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**Myanmar**  
**Travesties of Justice:**  
**Continued Misuse of the Legal**  
**System**



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# Myanmar

## Travesties of Justice – Continued Misuse of the legal system

### Introduction

Despite releases of political prisoners in July 2005, Amnesty International remains concerned that the State Peace and Development Council (SPDC) have continued to abuse the justice system to silence peaceful dissent. This misuse denies the rule of law and the enjoyment of basic political freedoms in the country, and human rights in Myanmar generally. People continue to be arrested and imprisoned in Myanmar solely on account of their peaceful exercise of the rights to freedom of expression, association, assembly and movement.

In a welcome move during July 2005 the authorities released more than 260 political prisoners. However, during 2005 they have arrested or sentenced at least 60 individuals for political reasons. Since July 2005, the authorities have penalized senior political figures with extraordinarily long prison sentences in secret trials; held individuals incommunicado, and prosecuted persons attempting to report on human rights violations.

Arrests and harassment of members and activists of registered political parties are continuing. On 27 November 2005 the SPDC renewed the detention of opposition leader Daw Aung San Suu Kyi, without charge or trial, for a further six months. The continued use of detention to remove from the political process both senior political leaders and those petitioning for their release, is presenting a significant obstacle to resolving the political deadlock in the country.

Amnesty International renews longstanding calls by Myanmar citizens and members of the international community on the SPDC to immediately and unconditionally release all prisoners of conscience. The organization also calls on the Myanmar authorities to implement reform of judicial procedures and laws to uphold and protect human rights. The authorities must also eradicate torture and other forms of cruel, inhuman or degrading treatment. The organization also urges that discriminatory laws on citizenship and stringent travel restrictions are amended in order to end discrimination against the Rohingya ethnic group.

Amnesty International has long-standing concerns at the lack of judicial independence in Myanmar that has enabled the state to imprison political opponents. Furthermore the organization has repeatedly expressed concern to the authorities about the abuse of due process in political trials, and the denial of basic rights in detention. Individuals are routinely arrested without warrant; held incommunicado and tortured or ill-treated in pre-trial detention. Sentences have been handed down following trials which fall far short of international fair trial standards. For example defendants have been denied the right to legal counsel or to legal

counsel of their own choice. Prosecutors have also relied on confessions extracted through torture. Prison conditions continue to be poor, and prisoners are being denied adequate nutrition and necessary medical treatment.

This document updates earlier reports listing prisoners of concern to Amnesty International issued in June 2005,<sup>1</sup> December 2004,<sup>2</sup> and April 2001,<sup>3</sup> and reiterates long-standing concerns on the administration of justice<sup>4</sup> in the country, and the treatment of more than 1160 political prisoners. A list of prisoners of conscience and possible prisoners of conscience follows this introduction. Other sources estimate that the figure of political prisoners may be significantly higher.

Amnesty International has gathered information on the situation of political prisoners in Myanmar from a variety of sources, including private individuals, members of political parties, official and opposition news media, and from visits to Myanmar and neighbouring countries. With the exception of press reports Amnesty International has omitted identifying details about individual or organizational sources for reasons of their security.

### **Political Background**

The political situation in Myanmar remains tense. The SPDC is prioritizing implementation of a “road map” to democracy proposed by former Prime Minister Khin Nyunt ostensibly as a means of political reconciliation. This process continues despite the absence of major political parties and ceasefire groups.

The third session of the National Convention began on 5 December 2005. This process is drafting principles for a new constitution resumed on 5 December 2005. According to the “road map”, the National Convention will be followed by the writing of a constitution, which will be subject to approval by referendum, and then by multi-party elections. In May 2005 the main opposition party, the National League for Democracy (NLD),<sup>5</sup> declined to attend the National Convention after its conditions for attendance were not met. These included that

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<sup>1</sup> Myanmar’s Political Prisoners, a growing legacy of injustice, ASA 16/019/2005  
<http://web.amnesty.org/library/Index/ENGASA160192005?open&of=ENG-MMR>

<sup>2</sup> Myanmar, Facing Imprisonment: Prisoners of Concern to Amnesty International, ASA 16/07/2004, December 2004, <http://web.amnesty.org/library/Index/ENGASA160072004?open&of=ENG-MMR>

<sup>3</sup> Myanmar: Prisoners of Political Repression, ASA 16/006/2001, April 2001,  
<http://web.amnesty.org/library/Index/ENGASA160062001?open&of=ENG-MMR>

<sup>4</sup> Please see Myanmar, Justice on Trial, ASA 16/7/2003, July 2003, Myanmar: Grave Concerns with the Administration of Justice, ASA 16/01/2004, accessible on <http://web.amnesty.org/library/eng-mmr/index&start=1>

<sup>5</sup> The NLD won an overwhelming majority of seats in May 1990 elections. Hundreds of party members and representatives elected at that time have been subjected to imprisonment and harassment on account of their peaceful support and activities for the party.

detained party leaders Daw Aung San Suu Kyi and U Tin Oo be released and that party offices be reopened.<sup>6</sup> The United Nationalities Alliance, a coalition of political representatives of Myanmar's ethnic nationalities also declined to attend. In January 2005 the Committee Representing People's Parliament, a coalition of MPs elect from the 1990 elections strongly criticised the National Convention process, calling into question its capacity to resolve issues of political reconciliation under current repressive conditions in which freedom of expression and association are denied.

Sessions of the National Convention have discussed the role of the judiciary and the legislature amid unresolved tensions with members of ceasefire and opposition groups over issues including the extent of devolution of legislative authority at state level, and the principle that the military have a guaranteed role in government.

Senior Shan political representatives arrested in February 2005 have been prosecuted under charges of treason, reportedly for initiating political discussions about the National Convention. Members of the group are reported to have been charged under a law promulgated in 1996 (Law 5/96), which provides for up to 20 years imprisonment for anyone who directly or indirectly instigates, protests, preaches, says, writes or distributes anything to disrupt the stability of the state, or to "undermine, belittle and make people misunderstand the functions being carried out by the National Convention."<sup>7</sup> This is believed to be the first prison sentence imposed under this law. Amnesty International is concerned that the provisions of Law 5/96 are vague and sweeping and criminalize the peaceful expression of political beliefs, and has called for its repeal.

In August 2005 the SPDC further accused members of the political opposition in exile, the National Coalition Government of the Union of Burma (NCGUB), comprised of members of parliament (MP) elected in 1990 currently in exile, student group, the All Burma Students Democratic Front (ABSDF) and the Free Trade Union of Burma (FTUB) of being linked to bombings in Yangon in April and May 2005, which these organizations have denied. The authorities also implicated the Vigorous Burmese Student Warriors with responsibility for the attacks. They declared the NCGUB, ABSDF and FTUB to be unlawful associations under the 1908 Unlawful Associations Act. This means that anyone who is either a member, or in any way associated with these organizations, may be imprisoned. The Unlawful Associations Act allows the authorities to deem any association unlawful solely on the basis of the head of state's opinion rather than on reason or evidence. Human rights standards on freedom of expression and association require that interference with this right must be necessary and proportionate to a threat posed. Associations whose methods are non-violent, which could

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<sup>6</sup> Daw Aung San Suu Kyi, the General Secretary of the NLD, and U Tin Oo, the deputy chairman, have been detained since 30 May 2003 when they and other party members were subjected to a violent state sponsored attack whilst travelling through northern Myanmar.

<sup>7</sup> Law No 5/96, *to protect the stable, peaceful and systematic transfer of state responsibility, and the successful implementation of National Convention tasks from disruption and opposition*

include trade unions, political parties, student associations, or religious organizations, can arbitrarily be declared unlawful under these provisions.

During 2005, individuals, including teachers and doctors have been penalized for peaceful exercise of freedom of expression and association such as giving students information about the architects of Myanmar's independence, and possessing videotapes of imprisoned opposition leader Daw Aung San Suu Kyi, or literature criticizing a former head of state, General Ne Win.. A Rohingya MP-elect and his family have been sentenced to up to 47 years' imprisonment on account of discriminatory nationality laws, and his political activities.

### **International Developments**

On 26 July 2005, the SPDC declined to assume the chair of the Association of South East Asian Nations (ASEAN) which it had been scheduled to assume in July 2006, stating that it wished to concentrate its energies on implementing the "road map" to democracy. International pressure had been increasing on the Myanmar authorities to improve their human rights record before assuming the chairmanship. The authorities have since been reported in the state-controlled press attacking such pressure as "colonialist" and excessively interventionist.

The International Labour Organization (ILO) in June and November 2005 expressed concern at the failure of the SPDC to implement measures against forced unpaid labour.<sup>8</sup> It also expressed concern at the threat of and actual imprisonment of individuals for reporting forced labour, and at the Myanmar authorities' obstruction of ILO investigations into complaints of forced labour. At the March 2006 meeting of the Governing Body the ILO will revisit whether to institute further measures against Myanmar should it continue not to take action against unpaid forced labour.

The United Nations General Assembly passed a resolution in December 2005, expressing grave concern at the systematic violation of human rights in Myanmar. In December 2005 the UN Security Council (SC) requested a briefing by the UN Secretary General on the human rights situation in Myanmar.

### **Torture and Cruel, Inhuman or Degrading Treatment**

#### **Torture in prisons**

Prisoners protesting poor conditions during 2005 have faced torture and ill-treatment as a punishment. In June 2005, Amnesty International detailed the case of prisoners who were

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<sup>8</sup> Unpaid forced labour contravenes ILO Convention No 29, to which Myanmar is party. Despite the criminalization of forced labour in Myanmar in 2000, the practice continues. The ILO has adopted a series of measures in order to encourage the Myanmar government to comply with Convention No 29.

punished by prison authorities, including by being shackled, beaten, and made to perform *pounzan*.<sup>9</sup> The organization has received further reports of the beating by criminal prisoners of political prisoners in Insein Prison. In September 2005 a private tutor, U Aung Pe, serving a three year prison sentence for talking to his students about the independence hero, General Aung San, the father of Daw Aung San Suu Kyi, was reportedly beaten by criminal prisoners. Prison authorities reportedly took no action against the perpetrators.

International standards prohibit the use of corporal punishment, shackling and other restraints and confinement in a dark cell as a punishment against detainees and prisoners. Such punishments violate the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment), which is a rule of customary international law binding on all states. Such punishments are also explicitly prohibited by Rules 31 and 33 of the UN Standard Minimum Rules for the Treatment of Prisoners. Nevertheless, the authorities in Myanmar continue regularly to use such methods against prisoners, particularly against individuals who have protested their conditions of detention, including by staging hunger strikes. While the authorities have frequently stated that the use of prisoners to discipline other prisoners is forbidden in Myanmar, it appears that they are continuing to use criminal prisoners to beat other prisoners, including political prisoners.

### **Torture and ill-treatment in pre-trial detention**

Amnesty International has documented the pervasive and systematic use of torture by authorities in pre-trial detention, and believes that the practise is continuing.<sup>10</sup> There have been widespread reports that individuals in pre-trial interrogation continue to be tortured and ill-treated. Political activists who have been taken into detention for short-term questioning, have reportedly been beaten, denied sleep, and in some cases subjected to abusive language by the authorities. Doctors are reported to have found injuries consistent with torture on the body of **Ko Aung Hlaing Win**, an NLD member who was detained on 1 May 2005, and is reported to have died in custody on 7 May 2005.

### **Deaths in Custody**

At least six deaths in custody have been reported since January 2005, in which individuals in pre-trial detention and prisons are suspected to have died either as a result of a lack of adequate medical attention or torture or ill-treatment. It is the responsibility of the state to initiate thorough, prompt and impartial investigations into the cause of death in suspicious circumstances. The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions state that such investigations should, where the

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<sup>9</sup> a squatting position, in which the individual has to place his hands clenched on his knees, when so instructed by prison authorities.

<sup>10</sup> Myanmar: *The Institution of Torture*, ASA 16/24/2000, December 2000, Myanmar: *Justice on Trial*, AI Index ASA 16/07/2003, July 2003

established investigative procedures are inadequate, be conducted by an independent commission or similar procedure. The investigation should include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The findings should be made public. The bodies of the deceased should be returned to the families for burial.

No independent investigation is known to have taken place into the deaths that occurred in custody this year. Attempts by families to use the courts to secure such investigations have reportedly failed. Furthermore, authorities have in at least four cases reportedly cremated the bodies of those who died before their families were informed by security forces or prison authorities of their deaths, and no autopsies are known to have taken place.

In June 2005 Amnesty International raised concern about the deaths of at least three individuals reported to have died in pre-trial detention, including **Ko Aung Hlaing Win**, a member of the NLD Youth Wing. His family's attempts to seek redress and an investigation into the circumstances of his death through the courts have since then met with rejection. On 1 May 2005, Ko Aung Hlaing Win, aged 30, who was married with a child, was taken into custody by plain-clothed members of the security forces. Ten days later the chief of an interrogation centre is reported to have visited his family members in Hlaing township, Yangon, and to have informed them that Ko Aung Hlaing Win had died of a heart attack during interrogation on 7 May 2005 and had already been cremated. The official is reported to have offered family members 100,000 kyat<sup>11</sup> as compensation, which they refused. Ko Aung Hlaing Win's family, with the assistance of NLD lawyers, then attempted legal action to secure an investigation into the circumstances of his death. Their submission to the township court was rejected in June 2005. Their appeal to the township court was not allowed in September 2005, and the Supreme Court reportedly refused to admit their appeal in November 2005.

