadan, March 10, 2015. Police constructed barricades to obstruct protesters from marching to Yangon, violating their human right to peaceful assembly.

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Letpadan was also precipitated by unjustified restrictions on the protesters' rights to assemble and express their views.

By repeatedly imposing illegitimate and inappropriate restrictions on peaceful protesters in Letpadan, the Myanmar authorities failed to meet their international obligations to protect the fundamental rights to freedom of peaceful assembly and freedom of expression. Ultimately, the unnecessary restrictions placed on the protesters increased tensions and significantly contributed to the confrontation on March 10 and the excessive use of force by state authorities.

**2** After initially exercising significant restraint on March 10, officers in the Myanmar Police Force used excessive force in violation of international standards against protesters who were attempting to exercise their rights to freedom of peaceful assembly and freedom of expression.

International law mandates that law enforcement officials use force only when strictly necessary and in ways that are lawful and proportionate to the threat at hand. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials instructs officials to “exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.” The UN Code of Conduct for Law Enforcement Officials further requires



Multiple police officers with raised batons chase a fleeing protester in Letpadan, Bago Region, March 10, 2015. Dozens of protesters fled to a nearby monastery, where police later detained them, bound their hands behind their backs, and beat them.

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**Police officers shout at protesters during the crackdown in Letpadan, Bago Region, March 10, 2015.** ©2015 Paul Mooney



that law enforcement officials “use force only when strictly necessary and to the extent required for the performance of their duty.” These principles apply even in actions to disperse unlawful peaceful assemblies.

Unwilling to accept the restrictions placed on their protest activities, the protesters decided to challenge the police blockade. Student leaders announced their intentions to the police through a loudspeaker, stating that they would try to march through the police lines in groups of four and would peacefully submit to arrest. When the first group of protesters reached the blockade, the police resisted and pushed them back. Soon, larger groups of protesters began pushing against the police lines simultaneously.

During this initial period of face-to-face physical contact, both the police and protesters showed significant restraint, and there appears to have been only a few isolated incidents that could be characterized as violent. Student leaders explicitly urged their colleagues to refrain from violence. Photographs and videos taken near the police lines during this period show police officers maintaining their formation while resisting the advance of the protesters.



**A police officer strikes an “information truck” used by protesters in Letpadan, Bago Region, March 10, 2015.**

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Approximately one hour after the protesters began to push against the police lines, police officers commenced a violent crackdown on the students, their supporters, and uninvolved bystanders. At the outset of the crackdown, police officers and others threw rocks, batons, and other objects at the protesters. Nine separate videos reviewed by Fortify Rights and the Clinic show police officers throwing rocks and other objects at protesters and rushing toward the crowd of protesters with batons raised. In these videos, multiple protesters simultaneously reacted to being struck by projectiles—flinching, covering their faces, and running away from the police lines. Soon after, as the protesters fled away from the police lines, police officers rushed forward and began beating those they caught. In many cases, several police officers surrounded and beat a single unarmed individual.

The evidence collected by Fortify Rights and the Clinic demonstrates that the police used excessive force against protesters, journalists, and others. The research team spoke with ten protesters who were beaten by the police, some of whom sustained injuries to their heads, backs, and ribs. Three eyewitnesses described how police officers beat a protester receiving medical care in an ambulance. In addition to protesters, police officers beat at least two journalists who were on the scene to report about the protest as well as bystanders with no affiliation or involvement in the protests—including youth under the age of 18.

A male student from Yadanaborn University, who was holding a flag depicting a fighting peacock—a traditional symbol of the struggle for democracy in Myanmar—described to the research team how police beat him during the crackdown. He said:

Ten or 15 police beat me. I fell down, but I was trying to keep the flag up. The police tried to kick me in the face and the head. The police said to me, “Do you want to hold the flag now?” Some more police came and they stood above me and beat me even more.

The research team also collected 39 photographs and ten videos depicting police officers kicking or hitting protesters and others with batons or bamboo sticks. In almost all of these photographs and videos, multiple police officers beat unarmed individuals who had been surrounded by police officers or were already in police custody. None of the available photographs or videos show students violently resisting police officers or threatening them.

The actions of some police officers to protect civilians from other police personnel during the violent crackdown provide further evidence of the unjustified use of force by some officers. Several protesters told Fortify Rights and the Clinic how police officers proactively protected them during the violence. Videos and photographs reviewed by the research team show some officers using riot shields or their own bodies to protect protesters from attacks by other police officers.

Fortify Rights and the Clinic considered possible events that could have triggered the excessive use of force by police officers after the initial show of significant restraint. An amateur video reviewed by the research team shows a protester unsuccessfully attempting to slap a police officer before being directed away from the police lines by fellow protesters. Another shows a protester throwing a water bottle towards the police lines. Two photographs taken in Letpadan, but at a distance from the protest site, show individuals—identified by the photographer as Letpadan residents—carrying rudimentary weapons: a slingshot in one case and a large stick or club in the other. One person reported to the research team that someone in the protest group used a slingshot, but the research team has been unable to corroborate this account with either eyewitness testimony or video or photographic evidence.