The death in May 2005 of **Min Tun Wai**, from Kyaukmaw, Mon state, was reported in September 2005 after his relatives contacted NLD lawyers for assistance in securing an investigation into the circumstances of his death. He is reported to have died shortly after being arrested and transferred to Mawlamyine Prison on 30 May 2005. Relatives were reportedly informed of his death the day after he was cremated.

In July 2005, **Saw Stanford**, a 40 year old Karen school teacher from Einme township, Ayeyarwaddy Division, was arrested with other villagers by members of the army searching for arms allegedly hidden in the village. He is reported to have died while being tortured during interrogation. Relatives are reportedly seeking an investigation with the assistance of NLD lawyers. The authorities, as with other deaths in pre-trial detention, had quickly offered compensation to relatives, and reportedly placed pressure on them not to publicize the death.

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<sup>11</sup> Myanmar's currency has an official exchange rate of c.6.4 kyat to the US dollar, and up to 900 kyat to the US dollar on the black-market.

**Aung Myint Thein**, 37, a civil servant from Bago Division, who was arrested on 2 July 2005, died while on trial in Insein prison on 5 November 2005. Prison officials reportedly told his family that he had died of dysentery, and pressurised them to cremate him immediately. Opposition sources reported that he was suffering from lung disease. He was among prisoners referred to in a press conference given by the Myanmar Director-General of Police on 28 August 2005, and cited as having confessed to attending a training session on labour rights, gathering news and communicating it to opposition groups in exile. Confessions are frequently extracted through torture in Myanmar. Individuals with suspected links to the opposition in exile are reportedly most vulnerable to such treatment. It is not known if torture or ill-treatment was a cause or contributory factor in Aung Myint Thein's death, but no autopsy is known to have taken place to determine the cause of his death.

### **Conditions of detention**

The Myanmar authorities have a duty under rules of customary international law binding on all states to treat detainees and prisoners humanely; to provide prisoners with food of nutritional value adequate for health and strength; to provide the services of qualified medical officers within facilities; and to transfer prisoners and detainees who require specialist treatment to specialized institutions or to civil hospitals. Amnesty International is deeply concerned that authorities are failing, at times through neglect, and at times deliberately, to respect their international obligations fully in this regard.

Political prisoners are susceptible to a host of detention-related health problems, which have been caused or exacerbated by their treatment in detention. Medical care within prisons is woefully inadequate, with some prisons lacking adequate numbers of trained medical personnel, particularly Myaungmya, Sittway and Myingyan Prisons. Amnesty International has received reports of one prison where there are no medical personnel whatsoever. Specialist medical treatment is not available in many prisons, and in some cases when prison doctors recommend specialist treatment, prison authorities refuse or are slow to give consent.

Prisoners have an extremely poor diet, and are reliant on families for supplements of fresh food. Released prisoners regularly report that the diet provided by the prison is not adequate for survival. Many political prisoners require medical treatment after their release, and many suffer from ailments compounded by their poor diet. Prisoners who have been held for long terms of imprisonment, and often without regular access to their families, have health problems as a result of malnutrition, and particularly lack of vitamins and protein.

Malaria is endemic in Kalay Prison, Sagaing Division, and also reported at Thayet Prison. Heart disease, mental illnesses, hypertension and malnutrition-related disorders, including peripheral neuropathy, are common. There were reports in September 2005 of a cholera outbreak in Thayawaddy Prison, in which dozens of prisoners are reported to have died. Many prisoners are reported to have suffered from mental illnesses, including depression and schizophrenia, and not to receive specialist medical treatment for such problems.



Many prisoners are over 65, and suffer from common age-related illnesses, such as hypertension and heart disease. Among these prisoners is **U Win Tin**, a former editor, who has heart disease and spondylitis, and during his imprisonment has been in and out of prison hospital. His health has been compromised by his treatment in prison, including by being denied food and water for periods, and being made to sleep for protracted periods without bedding in a cell designed as a kennel for military dogs.

There are many prisoners with chronic health problems. Among these, Amnesty International is particularly concerned by the health situation of **Dr. Than Nyein**, 67 years old, a medical doctor, who has liver cirrhosis, heart disease, hypertension, and renal stones. Authorities are holding him after the expiry of his sentence under an administrative detention law<sup>12</sup> and have repeatedly transferred him to prisons where medical treatment is among the worst reported. Since late 2004 they have failed to act on prison doctors' recommendations that he receive specialist medical treatment.

There have also been reports that prisoners have been refused medication necessary for long-term health problems. **Su Su Nway**, who reportedly suffers from heart disease, is reported not to have been permitted necessary medication after her imprisonment in October 2005. Amnesty International is also concerned by reports that the authorities failed to take into consideration the health of NLD township vice-chairman **Hla Aye**, who was reportedly undergoing medical treatment in hospital after a stroke, when he was required to appear in court in September 2005 for allegedly obstructing local authorities.

Many prisoners who were arrested for membership of armed opposition groups in the 1980s remain in prison – in some cases after the expiry of their sentences. There are at least 37 members of the Karen National Union<sup>13</sup> (KNU) who were detained between 1983 and 1986. There are reportedly at least 16 members of the Arakan Communist Party<sup>14</sup> (ACP) who have been imprisoned since 1986, among whom are individuals who are due for release. According to former prisoners, members of these groups are less likely to receive regular family visits so have less access to food to supplement their prison diet, and are therefore more likely to suffer from ill health and malnutrition related disorders. Many are reportedly in poor states of health.

## **Trials**

Amnesty International remains concerned that trials for political prisoners in Myanmar continue to fall far short of international standards for fair trial. Individuals are held incommunicado for lengthy periods after arrest. The authorities frequently make statements

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<sup>12</sup> 1975 State Protection Law, section 10 [a]

<sup>13</sup> The Karen National Union was established in 1947, and is the oldest ethnic nationality armed opposition group.

<sup>14</sup> The Arakan Communist Party, now defunct, represented the interests of Arakan (Rakhine) state members of the Communist Party of Burma, a coalition of Marxist groups that has engaged in armed resistance to military rule in Myanmar since the 1960s.

about defendants before trials begin which are prejudicial to their right to be considered innocent until proven guilty. The right to a lawyer, or to a lawyer of one's own choice is frequently denied. Political trials are often held in camera.

International standards recommend that detainees are not held for more than a very short period without access to relatives, doctors and lawyers. The UN Human Rights Committee and the UN Special Rapporteur on Torture and other bodies have also expressed concern that lack of such access//such incommunicado detention facilitates torture and ill-treatment, and called for safeguards against it or for its elimination.

It has however been standard practice for some time in Myanmar for detainees to be held incommunicado for considerable periods of time after their arrest, and in most cases until they have been sentenced. During 2005 the situation worsened, and many individuals continue to be denied access to their families even after having been sentenced. In many cases prison authorities have reportedly denied access on the basis that orders from the government granting permission have not been given. A number of Shan politicians arrested in February 2005 have been denied access to family members, including after being sentenced in October 2005.

The SPDC has given periodic press conferences before or after political arrests naming detained individuals who they claim have been involved in anti-government activities. They have effectively declared these named individuals as guilty before they have been charged or tried. This continues to prejudice defendants' rights to be presumed innocent until and unless "proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence", which is a fundamental principle of fair trial, enshrined in Article 11 (1) of the Universal Declaration of Human Rights, and is a rule of customary international law binding on all states. Public officials should not go beyond factual statements in informing the public about criminal investigations, and should not state that persons arrested are guilty.

In August 2005,<sup>15</sup> the Director-General of the Myanmar Police gave a press conference detailing the organization of the gathering of news within Myanmar to be communicated outside the country. The Director-General gave the details of ten individuals or "culprits" who he alleged had gathered news about the situation in the country, or had attended meetings outside the country discussing labour rights. He repeatedly referred to the suspects as "hardcores", and stated that individuals arrested with possession of satellite phones had "collected unfounded news... sent exaggerations through satellite phones so as to earn their livelihood...made interviews with BBC and spread exaggerated news many times". The individuals mentioned had not yet gone to trial.

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<sup>15</sup> Regular Press Conference Held, *NCGUB, FTUB and ABSDF are terrorist groups which have been constantly committing terrorist acts to endanger lives and properties of innocent people.* [Http://www.myanmarigest.com/press/2005/28-8.html](http://www.myanmarigest.com/press/2005/28-8.html),

The right to legal counsel, including to legal counsel of one's choice underpins international fair trial standards. Prompt access to a lawyer following arrest, and regular access thereafter, provides detainees with essential opportunities to ensure that their defence can be prepared, and is a safeguard against torture and ill-treatment. Currently detainees have no or limited access to legal counsel or the facilities necessary to prepare their defence during pre-trial proceedings. This includes during interrogations in police custody, interviews with the prosecutor and during pre-trial hearings.

Four NLD members were reportedly arrested on 8 July 2005, and tried two days later and had limited access to legal counsel. They were reportedly sentenced to prison terms of between three and 10 years for having videotapes of Daw Aung San Suu Kyi making speeches while visiting party members, and for distributing a book criticizing Ne Win, the former head of Myanmar's military government.

The right to a public hearing is guaranteed under international human rights standards. Article 11 of the Universal Declaration on Human Rights (UDHR) states: "*1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.*" The right to a public hearing means that not only the parties in the case, but also, with limited exceptions, the general public, have the right to be present. The public has a right to know how justice is administered, and what decisions are reached by the judicial system.

The right to a public hearing appears to be provided for under Myanmar law. Chapter II, Judicial Principles, of the Judiciary Law, 2000, was promulgated by the SPDC on 27 June 2000.(28) Section 2 of Chapter II states: "*The administration of justice shall be based upon the following principles;...(e) dispensing justice in open court unless otherwise prohibited by law;...* ".

Amnesty International is concerned that defendants in political trials in 2005 were tried *in camera*, with their relatives and the public denied access. Shan political leaders; former Prime Minister Khin Nyunt, his family and other senior MI officials, and MPs elect are among those who have been tried *in camera* in recent years. Furthermore, information about trials held in camera is difficult to obtain, including for defendants and their lawyers. Defence lawyers have reportedly had great difficulty obtaining trial transcripts. as have defendants. All these factors have seriously hampered the ability of defendants to appeal their sentences judicially, as they do not have the means to prepare an appeal. <sup>16</sup>

### **Ongoing Arrests**

Amnesty International has frequently expressed concerns to the SPDC that articles of Myanmar's legislation excessively restrict the right to freedom of expression, association and

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<sup>16</sup>Please see Myanmar, Justice on Trial, ASA 16/7/2003, July for further information.

assembly. The authorities continue to use these laws to detain peaceful government critics. The organization has also called for the amendment or repeal of certain security laws that are open to such wide interpretation that they may be used as a measure to diminish freedom of expression rather than as a legitimate defence of the security of the state. These include the 1962 Printers and Publishers Registration Act; the 1908 Unlawful Associations Act; the 1950 Emergency Provisions Act and the 1975 State Protection Law. These laws have been used to imprison many political prisoners and subject rights and freedoms to far greater restrictions than are permitted under international law.

### **Penalization of human rights defenders**

Individuals in Myanmar are being imprisoned or harassed for protesting peacefully against human rights violations. The authorities continue to label reports on the human rights situation as gross exaggerations, and characterize legitimate activities in defence of the rule of law and human rights as activities intended to undermine the state.

In recent months, authorities have prosecuted individuals reporting on forced labour in Myanmar. Unpaid forced labour is in contravention of the ILO Convention No 29, to which Myanmar has acceded. Despite the criminalization of forced labour in Myanmar in 2000, the practice continues. At the June 2005 International Labour Conference (ILC), ILO officials registered concern that the Myanmar authorities had stated that “*false complaints of forced labour were placing a great drain on government resources and undermining the dignity of the state...legal action would be taken against complainants or their representatives who lodged false complaints.*”<sup>17</sup> The ILO also reported that the authorities restricted the ILO liaison officer’s ability to investigate reports of forced labour, including by limiting his ability to travel freely outside of Yangon, his base. The state-controlled press has published reports attacking the ILO and the liaison officer has received over 30 death threats.

On 31 October 2005, **U Aye Myint**, a lawyer in his 50s, was sentenced to seven years’ imprisonment for passing to the government complaints of farmers whose land had been confiscated by the local authorities. He reportedly helped farmers compose a letter to the authorities, which was then copied to the ILO liaison officer in Yangon. The lawyer was reportedly sentenced under the 1950 Emergency Provisions Act, section 5 [e], which allows for the imprisonment of anyone who does anything “*intentionally to spread false news, knowing it to be false or having reason to believe that it is false*” on the basis that it may then cause unrest. None of the farmers he has represented are known to have been prosecuted. All reportedly testified in U Aye Myint’s trial that he was acting in his professional capacity and carrying forward their legitimate complaints. U Aye Myint had been released in January 2005 from a death sentence, commuted to three years’ imprisonment, for treason imposed partly on

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<sup>17</sup>International Labour Conference **22 Provisional Record** Ninety-third Session, Geneva, 2005  
PART THREE; **Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)**  
<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/pr-22-3.pdf>

the basis that he had communicated with the ILO. Another lawyer and MP elect, **U Thein Zan**, 67, and two others, are reportedly due to face trial for assisting relatives of a man who is alleged to have died during forced labour, report his death to the authorities.

Villager **Su Su Nway**, 34, successfully sued her village authorities in January 2005 for requiring her and fellow villagers to take part in forced labour. She has since then been harassed by local authorities. On 16 October 2005 she was sentenced to 20 months' imprisonment for defamation of village officials following an unfair trial. Her sentence is believed to be linked to her success in suing village officials for forcing her and fellow villagers to work on a road construction project. Officials reportedly made death threats against her following the suit, and alleged that she had sworn at them.

Amnesty International urges the Myanmar authorities not to punish people who in good faith have submitted reports of human rights violations to government officials and to international organizations. The right to take part in the conduct of public affairs, to freedom of expression and to protest peacefully against human rights violations and government policies generally are rights recognized in international law and standards, including in the United Nations Declaration on Human Rights Defenders. The SPDC must allow human rights defenders and other individuals unhindered access to and communication with international bodies on matters of human rights, and not prosecute or in other ways harass individuals for their peaceful exercise of this right.

Amnesty International is concerned that punitive acts by the state against human rights defenders, including members of civil society acting in a professional capacity, will further inhibit much needed initiatives to improve the human rights situation in Myanmar.

### **Right to freedom of expression**

The right to freedom of expression is severely restricted in Myanmar, and there is no independent media. Rigid censorship regulations mean that in practice journalists are required to self censor heavily. The authorities have in the past prosecuted individuals for talking to independent journalists from other countries, and have characterised such activities as designed to discredit the state<sup>18</sup>.

Amnesty International is concerned that the authorities continue to prosecute individuals solely on the basis that they have communicated information about events in the country that

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<sup>18</sup> **U Win Htein**, a senior NLD advisor, has been in prison since 1996 for receiving information from farmers about crop yields. He is also serving a sentence for reportedly instructing a former political prisoner to give an interview to an Australian broadcasting station about torture. The state maintained that this information was to be sent outside the country to discredit the nation.

could not reasonably be construed as state secrets to individuals outside the country. Authorities routinely characterize the communication of information not approved by the state censor, including about forced labour, as “*unfounded...exaggerated... fabricated*”.<sup>19</sup> They have further complained that the communication of such information to international organizations, for example, the, ILO, led to the ILO making “*lopsided and unjust accusations against Myanmar and put pressure on her*”.

### **Peaceful political activities**

Amnesty International is concerned that since June 2005 extremely lengthy sentences have been handed down for peaceful political activities. Political repression is intensifying against individuals across the opposition political spectrum. NLD offices, with the exception of the party's headquarters, have remained closed since the attack on members and supporters of the NLD on 30 May 2003. Individuals raising concerns or discussing the National Convention have been particularly harshly penalized, including being sentenced to prison terms of up to 109 years. During 2005 five MPs-elect have been sentenced to prison terms of between seven and 93 years' imprisonment. Two representatives of the Committee Representing People's Parliament have been given lengthy prison terms. **U Khun Htun Oo**, MP elect and head of the Shan Nationalities League for Democracy, was sentenced in November 2005 to 93 years' imprisonment. **U Kyaw Min**, an MP elect from the National Democratic Party for Human Rights, was sentenced to 47 years' imprisonment in August 2005 on account of his political activities.

Members of registered political parties and activists continue to be harassed and arrested solely on the basis of their peaceful political activities. During 2005 NLD members, including township committee chairmen, have been sentenced to seven years' imprisonment for distributing political leaflets approved by the official censor. **U Aung Pe** was arrested in February and sentenced in August 2005 to three years' imprisonment for teaching school students about political veteran U Aung San, the father of Daw Aung San Suu Kyi. **Dr Win Aung** NLD chairman and medical doctor and **U Khin Maung Win**, a teacher, were sentenced to ten years' imprisonment for possessing videotapes with speeches by Daw Aung San Suu Kyi. They were arrested on 6 July 2005 and sentenced on 8 July 2005 together with **U Soe Win Aung**, a teacher who received a three-year prison sentence. Amnesty International considers them to be prisoners of conscience. Amnesty International has also received reports that a group of NLD members and one Democratic Party for a New Society member, **U Ba Myint**, **U Ba Tint**, **Ko Khin Kyaw**, **Aung Myo San** and **Thet Naing**, arrested in December 2004 were sentenced to life imprisonment in July 2005, reportedly for distributing leaflets about the National Convention. Amnesty International is seeking more information about the nature of charges brought against them.

Since July 2005, NLD officials in Rakhine State, Sagaing Division, Yangon and Kachin state are reported to have been arrested on fabricated criminal charges, including gambling, foreign currency offences, and obstructing officials. Amnesty International is concerned by the very

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<sup>19</sup> 28 August 2005 press conference

high level of harassment against political party members, including recent reports that professional licenses, including as private tutors, have been withdrawn on the basis of political affiliation. Authorities are reported to have threatened individuals in 2005, that should they engage in politics they may face long terms of imprisonment. Authorities have in the past taken measures to dissuade people from participation in opposition political activities. In past years civil servants have been threatened with dismissal in the past and state sponsored rallies have been organized against NLD MPs elect in their constituency. NLD MPs from Shan state and Sagaing Division, who were reportedly very politically active before their arrest, are serving sentences of between five and seven years' imprisonment for minor infringements of export legislation and vehicle licensing. At least one had been under pressure from local authorities before his arrest to resign from his position as MP-elect.

In March 2005 **U Kyaw Min**, National Democratic Party for Human Rights (NDPHR) MP elect of Bohtataung, Rakhine state and member of the Committee Representing the People's Parliament (CRPP), was arrested. He is believed to have been held in incommunicado detention since his arrest. U Kyaw Min was sentenced to 47 years' imprisonment in August 2005. His wife, two daughters and son, were arrested in May 2005 and also sentenced to 17 years' imprisonment. It is not known whether U Kyaw Min and his family, who were sentenced in what is believed to have been a secret trial, had access to legal counsel.

U Kyaw Min and his family are Rohingyas. As such, they, like other are subject to host of discriminatory treatment by law, including denial of citizenship and freedom to travel without official permission. The Rohingya, Muslims of Bengali origin, are denied citizenship in Myanmar under discriminatory legislation on nationality. However, despite this restriction, the Rohingya were allowed to vote and to contest seats in the 1990 elections. It is believed that U Kyaw Min was penalized on the basis of his peaceful political activities, and that the authorities have also prosecuted him and his family for infringing discriminatory legislation on citizenship. Amnesty International believes that they are prisoners of conscience.

Nine senior political representatives of the Shan ethnic nationality were sentenced on 3 November 2005 to prison terms of up to 109 years on charges of treason, "discrediting the nation", disrupting the National Convention, flouting stringent censorship laws and for economic offences. They had been arrested immediately before the convening of the National Convention in February 2005. Authorities prosecuted them for taking part in a political meeting of senior representatives of the Shan ethnic nationality on Shan National Day, 7 February 2005. The meeting was hosted by the Shan New Generation Youth political party, and was attended by political representatives. **Khun Htun Oo**, the Shan Nationalities League for Democracy (SNLD) chairman MP-elect and member of the CRPP;<sup>20</sup> the party's General Secretary **Sai Nyunt Lwin**; SNLD Central Committee member **Sai Hla Aung**; Shan State

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<sup>20</sup> The 13 member CRPP was formed by the NLD in September 1998, with the support of 251 MPs elect, including MPs from other parties.

Peace Council(SSPC)<sup>21</sup> and United Nationalities League for Democracy<sup>22</sup> chair **General Hso Ten**; Shan New Generation Youth members **U Myint Than, Myo Win Tun, Sai Nyi Moe, Tun Nyo, U Ba Thin** and **U Shwe Ohn**<sup>23</sup> aged 82, author and lawyer. After they were arrested, authorities stated that the group had been discussing a common position among political representatives of ethnic nationality political parties, and to agree principles for the political future of Shan State.

The group were sentenced to extraordinarily lengthy prison terms on charges of treason, discrediting the state, and specifically for discussing the National Convention. They received smaller prison terms for infringing foreign currency and import and export legislation – which is reportedly widely flouted throughout the country. Amnesty International believes that the group have been harshly penalized primarily for engaging in peaceful political discussions, and is calling for their immediate and unconditional release. **U Khun Htun Oo** and **General Hso Ten** were sentenced to 93 and 106 years' respectively on charges under the penal code, for insurrection, discrediting the nation, and under Law 5/96 which criminalizes any discussion of the National Convention that authorities in order to undermine stability or "national reconsolidation". General Hso Ten was also sentenced under the Printers and Publishers Registrations Act, which allows the prosecution of individuals who distribute any form of written material without authorization of the official censor.

U Shwe Ohn has been held under house arrest without charge or trial. U Khun Htun Oo and his co-defendants were tried over several months in camera in Insein Prison in proceedings that failed to meet international fair trial standards. They were denied access throughout the trial to lawyers of their choice. In press conferences in March and April 2005 the authorities made statements which would have compromised the fairness of their trial. They presented allegations as fact and characterized the political discussion as "*detrimental*"<sup>24</sup> to the SPDC's objectives of upholding "*three main national causes – non-disintegration of the union, non disintegration of national solidarity and perpetuation of sovereignty*"<sup>25</sup> and that the discussion would lead to the disintegration of the union. In subsequent press conferences in April and again in May 2005 government officials stated that the Shan State Army–South,<sup>26</sup> the Shan Nationalities League for Democracy<sup>27</sup> and Shan State Intellectual Advisory Council

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<sup>21</sup> The SSPC represents various ethnic Shan armed opposition groups who agreed ceasefires with the authorities during the 1990s, after decades of fighting for greater autonomy.

<sup>22</sup> A coalition of political parties representing non-Burman ethnic nationality groups in Myanmar.

<sup>23</sup> U Shwe Ohn had been arrested in December 1992 and sentenced to one year's imprisonment for writing and distributing an essay making suggestions to the National Convention about the new constitution.

<sup>24</sup> New Light of Myanmar, official government publication, 16 March 2005.

<sup>25</sup> as above.

<sup>26</sup> The Shan State Army – South, is an armed opposition group active in Southern and Eastern Shan State.

<sup>27</sup> The Shan Nationalities League for Democracy is a legally registered opposition political party, which won 23 seats in Shan State in 1990 elections.



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planned to “*form a nominal union and later secede from the union*”<sup>28</sup>, and had encouraged armed opposition groups to discuss matters pertaining to the significance of the forthcoming National Convention, which they were scheduled to attend. On 22 April 2005, authorities stated that they had “*exposed their conspiracies and protected the union from disintegration in time*”.<sup>29</sup>

Amnesty International is also concerned by the high level of secrecy in which members of this group were tried. They were denied access to their families during and after their trial. Their families were reportedly not informed by the authorities of their sentences. Members of the group were sent, without having access to relatives, to prisons very distant from their homes. In some cases it take several days to travel to these prisons, including Putao, Kachin State, where conditions are harsh. Amnesty International is concerned that this may affect their ability to have access to lawyers to appeal their sentences.

**Sao Oo Kya**, a senior representative of the Shan ethnic nationality, was arrested in early August 2005. He is a cousin of U Khun Htun Oo (see above), and in February 2005 became a member of the Shan State Intellectuals Advisory Body, as a representative of the Shan State National Army (SSNA).<sup>30</sup> Sao Oo Kya, also known as Donald, was sentenced to 13 years’ imprisonment in September 2005. According to unconfirmed reports, he was sentenced to ten years’ imprisonment for attempting to excite disloyalty toward the state under section 124 (a) of the Myanmar Penal Code. The court is reported to have justified his conviction on the basis of comments that two tourists had written in the guestbook of the palace where he resides and that he had accepted donations from these visitors for the maintenance of the building. Amnesty International believes that he may be a prisoner of conscience.

#### Prosecution of “**underground**” activists

In a press conference on 28 August 2005, the authorities’ detailed allegations against a group of individuals whom they alleged had contact with the FTUB in Thailand. The group were sentenced in November 2005 to between eight and 25 years’ imprisonment, and include **Wai Lin, Than Oo aka Ko Ye, Myint Lwin**, aged 77, **Win Myint**, lawyer **U Hla Myint aka Hla Myint Than, Daw Thaung, Ma Aye Chan, Aye Thi Khaing** and **Daw Yin Kyi**.

Amnesty International is concerned that among the charges laid against the group include acts which would be considered to be legitimate exercise of the right to freedom of expression.

Authorities alleged that individuals, including NLD members were allegedly trained by the FTUB on how to “collect all sorts of news including those on peasants, workers, as well as

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<sup>28</sup> New Light of Myanmar, 5 April 2005.