Any incident that could be characterized as violent in the lead up to the crackdown, such as the throwing of a water bottle or the possible use of a slingshot, was isolated and does not appear to have posed a significant threat to the police or state authorities. Available evidence from videos, photographs, and eyewitnesses shows that protesters who pushed





Police battalion officers detain a protester whose hands have been bound with plastic ties, March 10, 2015. Police arrested 127 protesters, journalists, and bystanders in Letpadan on March 10. At least 50 protesters remain behind bars at the time of writing. ©2015 Paul Mooney





against the police barricade were unarmed, primarily refrained from violence, and in several cases urged others to do the same. Fortify Rights and the Clinic were unable to conclude what led to the breakdown of police discipline, but contributing factors could have included insufficient training, fatigue, and frustration. Similarly, Fortify Rights and the Clinic were unable to rule out the possibility that a specific order was given to commence the initial assault on protesters.

It is clear that after showing significant restraint with the protesters in Letpadan, the police used excessive force against the group, including against unarmed individuals, in violation of international principles. The crackdown was not proportional to any threats posed by protesters, and the police should have approached individual incidents of violence in a manner that would not have resulted in violence being used against the entire group. Further, the resort to violence by the police also violated the principle of necessity, which requires the police to only resort to force after exhausting peaceful alternatives for resolving the situation.

**3** Officers in the Myanmar Police Force abused individuals in police custody on March 10 in violation of international principles that require that law enforcement officials respect and protect human rights of all persons and use force only when strictly necessary, lawful, and proportionate to the threat at hand.

The UN Code of Conduct for Law Enforcement Personnel requires that police officers “respect and protect human dignity and maintain and uphold the human rights of all persons” and “use force only when strictly necessary.” Similarly, the UN Basic

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Protesters carry an injured or sick student away from the front lines of the protest at Letpadan, March 10, 2015. ©2015 Sai Zaw/*The Irrawaddy*

Principles on the Use of Force and Firearms by Law Enforcement Officials requires that police officers only use force in relation to individuals in custody or detention when “strictly necessary for the maintenance of security and order within the institution or when personal safety is threatened.”

Following the police crackdown and dispersal of the protesters on the road on March 10, an estimated 80 protesters, journalists, and bystanders took refuge in the Aung Myay Baik Mann monastery, located approximately 500 feet from the protest site. The police soon surrounded the monastery and forced those inside to exit the building and sit in rows on the ground within the monastery compound. The police bound the hands of some people who exited the monastery, including most of the women and several men. According to those who were detained as well as eyewitnesses, police officers beat and verbally abused those held in custody at the monastery, including individuals whose hands were bound.

A journalist detained in the monastery with protesters and others told the research team how the police bound his hands behind his back and beat him:

They beat us for no reason . . . . I was hit about 30 times. They hit me with batons and bamboo sticks and with their hands. Someone slapped me on the back of my head. Even now, my right ear hurts. I was hit in the head with a baton. Another police officer gave me a strong kick in the ribs.

When official police transport trucks arrived at the monastery, police officers formed two lines and forced the detainees to walk between the lines en route to the police trucks, beating the detainees with batons as they passed. Police loaded men and women into separate trucks; the truck transporting the men was severely overcrowded. Several men described being packed into the trucks in “layers” and struggling to breathe. The police trucks transported detainees to Thayawaddy Prison.

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OPPOSITE ABOVE: Police transport detained protesters to Thayawaddy Prison in a police truck, March 10, 2015.  
©2015 La Pyae

OPPOSITE BELOW: Police open the door of an ambulance containing sick or injured protesters at Letpadan, March 10, 2015. Eyewitnesses described seeing police officers drag protesters out of the ambulance and beat them. ©2015 Sai Zaw/*The Irrawaddy*



Fortify Rights and the Clinic collected evidence indicating that police officers beat scores of detainees, including those detained at the monastery and those placed in police trucks, who did not pose a threat to the security or personal safety of the police officers. The use of force against these individuals appears to have been entirely unnecessary and in violation of international standards.

**4 The ongoing detention and prosecution of protesters targeted solely for exercising their rights to freedom of peaceful assembly and freedom of expression is arbitrary and violates international law.**

Under international law, arrest and detention are unlawful when individuals are arrested or detained for engaging in activity that is protected under international law, such as exercising the rights to freedom of peaceful assembly and freedom of expression.