<sup>29</sup> New Light of Myanmar, 23 April 2005.

<sup>30</sup> An armed group representing the political interests of the Shan ethnic nationality. At the time of the meeting they had observed a cease-fire over hostilities with Myanmar authorities for nearly ten years. This ceasefire was broken in May 2005, reportedly due to the SPDC’s request that the SSNA disarm.

natural disasters and to exaggerate them with intent to destabilize the country and create unrest.”<sup>31</sup> Members of the group, particularly **Wai Lin, Than Oo, Myint Lwin** and **Win Myint** were also accused of speaking to the British Broadcasting Corporation and spreading “exaggerated news many times”.<sup>32</sup> The authorities further stated in the press conference that individuals in Thailand had “obtained fabricated news” from individuals arrested, and made complaints with the information to the ILO to destabilize the state and “endanger the lives and properties of the people”.<sup>33</sup> Amnesty International is further concerned that members of the group may have been subjected to ill-treatment, particularly following reports of the death in custody of Myint Lwin’s son, **Aung Myint Thein**.

### **Sentencing of former Prime Minister Khin Nyunt**

Amnesty International is concerned that there have also been unfair judicial procedures used against former Prime Minister General Khin Nyunt and his former employees and allies. Former Prime Minister Khin Nyunt, who also headed Myanmar’s Military Intelligence Service (MIS), was arrested on 19 October 2004. On 22 July 2005 he was given a 44 year suspended sentence and remains confined in his house with his wife, who was also arrested. He had been sentenced on charges of bribery, corruption and insubordination. His sons, Zaw Naing Oo and Ye Naing Win, a businessman who ran a publishing company and a data communications and internet company, are also under house arrest after receiving suspended sentences of 68 and 51 years’ imprisonment respectively for economic crimes and violations of import and export regulations. The trial was conducted in camera in Insein Prison Correctional Facility Jail.

While full information about the charges, sentences and individuals prosecuted is not available, reports suggest that an unknown number of individuals in some way associated with Khin Nyunt may have also been sentenced under charges relating solely to their peaceful exercise of freedom of expression and association. For example, businessman **Sonny Swe**, the Deputy Chief Executive Officer of the semi-independent publication *The Myanmar Times*, was among those sentenced. He was charged under the Press and Publications Act and sentenced to 14 years’ imprisonment – it is believed that he was sentenced because *The Myanmar Times* was published without the permission of the official censorship board, and because of his family’s proximity to former Prime Minister Khin Nyunt. Amnesty International is concerned that he may be a prisoner of conscience, and is calling on the SPDC to provide full information including the names of other individuals arrested in connection with the recent crackdown on former Prime Minister Khin Nyunt and the nature of charges against all of them.

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<sup>31</sup> Regular Press Conference Held, NCGUB, FTUB and ABSDF are terrorist groups which have been constantly committing terrorist acts to endanger lives and properties of innocent people, 28 August 2005, [Http://www.myanmar Digest.com/press/2005/28-8.html](http://www.myanmar Digest.com/press/2005/28-8.html)

<sup>32</sup> as above.

<sup>33</sup> as above.

### **Misuse of security legislation to imprison non-citizens**

Amnesty International is concerned that many members of the Rohingya<sup>34</sup> ethnic group have been imprisoned for travelling without permission from the local authorities. AI considers these restrictions on freedom of movement on the basis of ethnicity to be discriminatory and unlawful, and calls for those individuals imprisoned for travelling without permission to be immediately and unconditionally released from prison.

Amnesty International is concerned by the official restrictions on travel for the Rohingya population, which are disproportionate and discriminatory. The United Nations Human Rights Committee<sup>35</sup> has stated that in applying laws restricting freedom of movement, states must demonstrate that restrictions are based on clear legal grounds and meet the test of necessity and requirements of proportionality. Amnesty International calls for the release of any person imprisoned solely for infringing these discriminatory travel restrictions.

Individuals from the Rakhine state, have been prosecuted under the 1950 Emergency Provisions Act, section 5 [j] for travelling without permission. In court judgements seen by Amnesty International, the sole justification for the use of security legislation has been that by infringing state directives, individuals have acted to harm the security of the Union of Myanmar. The 1950 Emergency Provisions Act, section 5 [j] does not use precise criteria to determine what constitutes a threat to national security. Amnesty International is concerned that, in the court judgements it has seen, sentences have been handed down solely on the basis of travelling without a permit, and that this would not constitute an adequate justification to condemn individuals on the basis that their actions threaten state security.

Amnesty International believes that Rohingyas imprisoned solely for travelling without official permission are being punished in a discriminatory and arbitrary fashion. Many Rohingyas, who are Muslims of Bengali origin and in many cases have been resident in Rakhine state for generations, are not recognized as citizens by the Myanmar authorities and are therefore effectively stateless. Under Myanmar's 1982 Citizenship Law, nationality is subject to being a member of a recognized ethnic group, regardless of the length of time an individual or his or her family have permanently resided in the country. As the Rohingyas are not considered to be a national ethnic group under the 1982 Citizenship Law, they are ineligible for full citizenship. Amnesty International has called on the SPDC to repeal these discriminatory provisions on citizenship which solely on the basis of their ethnicity deny Rohingyas the right to a nationality even when they are children born in the country or

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<sup>34</sup> Persons of Bengali descent resident in Rakhine state. Many have been denied the right to citizenship, and are effectively stateless. Please see Amnesty International, Myanmar: The Rohingya Minority - Fundamental Rights Denied, 19 May 2004, AI Index ASA 16/005/2004 <http://web.amnesty.org/library/Index/ENGASA160052004?open&of=ENG-MMR>

<sup>35</sup> Human Rights Committee, General Comment 27, Freedom of movement (Art.12), U.N. Doc CCPR/C/21/Rev.1/Add.9 (1999).

individuals who have a genuine and effective link to the country who would otherwise be stateless.<sup>36</sup>

Most Rohingyas are considered by the Myanmar authorities to be resident foreigners, and as such are subjected to a range of restrictions on their rights. Travel restrictions have been applied against Rohingyas under laws on citizenship and under a decree issued by state authorities requiring Rohingyas to apply for official permission to travel outside and within Rakhine state, the state where the majority of them are resident. Permission to travel outside Rakhine state is infrequently granted by the authorities. Scores of Rohingyas have been imprisoned solely for travelling outside Rakhine state without authorization. Many Rohingyas have for extended periods lived outside Rakhine state without officials enforcing legal restrictions. Individuals travelling from Rakhine state to visit relatives, including parents, resident in other parts of the country, have been sentenced to prison terms for travelling to visit them without permission. Citizens of Myanmar do not generally require permission to travel, except to areas demarcated as zones of internal armed conflict, and are only required by law to travel with valid documentation of their identity and to register themselves as guests when staying outside their normal place of registration.

The SPDC is also reported to have issued a decree in 2004 prohibiting, on grounds of state security, Rohingyas and residents of Rakhine state with citizenship, namely Kamans (non Rohingya Muslims) and “Brahmans”, from travelling to Yangon. Amnesty International is concerned that restrictions on movement included in this decree may be arbitrary and discriminatory.

#### **Extension of sentences by Executive Order under the 1975 State Protection Law.**

The SPDC is continuing to use legislation which allows the Home Minister to detain without charge or trial anyone he believes may endanger the state. Such detention orders are often repeatedly renewed. Prolonged detention without charge or trial is in contravention of international human rights standards. Amnesty International is also concerned that this law does not define what constitutes “*a danger to the state*” and thereby has allowed the authorities to arbitrarily detain people for peaceful political activities. Amnesty International reiterates calls on the SPDC to repeal or amend this law to bring it into line with international standards.

On 27 November 2005 the authorities issued a new order extending the detention of opposition leader **Daw Aung San Suu Kyi** for a further six months. Daw Aung San Suu Kyi has been under house arrest at her home or unacknowledged detention for more than 10 of the last 16 years. She has been most recently held without charge or trial since 30 May 2003, as

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<sup>36</sup> see Amnesty International, Myanmar: The Rohingya Minority - Fundamental Rights Denied, 19 May 2004, AI Index ASA 16/005/2004.  
<http://web.amnesty.org/library/Index/ENGASA160052004?open&of=ENG-MMR>

has **U Tin Oo**,<sup>77</sup> vice-chairman of the NLD, His detention was extended by a further year on 13 February 2005.

After Daw Aung San Suu Kyi and U Tin Oo were detained, the SPDC stated that they and other NLD members were being held “*for their own security...under temporary protective custody*” and that measures would be lifted “*as soon as the situation returns to normal*”. Authorities have for a number of years given assurances that Daw Aung San Suu Kyi, will be released but have failed to provide any reliable schedule for releases beyond promising that they will do so when “*the time is right*”.<sup>37</sup> In late July 2003 Foreign Minister U Win Aung stated that Daw Aung San Suu Kyi would be released “*when the time comes... I can’t see a timeframe right now*” and also added about her detention that “*We don’t have any intention to prolong that arrangement. We are waiting for the cool down*”<sup>38</sup> In October 2003 the authorities said that “*we do not call it house arrest or anything like that*”<sup>39,40</sup> and added that she will be released “*eventually.*” At the beginning of December 2004 Thai authorities reported General Than Shwe saying that Daw Aung San Suu Kyi, would be released but “*whenever Aung San Suu Kyi is released some trouble has happened. They need time to arrange everything and finish several meetings.*”

**U Shwe Ohn**, an 82 year old Shan political veteran and retired lawyer, has been held under house arrest since he took part in a political meeting of Shan politicians on 7 February 2005. Authorities have publicly stated that he played a major part in the organization of the meeting. There have been unconfirmed reports that authorities have ordered his detention for one year under the 1975 State Protection Law.

Other prominent political leaders are being held beyond the end of their prison sentence under this legislation. **Myat San**, a former bodyguard of Daw Aung San Suu Kyi and member of the All Burma Federation of Student Unions, is being detained in prison after the expiry of his sentence. He had served a sentence for taking part in student demonstrations celebrating Aung San Suu Kyi receiving the Nobel Peace Prize in December 1991. He is reported to be suffering from ill-health. NLD MPs elect and medical doctors, **Dr. Than Nyein** and **Daw May Win Myint** have had detention orders extended by a year. Both were not released after serving sentences of seven years’ imprisonment after arranging for NLD leader Daw Aung San Suu Kyi to meet with party members in September 1997. Both are in poor states of health.

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<sup>37</sup> When the time is right we shall set her free." Colonel Kyaw Win, 28 March 1995.

“We review things and when the time is right” Deputy Foreign Minister Kyaw Thu, 26 November 2004.

<sup>38</sup> Foreign Minister U Win Aung, quoted by Agence France Presse, 27 July 2003 and Kyodo News 29 July 2003

<sup>39</sup> Minister U Win Aung, quoted by Agence France Presse, 4 October 2003

<sup>40</sup> Foreign Minister U Win Aung, quoted by Agence France Presse, 27 July 2003 and Kyodo News 29 July 2003

Amnesty International reiterates calls on the SPDC to immediately and unconditionally release the above prisoners of conscience.

### **Releases**

On 6 July 2005 at least 260 political prisoners were released from prisons across Myanmar. Among them were a number of individuals whose imprisonment was known to Amnesty International and who were imprisoned for their peaceful political activities. Their release was strongly welcomed. It should also be noted that among the group were individuals who were close to the end of their sentence, with time off due for good behaviour. Information on some of the individuals known to Amnesty International who were released is attached in appendix I.

Amnesty International is concerned by the treatment of **U Win Tin**, 75, Myanmar's longest serving prisoner of conscience, who has arrested in July 1989. According to reports, he was informed on 6 July 2005 that he would be released, and would need to meet with the Minister of Home Affairs beforehand. He was, however, not released but returned to his prison cell. Officials had also named U Win Tin, as one of the prisoners to be released in November 2004, but he had remained in detention.. Amnesty International continues to call for his immediate and unconditional release.

Amnesty International welcomes the release of prisoners of conscience. The organization also believes that the Myanmar authorities should establish a genuinely independent judicial procedure for reviewing convictions and sentencing for political offences, applying international human rights standards, including the rights to freedom of opinion and expression and freedom of peaceful assembly and association, and release all prisoners who were imprisoned solely for the peaceful exercise of these rights. The Myanmar authorities acknowledged that the justice system had been misused to detain political opponents in November 2004, when it announced the suspension of the sentences of prisoners. They maintained that these persons had been wrongfully imprisoned by security services under the command of former Prime Minister Khin Nyunt.

Amnesty International has been informed by former political prisoners that in the lead up to their release from prison, authorities asked them questions about their political attitudes. In many cases, it appeared that individuals who stated that they did not plan to resume any form of political activity were more likely to be released. Amnesty International is concerned that political attitudes favourable to authorities should not be considered a factor in the release of prisoners, particularly if they should never have been imprisoned in the first place.

Prisoners offered early release before the end of their sentences have often had conditions attached to their release under section 401 of the Criminal Procedure Code, which allows authorities to re-imprison individuals without warrant, and require them to serve the remainder of their sentence, should authorities believe they have not fulfilled the conditions of their release. Conditions of early release have included not engaging in political activities.

This prison “debt” of unserved time from previous political imprisonment has repeatedly been employed by the authorities to threaten and harass former prisoners and make them desist from political activities. A number of prisoners featured on the appended list, including **U Kyaw San** and **U Aye Myint** were arrested and sentenced for acts of peaceful dissent, within months of their release from prison during a mass release of prisoners.

## **RECOMMENDATIONS**

### **RECOMMENDATIONS**

#### **A) Recommendations to the government of Myanmar:**

**Amnesty International urges all members of the international community, and particularly fellow ASEAN member states, make use of every opportunity in both bilateral and multilateral fora to ensure the SPDC implement the following recommendations.**

**Amnesty urges the State Peace and Development Council to adopt the following measures:**

#### **With regard to prisoners of conscience and political prisoners**

1. Stop arresting people solely for the peaceful exercise of their rights to freedom of expression, association and assembly and to immediately and unconditionally release any person who has been arrested for the peaceful exercise of these rights.
2. Make public information about the charges preferred against all political prisoners or “security detainees” and of members of Military Intelligence personnel, and any former personal or business associates of former Prime Minister Khin Nyunt, their sentences and current whereabouts.
3. Review the convictions of all political prisoners and ensure that any who have been unfairly tried be re-tried promptly and in accordance with international fair trial standards, or released, and institute a clear transparent mechanism to ensure a truly independent judicial review is conducted.

With regard to procedures for arrest, detention and trial, including of political prisoners

4. Ensure that all detainees have the right to promptly challenge the lawfulness of their detention before a court, and ensure that they are released if their detention is found to be illegal. Article 100 of the Code of Criminal Procedure should be changed to establish an accessible procedure for detainees, their families, and their lawyers to challenge the legality of a detention.
5. Ensure that all political detainees are either released or promptly charged with recognizably criminal offences and tried by procedures which conform to international standards of fair trial, including the right to legal counsel, the right to presumption of innocence, the right to a public trial, the right to defend oneself, and the right to adequate time and resources to prepare a defence.
6. Ensure that all political detainees have access to legal counsel promptly following arrest and regularly thereafter, and have adequate time to prepare a defence. Detainees should have the right to meet with their lawyers privately.
7. Prohibit incommunicado detention and ensure that all prisoners have immediate, confidential, and regular access to relatives, doctors, and lawyers.
8. Ensure that the military does not manipulate the judiciary, whether directly or indirectly, so that courts may determine cases impartially and independently.
9. Ensure that officials, including government Ministers, refrain from conduct that jeopardizes the rights of the accused to a fair trial. This includes ending the practice by some officials of making public remarks that prejudge the guilt of political suspects.
10. Ensure that members of the judiciary have security of tenure; proper training, including in international human rights standards, and freedom from interference by the executive branch of the government. Ensure that all trials are held in public.
11. Ensure that all persons convicted of crimes have the right to appeal to a higher tribunal.
12. Review all criminal laws relating to freedom of expression and association, particularly the 1950 Emergency Provisions Law; the 1975 State Protection Law; the 1962 Printers and Publishers Law and the 1908 Illegal Associations Law and reform them so that the



laws are clear and specific, and do not breach the internationally recognized right to freedom of expression and association.

13. In particular, repeal Law No 5/96, the provisions of which allow for up to 20 years' imprisonment of anyone who drafts a constitution without official permission and otherwise criminalizes the right to freedom of expression and assembly.
14. Repeal any provisions in the 1975 State Protection Law allowing for detention by executive order without charge or trial.
15. Keep procedures for detention and investigation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment.
16. Abolish all laws, orders, regulations, policies and practice which allow incommunicado detention.
17. Abolish all secret or unofficial places of detention and interrogation under Myanmar law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention.
18. Ensure in law and in practice that anyone who is arrested is informed, at the time of arrest, of the reasons for their arrest and is promptly informed of any charges against them.
19. Ensure that all detainees receive a medical examination soon after they are arrested, and are provided with proper medical care.

With regard to conditions of detention

20. Ensure that detainees and prisoners in every prison, labour camp, and other detention facility in Myanmar are treated humanely, and with the respect due to their inherent dignity and value as human beings.

21. Ensure that all detainees and prisoners are held in conditions which meet international standards, and are provided with adequate accommodation, hygiene, food and medical care on a timely basis, and that all prisoners are supplied with mosquito nets.
22. Ensure that all detainees and prisoners have opportunities for socialization with one another; and that all prisoners have ready access to reading and writing materials.

With regard to torture and ill-treatment

23. Define torture in law, according to internationally accepted definitions, as a specific crime of the utmost gravity in the Myanmar Penal Code, and issue clear orders to all members of the security forces not to torture or otherwise ill-treat anyone in their custody.
24. Introduce measures to safeguard against the use of torture and ill-treatment in interrogation, and to ensure that no evidence extracted as a result of such treatment is admissible in court, for example by recording the questioning of suspects and ensuring that such recordings are made available to defendants and their legal representatives.
25. All detainees must be brought before a judicial authority promptly after being taken into custody and have prompt access to lawyers, medical professionals and their families.
26. Initiate prompt, effective, independent, and impartial investigations into all allegations of torture or ill-treatment, whether they are held in prisons or other official places of detention. Where there is evidence of torture, bring to justice all suspected perpetrators, including those who had ordered or acquiesced to torture or ill-treatment, in proceedings which meet international standards of fairness.
27. Ensure that confessions or other evidence obtained through torture are never invoked in legal proceedings, except as proof of torture or ill-treatment.

With regard to disciplinary measures within prisons

28. Ensure that disciplinary measures within prisons do not constitute torture or other forms of cruel, inhuman and degrading treatment, that shackling and corporal punishment are not used as a form of punishment, and that all reports of such treatment are promptly, independently and effectively investigated and perpetrators are prosecuted in proceedings which meet international standards of fairness.

With regard to all reported deaths in custody

29. Independently and impartially investigate all reports of deaths in custody, and where the death occurred as a result of unlawful acts by officials or other persons, promptly bring perpetrators to justice in proceedings which meet international standards of fairness. Give families of the deceased and their lawyers access to information about the investigation procedure, and to other forms of redress, including compensation.

With regard to the harassment of released political prisoners and their families

30. Ensure that former prisoners, political activists and their families are not subjected to arbitrary detention, discrimination or harassment.

With regard to the International Community

31. Implement the recommendations of United Nations General Assembly Resolution A/C.3/60/L.53 on the situation of Human Rights in Myanmar, adopted by the General Assembly in December 2005, and of the UN Commission on Human Rights E/CN.4/2005/, and grant the UN Special Rapporteur on Myanmar and the UN Secretary General's Special Envoy on Myanmar unimpeded access to the country.

Accede without reservations to international human rights treaties, in particular the International Covenant on Civil and Political Rights and its protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its protocol; and the International Convention on the Elimination of all Forms of Racial Discrimination.

## List of Prisoners of conscience and Possible Prisoners of Conscience in Myanmar.

*This list gives details of a selected number of individuals whom Amnesty International believes have, or may have been imprisoned in Myanmar on account of their peaceful exercise of the rights to freedom of expression, association and assembly, and of those held without charge or trial under the State Protection Law. Amnesty International calls for the immediate and unconditional release of anyone among the more than 1,350 political prisoners in Myanmar who has been penalized solely for their peaceful exercise of these rights*

1.

<b>Name / Age</b>	<b>AUNG KO OO / Male, not known</b>	He was arrested with four others for the formation without official permission of a student union, distributing a statement about the student union to several
<b>Political Party / Role / Place</b>	<b>Thingangyun, Yangon</b>	

<b>Sentence / Legislation</b>	<b>13 years / SLORC Law 6/1988</b>	universities, and planning to hold a students' conference on Human Rights Day, 10 December 2003. He was allegedly the student union's Executive Committee member. It is believed that he and others were tortured during interrogation.
<b>Date of Arrest</b>	<b>16 July 2003</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student</b>	

2.

<b>Name / Age</b>	<b>AUNG KYAW OO AKA KYAW WIN THEIN</b>	He has served a sentence for alleged contact with the ABSDF, and is now serving his second sentence, received while he was still imprisoned. He received a second sentence for writing a poem while imprisoned in Insein Prison, which was reportedly included in a magazine prepared by prisoners to commemorate the 75th anniversary of Yangon University. A total of 24 prisoners were given sentences at the beginning of 1996 in connection with their circulation of news within the prison, their preparation of a magazine, and their attempts to report on human rights violations in the prison. While authorities investigated the incident many were held in cells designed for military dogs, made to sleep on concrete floors without bedding and deprived of food and water. They were also reportedly denied legal representation at their trial, at which a number reported that they had been tortured. Two persons sentenced at this time subsequently died in custody, one of whom was arrested at the same time and was the same age as Aung Kyaw Oo.
<b>Political Party / Role / Place</b>	<b>alleged ABSDF, from Yangon</b>	
<b>Sentence / Legislation</b>	<b>10 or 12 years + 7 years / 1950 EPA, 5[j,] [e], UAA, 17 (1), PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>August 1991</b>	
<b>Prison Held</b>	<b>Tharawaddy</b>	
<b>Health Concerns</b>	<b>liver, kidney disease, various health problems</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student</b>	

3.


<b>Name / Age</b>	<b>AUNG KYI or GYI, male</b>	He was arrested with four others for the
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<b>Political Party / Role / Place</b>	<b>South Okkalappa 1 Yangon</b>	formation without official permission of a student union, distributing a statement about the student union to several universities, and planning to hold a students' conference on Human Rights Day, 10 December 2003. He was allegedly the student union's chair. It is believed that he and others were tortured during interrogation.
<b>Sentence / Legislation</b>	<b>15 years / SLORC law 6/88, 1950 EPA, 5 (j), PPRA, 17/20</b>	
<b>Date of Arrest</b>	<b>14 June 2003</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student ( Law)</b>	

## 4.

<b>Name / Age</b>	<b>AUNG PE AKA MAUNG MAUNG OO/ Male, 40</b>	He was sentenced to a prison term on 25 August 2005. He had been reportedly arrested after he gave his pupils information about General Aung San, one of the architects of Myanmar's independence from Britain, and the father of detained opposition leader Daw Aung San Suu Kyi. He reportedly put his picture in the classroom and sang a song in his honour. U Aung Pe was reportedly sentenced for infringing legislation on the licensing of private tutors. He was badly beaten by criminal prisoners in Insein Prison in September 2005, and the authorities reportedly did not intervene.
<b>Political Party /</b>	<b>Not known</b>	
<b>Role / Place</b>	<b>Twante, Yangon Division</b>	
<b>Sentence /</b>	<b>3 years imprisonment</b>	
<b>Legislation</b>		
<b>Date of Arrest</b>	<b>February 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>Private tuition teacher</b>	

## 5.

<b>Name / Age</b>	<b>AUNG SAN SUU KYI (DAW) / f, 1945</b>	 She has been detained since she and NLD members travelling on party business in Upper Myanmar were violently attacked, in
<b>Political Party / Role / Place</b>	<b>NLD General Secretary</b>	
<b>Sentence / Legislation</b>	<b>none / 1975 SPL, 10 (b)</b>	

**Date of Arrest** 30 May 2003

**Prison Held** House arrest

**Health Concerns**

**Torture Concern**

**Profession**

what is believed to have been a state orchestrated operation. Authorities stated that she and other NLD members were being held under “*protective custody*.” She was held incommunicado in an undisclosed location for more than four months until September 2003 when she was put under house arrest after undergoing surgery. She was reportedly informed in November 2004 that she was being held under the 1975 State Protection Law, which allows detention without charge or trial on executive order.

She was held under house arrest between July 1989 and May 1995 and between September 2000 and May 2002, and in intervening periods has had her movement severely restricted. She has never been charged or tried for any of these periods of detention. She was awarded the Nobel Peace Prize while under house arrest in 1991.

6.

**Name / Age** AUNG SOE MYINT / Male, not known

**Political Party / Role / Place** NLD MP elect, Taungoo Bago Division

**Sentence / Legislation** 7 years

**Date of Arrest** 19 August 2003

**Prison Held** Insein Prison

**Health Concerns** Diabetes, high blood pressure

**Torture Concern**

**Profession**

He was arrested for possessing a motorcycle without license, and had been arrested after a minor accident in which the injured party did not wish to pursue a complaint. It is believed that he has been selectively prosecuted on behalf of his political activities, as the possession of motorcycles without license is widespread and individuals are reportedly seldom prosecuted for this offence. He was reportedly tortured in pre-trial detention, and has had health problems in detention.

7.

**Name / Age** AUNG TUN



He was arrested

**Political Party / Role / Place** / ABFSU CC member

**Sentence / Legislation** / 17 years / 1950 EPA, 5 [j], UAA, 17 (1), PPRA 17/20

**Date of Arrest** / 17 February 1998

**Prison Held** / Insein Prison

**Health Concerns**

**Torture Concern** / YES

**Profession** / Student

with a group of students and veteran political activists for allegedly writing a history of the student movement and its prominent role in political activism in Myanmar. He had reportedly coordinated the writing of the document, which ran into several volumes. Veteran student activists from the previous 40 years were arrested and sentenced at the same time, at least two of whom have reportedly died in prison. He was reportedly tortured during interrogation. This is his second period of detention as a result of his political activities.