At the time of writing, 50 individuals of the 127 arrested on March 10 remain in Thayawaddy Prison. A majority of these individuals, and 27 others who have been released on bail, face up to nine years and six months in prison on charges relating to unlawful assembly, rioting, harming public servants, and public mischief. Several student leaders face multiple counts under a law regulating peaceful assemblies in Myanmar. In the months following March 10, Myanmar authorities have arrested and initiated criminal prosecutions against dozens of additional student leaders and protesters involved in protests at Letpadan and elsewhere. One student leader, arrested later in March, is being charged with multiple counts of the same charge and faces decades in prison.

Although the Myanmar Government may pursue prosecutions against individuals for whom there is credible evidence of involvement in an internationally recognizable crime, the multiple charges facing scores of protesters seem inappropriate given the available evidence relating to their engagement in the protest.

Government authorities have defended the restrictions imposed on the protesters, the use of force by police, and the arrests of the protesters and others. For instance, President Thein Sein told the *BBC* on March 24: “Even though you say [the police] violently cracked down on the protesters, it was just a response because they beat the police first. Police just took preventive measures as they were pelted with stones.”

At the time of writing, no known actions have been taken to hold accountable those responsible for the excessive use of force at Letpadan, and 50 individuals remain in prison for their involvement in the Letpadan protests.



On September 11, the Myanmar National Human Rights Commission (MNHRC) issued a statement concerning the findings of its own investigation into the crackdown at Letpadan. The statement called for police officers responsible for the use of excessive force in violation of applicable standards to be disciplined. The statement additionally alleged that the beating of protesters led to injuries, including to the faces and heads of protesters, and stated that the protesters should not be facing charges under the penal code.



Multiple police officers beat a single protester in Letpadan, Bago Region, March 10, 2015. While many police officers used excessive force against unarmed protesters, some officers attempted to protect protesters, providing further evidence that the use of force was excessive. ©2015 Sai Zaw/The Irrawaddy



# MAIN RECOMMENDATIONS

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Fortify Rights and the Harvard Law School International Human Rights Clinic call upon the Government of Myanmar to:

- Immediately and unconditionally release all individuals imprisoned solely for exercising their rights to freedom of peaceful assembly and freedom of expression in Letpadan and elsewhere. Ensure that no charges are pursued absent credible evidence of involvement in an internationally recognizable crime and that any proceedings meet international fair trial standards.
- Provide full remedies to individuals whose rights have been violated in Letpadan and elsewhere. A full remedy should include:
  - A full, impartial, and independent investigation into the excessive use of force by police, arbitrary arrest and detention, and violations of the rights to peaceful assembly and freedom of expression in connection with the protest and crackdown in Letpadan on March 10, 2015. Ensure that any resulting report is made publicly available and supplements the MNHRC findings.
  - In line with the MNHRC recommendation, hold all police officers and other officials, including those with command responsibility, to account for any rights violations, including the excessive use of force in Letpadan and elsewhere, regardless of rank or position.
  - Ensure protesters are able to exercise their rights to freedom of peaceful assembly and freedom of expression and not face violent retaliation by authorities.
- Publicly affirm the right of Myanmar citizens to exercise the rights to freedom of peaceful assembly and freedom of expression as established in international law, and ensure that all laws, legislation, and standards that relate to police conduct and the rights to freedom of peaceful assembly and freedom of expression comport with international standards and best practices.

# CRACKDOWN AT LETPADAN

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## Excessive Force and Violations of the Rights to Freedom of Peaceful Assembly and Expression in LETPADAN, BAGO REGION, MYANMAR

In early March 2015, Myanmar authorities prevented a group of protesters from continuing a peaceful march from Mandalay to Yangon by imposing a police blockade at the small town of Letpadan in Myanmar's Bago Region. The protesters were part of a nationwide movement opposing the newly passed National Education Law. On March 10, police officers violently attacked the group, severely beating the protesters and other bystanders. Police arrested 127 protesters, journalists, and onlookers, abusing dozens who were taken into police custody. At the time of the writing of this report, 77 men and women arrested in Letpadan continued to face up to nine years and six months imprisonment—or more—and 50 remain behind bars for their involvement in the protest. No known disciplinary or other action has been taken against any police or commanding officers engaged in the violent crackdown at Letpadan.

***Crackdown at Letpadan: Excessive Force and Violations of the Right to Freedom of Peaceful Assembly and Expression in Letpadan, Bago Region, Myanmar*** describes how Myanmar authorities violated the protesters' human rights to freedom of peaceful assembly and freedom of expression by imposing unjustified restrictions on their protest activities. Additionally, the report describes how police officers used excessive force against protesters, journalists, and onlookers. Researched and written by Fortify Rights and the Harvard Law School International Human Rights Clinic (IHRC), the report draws from eyewitness testimony and analysis of more than 500 photographs and 40 videos taken by protesters, journalists, and bystanders at the protest in Letpadan.

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OCTOBER 2015

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