8.

**Name / Age** / AYE AUNG / dob c. 1974

**Political Party / Role / Place** / ABFSU / Thingangyun Yangon

**Sentence / Legislation** / 24 or 45 years / EPA 5 [j], UAA 17 (1)

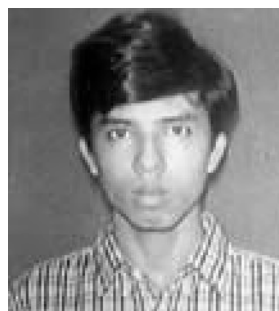
**Date of Arrest** / 14 September 1998

**Prison Held** / Kalay Prison

**Health Concerns** / malaria and typhoid

**Torture Concern**

**Profession** / Student (Physics)



Aye Aung was arrested in connection with peaceful demonstrations by students in favour of convening parliament. He is believed to have distributed leaflets

to the public. He is being held 680 miles from his home, a journey of more than 14 hours by public transport, in a prison where malaria is endemic.

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

9.

**Name / Age** / AYE KYU (U) AKA MONYWA AUNG SHIN / Male, at least 60

**Political Party /** / NLD DOC vice chair,



He was sentenced for allegedly writing a statement calling for the lifting of restrictions recently placed on the

<b>Role / Place</b>	<b>NLD CEC member / Monywa Township Sagaing Division</b>	NLD, including the release of senior party leaders from house arrest. At least four other senior NLD members were sentenced with him, and accused by authorities of attempting to incite unrest, and breaking laws that require any printed material to be approved by the official censor. His health is reportedly poor.
<b>Sentence / Legislation</b>	<b>21 yrs / 1950 EPA, 5 [j], PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>14/09/00</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>	<b>asthma and respiratory problems</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Journalist / Poet</b>	

10.

<b>Name / Age</b>	<b>Aye Myint (U)</b>	U Aye Myint was arrested for passing to the government complaints of farmers whose land had been confiscated by the local authorities. He reportedly helped farmers compose a letter to the authorities, which was then copied to the ILO liaison officer in Yangon. None of the farmers he has represented are known to have been prosecuted, and all reportedly testified in U Aye Myint's trial that he was professionally carrying forward their legitimate complaints. The lawyer was sentenced under emergency legislation which allows for the imprisonment of anyone who does anything "intentionally to spread false news, knowing it to be false or having reason to believe that it is false" on the basis that it may then cause unrest. His family is reported to have been denied access to him after his arrest. U Aye Myint had been released from prison in January 2005. He had been sentenced in 2003 for passing information and news to political groups in exile, and communicating with the International Labour Organization. He had been sentenced to death, which was reduced to three years' imprisonment in 2004 on appeal. He is reported to be in a poor state of health.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>		
<b>Date of Arrest</b>	<b>31 October 2005</b>	
<b>Prison Held</b>	<b>Bago</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Lawyer</b>	

11.



**Name / Age** BA MYO THEIN AKA  
KO MYO / c. 38

**Political Party /  
Role / Place** Alleged CPB, Yangon

**Sentence /  
Legislation** Seven + 12 years/ 1950  
EPA, 5 [e] + [j], UAA 17  
(1) Penal code 6A

**Date of Arrest** 05/02/1991

**Prison Held** Thayet Prison

**Health  
Concerns**

**Torture  
Concern**

**Profession** Civil Servant



He was arrested in 1991 for alleged connections to the CPB, and has served this part of his sentence. He was given a second term of imprisonment with a group of prisoners while in prison in 1996, for taking part in the gathering of information on human rights violations in Insein Prison to transmit to the United Nations. A total of 24 prisoners were given sentences at the beginning of 1996 in connection with their circulation of news within the prison, their preparation of a magazine, and their attempts to report on human rights violations in the prison. While authorities investigated many were held in cells designed for military dogs, made to sleep on concrete floors without bedding during winter months, and deprived of food and water. They were also reportedly denied legal representation at their trial, at which a number stated that they had been tortured. He is being detained 340 miles from his home, a journey of approximately 10 hours by road.

12.

**Name / Age** HAN SEIN (U)  
**Political Party /  
Role / Place** NLD / Pabedan (Yangon  
Division)

**Sentence /  
Legislation** 20 years imprisonment / UAA  
17(1); 1950 EPA, 5(J), PPRA  
17/ 20

**Date of Arrest** 10 August 1993

**Prison Held** Tharawaddy Prison, Bago  
Division

**Health**

U Han Sein was arrested on account of his alleged possession and distribution of the "New Era" journal. Ten others were sentenced on similar charges.

**Concerns**

**Torture Concern** YES

**Profession** TV Video Store Owner

13.

**Name / Age** KHAING KAUNG SAN / Male, not known

**Political Party / Role / Place** ALD vice chairman

**Sentence / Legislation** 10 years / UAA 17 (1)

**Date of Arrest** 5 December 2000

**Prison Held** Thayet Prison Magway Division

**Health Concerns**

**Torture Concern** YES

**Profession**



He was forcibly returned from Thailand to Myanmar. He had been living in Thailand as an asylum-seeker for several years. He was granted official refugee status by the United Nations High Commissioner for Refugees (UNHCR) in 2000. He is reported to be a well known political dissident and human rights activist who worked closely with Arakanese organizations in providing political, socio-cultural and economic support to Arakanese people in Thailand.

14.

**Name / Age** KHIN KHIN LEH (MA) / f, dob 1966

**Political Party / Role / Place** NLD / Bago Division

**Sentence / Legislation** life / 1950 EPA 5 [j], UAA 17(1)

**Date of Arrest** July 1999

**Prison Held** Insein

**Health Concerns** lung disease, rheumatoid arthritis, dysentery

**Torture Concern**

**Profession** Teacher



She was arrested in connection with a demonstration to commemorate the assassination of General Aung San and to support the NLD, the lowering of food prices and revision of civil servants' salaries. Her three year old daughter was arrested at the same time, and was held with her in custody for up to five days.

15.

**Name / Age** KHIN MAUNG SWE AKA  
YE KYAW / aged c. 62 dob  
1942

**Political Party /  
Role / Place** NLD / MP-elect / Yangon  
(Sanchaung)

**Sentence /  
Legislation** 10 + seven years / 1950  
EPA, 5 [e]

**Date of Arrest** 4 July 1994

**Prison Held** Mandalay

**Health  
Concerns** Haemorrhoids, gastric ulcer

**Torture  
Concern**

**Profession** Geologist



He was arrested in 1990 under charges of support for the formation of a parallel government, and was released under an amnesty in 1992. He was

rearrested and on the basis that authorities alleged he had told diplomats and foreign journalists "fabricated news" and had allegedly given them documents produced by expatriate groups, the terms of his amnesty were revoked, and he was given a further sentence of seven years' imprisonment. He has reportedly had chronic health problems in detention, and has been held for the majority of the time in Myingyan prison c. 400 miles from his family, a journey of at least 12 hours.

16.

**Name / Age** KHIN MAUNG WIN (U)

**Political Party /  
Role / Place** NLD member  
Khin U, Sagaing Division

**Sentence /  
Legislation** 10 years  
1962 PPRA, 1985 1985 Video  
Act

**Date of Arrest** 6 July 2005

**Prison Held** Shwebo

**Health Concern**

**Torture Concern**

**Profession** Not known

He was sentenced for having a film of Daw Aung San Suu Kyi visiting NLD members in 2003. He was also sentenced for having circulated two books about Burmese history by writers in exile to another NLD member. He, Dr. Win Aung and Soe Win Aung were tried immediately after arrest without time to prepare an adequate defence, and sentenced two days after arrest.

17.

<b>Name / Age</b>	<b>KYAW KHIN (U) / 69 years old</b>	He was sentenced for giving a leaflet containing the list of awards conferred on Daw Aung San Suu Kyi to a girl and for a piece of paper allegedly found at a seat used by him and which contained the predictions by the BBC for the following year. Authorities reportedly penalized him for photocopying an NLD leaflet, which had been approved by the official censor. He was previously detained between 1996 and January 2005. Authorities had sentenced him to 10 year' imprisonment, and alleged that he had been contacted to obtain "recorded videotapes with antigovernment messages broadcast by foreign television stations" to agitate civil unrest.	
<b>Political Party / Role / Place</b>	<b>NLD / (MP) of No.1, Constituency of Taunggyi Township, Shan State</b>		
<b>Sentence / Legislation</b>	<b>14 years / 1950 EPA 5(J), 1962 PPRA 17</b>		
<b>Date of Arrest</b>	<b>25 February 2005</b>		
<b>Prison Held</b>	<b>Taunglaylone Prison</b>		
<b>Health Concerns</b>	<b>Heart disease</b>		
<b>Torture Concern</b>			
<b>Profession</b>	<b>Trade Corporation Officer in a jade mine</b>		
<b>Name / Age</b>	<b>KYAW MIN (U)/ Male, not known</b>		U Kyaw Min is believed to have been arrested on account of his political activities. He was held incommunicado, and his wife, two daughters and a son were arrested in May 2005. His family was sentenced to 17 years imprisonment on the basis that the authorities disputed their right to nationality. They are Rohingyas, Muslims from Western Myanmar. Many Rohingyas are discriminatorily denied nationality in Myanmar.
<b>Political Party / Role / Place</b>	<b>National Democratic Party for Human Rights MP elect Buthidaung, Rakhine State, CRPP members</b>		
<b>Sentence / Legislation</b>	<b>43 years / 1950 EPA, section 5 [j], citizenship law section 18</b>		
<b>Date of Arrest</b>	<b>March 2005</b>		
<b>Prison Held</b>	<b>Insein Prison</b>		
<b>Health Concerns</b>	<b>Yes</b>		
<b>Torture Concern</b>			
<b>Profession</b>	<b>headmaster</b>		

18.

<b>Name / Age</b>	<b>KYAW MYO MIN / Male, not known</b>	He was arrested with his wife, Kyi Kyi Win, for allegedly contacting NLD members in Thailand and for allegedly distributing political literature, videotapes and stickers.
<b>Political Party / Role / Place</b>	<b>NLD / Bilin township Mon State</b>	
<b>Sentence / Legislation</b>	<b>Seven or 15 years / 1950 EPA, section 5 [j], 17 (1), 13 (1)</b>	
<b>Date of Arrest</b>	<b>May 2000</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

19.

<b>Name / Age</b>	<b>KYAW SAN (U) / 73 years old</b>	U Kyaw San was penalized for having goods at his house without the correct import documentation. The goods reportedly did not belong to him, He staged a month long hunger strike in protest at his arrest. He had been released from prison on 19 November 2004, where he had been held since September 1998. He had been sentenced to seven years' imprisonment in 1992, reportedly for distributing pamphlets, and was released in 1995. When the NLD called for the convening of parliament, authorities rearrested him and made him serve the remainder of his previous prison sentence, from which he had been released, reportedly under the condition that he would have to serve the remainder of his sentence should he reoffend by engaging in politics.
<b>Political Party / Role / Place</b>	<b>NLD MP-elect Tantse Township, Sagaing Division chairman</b>	
<b>Sentence / Legislation</b>	<b>7 years' imprisonment, under import and export legislation, MPC 51,53</b>	
<b>Date of Arrest</b>	<b>17 March 2005</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>	<b>Hypertension</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Former military colonel</b>	

20.

<b>Name / Age</b>	<b>KYI KYI MIN (MA)</b>	Authorities alleged
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**AKA MA HTAY HTAY NGWE YEE / female, not known**  
**Political Party / Role / Place** / **NLD / Bilin township Mon State**  
**Sentence / Legislation** / **Seven or 15 years / 1950 EPA, 5 [j], UAA 17(1)**  
**Date of Arrest** / **May 2000**  
**Prison Held** / **Insein Prison**  
**Health Concerns**  
**Torture Concern**  
**Profession**

she and her husband Kyaw Myo Min brought stickers and other materials from opposition groups in exile during 1999 into Myanmar urging people to support the convening of parliament and in support of demonstrations against one party rule.

21.

**Name / Age** / **LWIN AUNG (KO) / M**  
**Political Party / Role / Place**  
**Sentence / Legislation** / **7 years' imprisonment / 1950 EPA, 5 [j]**  
**Date of Arrest** / **9 August 1996**  
**Prison Held** / **Insein Prison**  
**Health Concerns**  
**Torture Concern**  
**Profession** / **Student**

He was arrested in connection with student plans to convene a meeting to discuss current national and international political affairs.

22.

**Name / Age** / **MAY WIN MYINT (DAW) / f, 54 yrs. old 08/03/1950**  
**Political Party / Role / Place** / **NLD / MP-elect / Mayagone 2 Yangon Division**




Daw May Win Myint was among a group arrested after an attempt by the

<b>Sentence / Legislation</b>	<b>6 years imprisonment / 1950 EPA, 5[j], SPL 10 [a]</b>	NLD to hold a meeting with Daw Aung San Suu Kyi and the NLD Youth in Mayangone township, which authorities characterized as "anti-government activities with a mob." She is reported to have been deprived of drinking water and to have been mistreated during interrogation. She is being detained under an administrative detention law beyond the expiry of her sentence.
<b>Date of Arrest</b>	<b>28 October 1997</b>	
<b>Prison Held</b>	<b>Insein Prison Yangon</b>	
<b>Health Concerns</b>	<b>Heart disease, high blood pressure and arthritis, stiff shoulder</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Medical Doctor</b>	

23.

<b>Name / Age</b>	<b>MYAT SAN</b>	Myat San was sentenced for his participation in demonstrations to celebrate Aung San Suu Kyi receiving the Nobel peace prize. He is being held beyond the end of his sentence under section 10 a of the 1950 State Protection Law. He is being held at least 170 miles from his home, a journey of more than eight hours by road.
<b>Political Party / Role / Place</b>	<b>NLD / Pabedan township Yangon Division</b>	
<b>Sentence / Legislation</b>	<b>15 or 20 years; commuted to 10 years 1.1.93 / 1950 EPA 5 [j], SPL 10 [a]</b>	
<b>Date of Arrest</b>	<b>11 December 1991</b>	
<b>Prison Held</b>	<b>Taungoo Prison</b>	
<b>Health Concerns</b>	<b>gastric ulcer, tuberculosis</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

24.

<b>Name / Age</b>	<b>MYO MIN ZAW ALIAS MOE HEIN AUNG / Male, dob 1977</b>	 <p>Myo Min Zaw was arrested for his role in student demonstrations calling for improvements to education in the country, and</p>
<b>Political Party / Role / Place</b>	<b>SYUF, ABFSU / Bahan Yangon</b>	
<b>Sentence / Legislation</b>	<b>52 years / 1950 EPA 5 [j], PPRA 17/20</b>	

**Date of Arrest** 14 September 1998  
**Prison Held** Mandalay Prison  
**Health Concerns**  
**Torture Concern** YES  
**Profession** Student

support for NLD calls to convene parliament. He was reportedly tortured in interrogation. He was transferred to Mandalay from Patheingyi Prison in September 2003 after taking part in a hunger strike calling for the release of political prisoners, including Daw Aung San Suu Kyi, implementation of the results of the general election and improvements to living standards for political prisoners. (photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

25.

**Name / Age** NAING NAING (U) (SAW) / aged 62 dob 1942  
**Political Party / Role / Place** NLD / MP-elect / Pazundaung Yangon  
**Sentence / Legislation** 21 years / 1950 EPA, 5 [j], PPRA 17/20  
**Date of Arrest** 14/09/00  
**Prison Held** Insein Prison  
**Health Concerns** hernia and heart disease  
**Torture Concern** YES  
**Profession** Former Govt Trade Manager



U Naing Naing was arrested for his alleged involvement in the preparation of a statement calling for the release of Daw Aung San Suu Kyi, and for the lifting of restrictions on the National League for Democracy.

**Previous Imprisonment**

After authorities refused to transfer power to the NLD, a group of Members of Parliament, allegedly including U Naing Naing, met to discuss the formation of a parallel government until the time that power was transferred. As a result he was imprisoned between 1990 and 1999. Authorities forced him on two occasions to sleep in military dog cells, and deprived him of food and water for extended periods. On the first occasion, he was among prisoners who were being interrogated about how information on the ill-treatment of prisoners had been



gathered within the prison. On the second occasion, he was being punished for making a memorial for a political prisoner who had died in custody and who had also been held in a prison dog cell at the same time as U Naing Naing.

26.

<b>Name / Age</b>	<b>OHN THAN (U) / Male, 58 years old</b>	He was reportedly arrested for staging a peaceful one man protest outside United Nations offices in Yangon, calling for the convening of parliament under UN supervision, and for an investigation into the attack on NLD members at Depayin on 30 May 2003. He was reportedly sentenced for inciting unrest. This is reportedly his third period of imprisonment for political reasons.
<b>Political Party / Role / Place</b>	<b>Dagon Yangon</b>	
<b>Sentence / Legislation</b>	<b>two years / 515 b, MPC 505B</b>	
<b>Date of Arrest</b>	<b>September 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Forestry Department Employee</b>	

27.

<b>Name / Age</b>	<b>SAN YA / Male, not known</b>	He is reported to have been sentenced in September 2004 with three NLD members for allegedly receiving foreign satellite stations without official permission for satellite use.
<b>Political Party / Role / Place</b>	<b>NLD Mon State</b>	
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5[j]; UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>July 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

28.

<b>Name / Age</b>	<b>SAW HLAING (U) / 49 years old</b>	He was sentenced for having “unlicensed” computers and was reportedly denied access to legal counsel. He has been repeatedly arrested for political reasons, including in 1974; 1990; 1998 and 2003.
<b>Political Party / Role / Place</b>	<b>NLD MP-elect, Indaw Township / Sagaing Division</b>	
<b>Sentence / Legislation</b>	<b>12 years, PPRA 16,17/20</b>	
<b>Date of Arrest</b>	<b>30 March 2005</b>	
<b>Prison Held</b>	<b>Katha</b>	
<b>Health Concerns</b>	<b>Chronic backache, arthritis</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Lawyer</b>	

29.

<b>Name / Age</b>	<b>SHWE OHN (U) / 82 years old</b>
<b>Political Party / Role / Place</b>	<b>Democratic League for the National Races of the Shan State (abolished) / Shan veteran politician</b>
<b>Sentence / Legislation</b>	<b>Reportedly one year of house arrest / 1975 SPL 10 (B)</b>
<b>Date of Arrest</b>	<b>8 February 2005</b>
<b>Prison Held</b>	<b>House arrest</b>
<b>Health Concerns</b>	
<b>Torture Concern</b>	
<b>Profession</b>	<b>Lawyer and writer</b>



He was placed under house arrest for taking part in a Shan National Day meeting in Taunggyi on 7 February 2005. It was reported that participants discussed the future of the Shan State and the role of the ceasefire groups at the National Convention. He was previously arrested in December 1992 and sentenced to one year imprisonment for writing and distributing an essay on the form the new constitution should take.

30.

<b>Name / Age</b>	<b>SOE HAN / Male, c. 50</b>	He was sentenced in connection with the issuing of an NLD statement calling for the lifting of restrictions against party members, including Aung San Suu Kyi, who was under house arrest at the time. He is a former chief court advocate. He served part of a three month sentence handed down in June 2000. He was reportedly widowed in 2000 and is in a poor state of health. He was reportedly penalized for taking part in a hunger strike in Insein Prison in May 2005, and is believed to have been transferred to Thayet Prison. Reportedly needs treatment for eye disease.
<b>Political Party / Role / Place</b>	<b>NLD DOC member, legal advisory chair / Yangon</b>	
<b>Sentence / Legislation</b>	<b>21 years / 1950 EPA, 5 [j], PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>September 2000</b>	
<b>Prison Held</b>	<b>Mawlamyine Prison</b>	
<b>Health Concerns</b>	<b>eye problems</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Lawyer</b>	

31.

<b>Name / Age</b>	<b>SOE MYINT (U) AKA SAYA SOE / Male, not known</b>	He was arrested in 1992 on account of his former affiliations with the Communist Party of Burma, and reportedly because he composed a song commemorating the election victory of the National League for Democracy. He was given a second sentence for his participation in a group in prison who coordinated the production of a magazine, for which he reportedly wrote some songs and short stories. A total of 24 prisoners were given sentences at the beginning of 1996 in connection with their circulation of news within the prison, their preparation of a magazine, and their attempts to report on human rights violations in the prison. While authorities investigated him and others were held in cells designed for military dogs, made to sleep on concrete floors without bedding during winter months, and deprived of food and water. He was held in a dog cell between November 1995 and January 1996. They were also reportedly denied legal representation at their trial, at which a number reported that they had been tortured. This is his third period of imprisonment for political reasons.
<b>Political Party / Role / Place</b>	<b>Alleged CPB / Hlaing township Yangon</b>	
<b>Sentence / Legislation</b>	<b>22 years (10 + 7 + 5) / 1950 EPA, 5 [j], 5 [e], UAA 17/1,</b>	
<b>Date of Arrest</b>	<b>1992</b>	
<b>Prison Held</b>	<b>Tharawaddy Prison</b>	
<b>Health Concerns</b>	<b>rheumatoid arthritis</b>	
<b>Torture Concern</b>	<b>YES</b>	

32.

<b>Name / Age</b>	<b>SOE WIN AUNG (U)</b>	He was sentenced for having a film of Daw Aung San Suu Kyi visiting NLD members in 2003. He, Dr. Khin Maung Win and Soe Win Aung were tried immediately after arrest, without time to prepare an adequate defence.
<b>Political Party / Role / Place</b>	<b>NLD member, Khin U Sagaing Division</b>	
<b>Sentence / Legislation</b>	<b>3 years, 1985 Video Act</b>	
<b>Date of Arrest</b>	<b>6 July 2005</b>	
<b>Prison Held</b>		
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Local school teacher</b>	

33.

<b>Name / Age</b>	<b>SU SU NWE (Ma), (f)</b>	Su Su Nwe successfully sued her village administration for illegally requiring her and others to take part in unpaid forced labour. Following the prosecution she was threatened by village authorities. Village authorities alleged that she had sworn at them and prosecuted her for defamation. Persons who supported her prosecution of the authorities were reportedly also threatened by the local authorities. She suffers from heart disease and reportedly has been denied medication since her imprisonment.
<b>Political Party / Role / Place</b>	<b>NLD, Kawmoo, Yangon</b>	
<b>Sentence / Legislation</b>	<b>18 months' imprisonment; MPC 506, 294 (b)</b>	
<b>Date of Arrest</b>	<b>13 October 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		

34.

<b>Name / Age</b>	<b>THAN HLAING / Male, not</b>	He was arrested after he protested against the confiscation of his land used for rice
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	<b>known</b>	
<b>Political Party / Role / Place</b>	<b>NLD</b>	paddy by the army and the Union Solidarity and Development Association, by leading others whose land had been taken to local authorities to ask for its return. He was reportedly denied access to lawyers at his trial.
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>2000</b>	
<b>Prison Held</b>	<b>Taungoo Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Farmer</b>	

35.

<b>Name / Age</b>	<b>THAN HTAY (U)</b>	
<b>Political Party / Role / Place</b>	<b>NLD MP elect, Lashio Shan State</b>	He was arrested in August 2004, and was reportedly sentenced with his son, Than Htun Oo, his nephew and one other for alleged infringements under import and export legislation, relating to his son's electronic shop. It is believed that he was sentenced in connection with his political activism, and his refusal to cease political activities. He had reportedly been under pressure from local SPDC authorities to resign from his position of elected MP and was also reportedly active in an NLD signature gathering campaign for the release of Daw Aung San Suu Kyi. He was arrested in September 1998 and detained by authorities after refusing to report twice daily to them and not to travel. He was also held in incommunicado detention in 1996 to prevent him from attending an NLD meeting.
<b>Sentence / Legislation</b>	<b>Three years</b>	
<b>Date of Arrest</b>	<b>August 2004</b>	
<b>Prison Held</b>	<b>Kalay Prison</b>	
<b>Health Concerns</b>	<b>Yes, kidney problems when previously detained</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Lawyer</b>	

36.

<b>Name / Age</b>	<b>THAN MIN ALIAS TIN TUN AUNG / dob c. 1958</b>	Than Min was sentenced for sending allegedly "threatening" letters written by NLD MP-elect Dr. Aung Khin Sint and information about the NLD to National
<b>Political Party / Role / Place</b>	<b>NLD EC member / Mingala Thaungnyunt Yangon</b>	

**Sentence / Legislation** / 20 years / UAA 17 (1), 1950 EPA, 17(1), 1962 PPRA 17/20  
**Date of Arrest** 03/08/93  
**Prison Held** Taungoo Prison  
**Health Concerns**  
**Torture Concern**  
**Profession** Assistant to MP-elect

Convention delegates, characterized by authorities as "instigative letters for disrupting the National Convention".

37.

**Name / Age** THAN NYEIN (DR.) / 67 years old dob 1937  
**Political Party / Role / Place** NLD MP-elect / MP-elect / Kyauktan 1 Yangon  
**Sentence / Legislation** / Seven years / SPL, 10 (a) 1950 EPA, 5 [j]  
**Date of Arrest** 28/10/97  
**Prison Held** Pyay prison  
**Health Concerns** chronic liver cirrhosis, heart disease, hypertension, renal stones and bleeding, swollen abdomen  
**Torture Concern**  
**Profession** Medical Doctor



He was arrested for attempting to arrange a meeting of local NLD activists with the party's General Secretary,

Daw Aung San Suu Kyi. He is being held beyond the expiry of his sentence under an administrative detention law that allows authorities to hold prisoners without charge or trial. He went on hunger strike in October 2004 to protest this, and was reportedly transferred as a punishment to Tharawaddy Prison before being returned to Insein hospital. He has been repeatedly hospitalised during his imprisonment. He was moved for the fourth time since his sentence expired, in January 2005, to Pyay Prison.

38.

**Name / Age** THAN THAN HTAY (DAW) / female, not known  
**Political Party / Role / Place** NLD Women's Wing, DOC member / Magway Division Myothit 2

She is reported to have been sentenced in September 2004 with three other NLD members for allegedly receiving foreign satellite stations without official permission for satellite use, and under suspicion of

**Sentence / Legislation** / **Seven years' imprisonment / 1950 EPA 5j, 13 (1)** communicating news to opposition groups in exile. She and others were reportedly not allowed to testify in court.

**Date of Arrest** **8 June 2004**

**Prison Held**

**Health Concerns**

**Torture Concern**

**Profession**

39.

**Name / Age** **THAN THAN HTAY (MA) / f dob 1967**

**Political Party / Role / Place** **Yangon**

**Sentence / Legislation** / **17 years / 1950 EPA, 5 [j], UAA 17 (1)**

**Date of Arrest** **2000**

**Prison Held** **Insein Prison**

**Health Concerns** **arthritis**

**Torture Concern**

**Profession**



She was reportedly arrested for taking part in campaigns on education initiated by student groups in exile. She was previously imprisoned on account of her activities as a

member of the ABFSU.

40.

**Name / Age** **THAUNG TUN, AKA NYEIN THIT / Male, not known**

**Political Party / Role / Place** **NLD / Mandalay**

**Sentence / Legislation** / **Eight years / 17 (1), 13 (1) Immigration Act**

**Date of Arrest** **October 1999**

**Prison Held** **Mawlamyine Prison**



He is reported to have been sentenced to eight years imprisonment for allegedly making unauthorised video tapes, including of forced labour, and sending them outside the country.

He is a well-known poet, and has also worked

**Health Concerns**            **gastric ulcer**                            for the MV media group.

**Torture Concern**

**Profession**                **Poet/ private tutor**

41.

**Name / Age**                **THEIN NAING OO(U) /**            He was sentenced in September 2003 for allegedly distributing information about the attack on NLD members at Depayin on 30 May 2003.

**Political Party / Role / Place**    **NLD Dallah Yangon, Youth**

**Sentence / Legislation**        / **Seven years / 1950 EPA 5 [j]**

**Date of Arrest**                **June 2003**

**Prison Held**                 **Insein Prison**

**Health Concerns**           **YES**

**Torture Concern**

**Profession**

42.

**Name / Age**                **THET NAUNG SOE /**  
**Male, not known**

**Political Party / Role / Place**    **Monywa, Sagaing**

**Sentence / Legislation**        / **14 years / 1950 EPA, 5 [j]**

**Date of Arrest**                **17 August 2002**

**Prison Held**                 **Insein Prison**

**Health Concerns**           **Mental illness**

**Torture Concern**

**Profession**                 **Student**



Thet Naung Soe, a final year law student, was arrested for staging a peaceful demonstration outside City Hall in Yangon, with fellow law student Khin Maung Win.

He had reportedly handed out leaflets the previous day, calling on authorities to initiate political dialogue with the NLD.



43.

<b>Name / Age</b>	<b>THET WEI / Male, not known</b>	He was sentenced in connection with U Ohn Than's peaceful demonstration outside UNDP offices in Yangon.
<b>Political Party / Role / Place</b>	<b>NLD TOC chairman / Sanchaung Yangon</b>	
<b>Sentence / Legislation</b>	<b>Two years</b>	
<b>Date of Arrest</b>	<b>September 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>	<b>YES</b>	
<b>Torture Concern</b>		
<b>Profession</b>		

44.

<b>Name / Age</b>	<b>THET WIN AUNG Male, dob c. 1972</b>
<b>Political Party / Role / Place</b>	<b>ABFSU / Member / Tamway Township, Yangon</b>
<b>Sentence / Legislation</b>	<b>59 years / 1950 EPA 5[j] UAA 17 (1)</b>
<b>Date of Arrest</b>	<b>4 October 1998</b>
<b>Prison Held</b>	<b>Mandalay Prison</b>
<b>Health Concerns</b>	<b>Mental illness, malaria and other ailments</b>
<b>Torture Concern</b>	<b>YES</b>
<b>Profession</b>	<b>Student</b>



Thet Win Aung was arrested in connection with peaceful student demonstrations which protested against the poor quality of education and the human rights situation in Myanmar. This is the second time he has been detained -- he was reportedly held in prison for 9 months in 1991, during which period he is reported to have been tortured. He is being held around 400 miles from his home, a journey of around 12 hours.

45.

**Name / Age**            **TIN MYINT (U) / Male, not known**

**Political Party / Role / Place**    **NLD TOC secretary / Thingangyun Yangon**

**Sentence / Legislation**    **Seven years' imprisonment / 1950 EPA 5 [j], 13 (1)**

**Date of Arrest**            **8 June 2004**

**Prison Held**            **Insein Prison**

**Health Concerns**

**Torture Concern**

**Profession**

He was arrested with three other NLD members, and reportedly sentenced for owning satellite television equipment without official permission. He and others were reportedly not allowed to present testimony during the trial.

46.

**Name / Age**            **TIN OO (U) / aged 77 dob 1927**

**Political Party / Role / Place**    **NLD Vice Chairman**

**Sentence / Legislation**    **1975 SPL**

**Date of Arrest**            **30 May 2003**

**Prison Held**            **house arrest**

**Health Concerns**            **Deep vein thrombosis**

**Torture Concern**

**Profession**            **Former Chief Of Staff Of Armed Forces And Former Minister Of Defence**



He was detained by authorities after he and other NLD officials and members were violently attacked in what is believed to have been a state orchestrated operation. He was held in Kalay Prison and transferred into house arrest in February 2004. He was held in Insein Prison between 1990 and 1995 on account of his peaceful political activities. He has also been made to remain under effective house arrest during successive crackdowns on NLD political activities, including in September 2000, after he and other senior officials of the NLD had been prevented from leaving the capital on party business. His detention was increased by a further year on 13 February 2005.

47.

<b>Name / Age</b>	<b>TUN LIN KYAW, male aged 28 years old</b>	He was arrested for staging a peaceful one-man demonstration outside City Hall in Yangon on 14 December 2004. He reportedly protested the continued detention of Daw Aung San Suu Kyi, and called for her release. He was reportedly sentenced in February 2005.
<b>Political Party / Role / Place</b>	<b>NLD Youth member, Sanchaung Yangon</b>	
<b>Sentence / Legislation</b>	<b>Seven years, 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>December 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Former bodyguard for Daw Aung San Suu Kyi</b>	

48.

<b>Name / Age</b>	<b>DR WIN AUNG</b>	He was sentenced for having a film of Daw Aung San Suu Kyi visiting NLD members in 2003. He was also sentenced for having lent two books about Burmese history by writers in exile to other NLD members. He, Khin Maung Win and Soe Win Aung were immediately put on trial, without time to prepare an adequate defence, and sentenced two days after their arrest. Dr. Win Aung was injured during an attack on NLD members by a group supported by the SPDC on 30 May 2003, and was held without charge or trial
<b>Political Party / Role / Place</b>	<b>NLD, TOC chairman Khin-U, Sagaing Division</b>	
<b>Sentence / Legislation</b>	<b>Ten years, 1962 PPRA, 1985 Video Act</b>	
<b>Date of Arrest</b>	<b>6 July 2005</b>	
<b>Prison Held</b>	<b>Shwebo Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Medical doctor</b>	

49.

<b>Name / Age</b>	<b>WIN HTEIN / aged c. 54 dob 1950</b>
<b>Political Party / Role / Place</b>	<b>NLD / Insein Yangon</b>
<b>Sentence / Legislation</b>	<b>7 + 7 years / 1950 EPA, 5 [j]</b>



Win Htein was sentenced for allegedly organizing farmers and NLD members to collect

<b>Date of Arrest</b>	<b>22 May 1996</b>	agricultural statistics, including video footage of dry rice-fields and for instructing a young man to be interviewed about the torture of political prisoners in Myanmar's jails. He is a senior advisor to Aung San Suu Kyi. This is the second time since 1989 that Win Htein has been detained for his peaceful political activities. Win Htein was previously detained as a prisoner of conscience between 1989 and 1995. He is being held at least 12 hours journey by public transport from his home.
<b>Prison Held</b>	<b>Myingyan Prison</b>	
<b>Health Concerns</b>	<b>acute spondylitis, high blood pressure and migraines</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Business Consultant And Retired Army Officer</b>	

50.

<b>Name / Age</b>	<b>WIN TIN AKA U WIN TIN / aged 74 dob 1930</b>
<b>Political Party / Role / Place</b>	<b>NPF, NLD</b>
<b>Sentence / Legislation</b>	<b>20 years / Section 216 of the Burmese Penal Code, 1950 EPA 5 [j],[e]</b>
<b>Date of Arrest</b>	<b>4 July 1989</b>
<b>Prison Held</b>	<b>Insein Prison</b>
<b>Health Concerns</b>	<b>spondylitis, heart disease, haemorrhoids</b>
<b>Torture Concern</b>	
<b>Profession</b>	<b>Journalist; Editor</b>



He is serving a 20 year prison sentence. He has received three separate sentences while imprisoned-- firstly for harbouring a girl who had

received an illegal abortion, secondly, while still imprisoned for "giving seditious talks, organizing subversive movements within the NLD and writing and publishing pamphlets to incite treason against the state." His third prison sentence of 7 years was given for allegedly writing political analyses: authorities stated he "secretly published anti-government propaganda to create riots in jail". A total of 24 prisoners were given sentences at the beginning of 1996 in connection with their circulation of news within the prison, their preparation of a magazine, and their attempts to report on human rights violations in the prison. While authorities investigated the incident many, including U Win Tin, were held in cells designed for military dogs, made to sleep on concrete floors without bedding during winter months, and deprived of food and water. They were also reportedly denied legal representation at their trial, at which a number reported that they had been tortured.

Two persons sentenced at this time subsequently died in custody, one of whom was in his 30s. He has chronic health problems, including spondylitis.

51.

<b>Name / Age</b>	<b>YI YI WIN (MA) / f</b>	She is reported to have been sentenced in September 2004 with three NLD members for allegedly receiving foreign satellite stations without official permission for satellite use. She and others were reportedly not allowed to testify in court.
<b>Political Party / Role / Place</b>	<b>NLD member / Theinyazat Mon state</b>	
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5[j], 17 (1),</b>	
<b>Date of Arrest</b>	<b>July 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

52.

<b>Name / Age</b>	<b>ZAW MYINT MAUNG (DR) / aged 53 dob 1951</b>	He was imprisoned for his alleged participation in discussions about the formation of a parallel government in Mandalay, and was sentenced at a military tribunal with no legal representation. He is believed to have been deprived of food and sleep during interrogation. He was one of a total of 24 prisoners given further prison sentences at the beginning of 1996 in connection with their circulation of news within the prison, their preparation of a magazine, and their attempts to report on human rights violations in the prison. He was alleged to have written two poems and to have signed a petition for the release of Aung San Suu Kyi. While authorities investigated he and others were held in cells designed for military dogs, made to sleep on concrete floors without bedding during winter months, and deprived of food and
<b>Political Party / Role / Place</b>	<b>NLD / MP-elect / Amarapura 1 Mandalay Division</b>	
<b>Sentence / Legislation</b>	<b>20 years, commuted to 10 + 7 years (17 yrs) / 1950 EPA, 5 [e], BPC,122/1, PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>November 1990</b>	
<b>Prison Held</b>	<b>Myitkyina Prison</b>	
<b>Health Concerns</b>	<b>hepatitis</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Doctor</b>	

water. He was held in a dog cell between November 1995 and January 1996. The group were also reportedly denied legal representation at their trial, at which a number reported that they had been tortured. He is being held more than 400 miles from his home.

## POSSIBLE PRISONERS OF CONSCIENCE

53.

<b>Name / Age</b>	<b>ANNUL (KO) AKA WIN TIN</b>	He was arrested in connection with demonstrations in support of the NLD in Bago Division. Individuals arrested at the time in Bago were reportedly subjected to severe torture.
<b>Political Party / Role / Place</b>	<b>Bago</b>	
<b>Sentence / Legislation</b>	<b>24 or 25 years with hard labour / 1950 EPA. 5 [j], UAA 17(1) PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>19 July 1999</b>	
<b>Prison Held</b>	<b>Tharawaddy Prison</b>	
<b>Health Concerns</b>	<b>Tuberculosis</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Trader</b>	

54.

<b>Name / Age</b>	<b>AUNG KO KO</b>	He is believed to have been arrested in connection with NLD calls to convene parliament in September 1998.
<b>Political Party / Role / Place</b>	<b>Sanchaung township Yangon Division</b>	
<b>Sentence / Legislation</b>	<b>14 years imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>September 1998</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		

**Torture  
Concern****Profession**            **Student**

55.

**Name / Age**            **AUNG NAING THU / Male, not known**    He was reportedly sentenced for alleged contact with opposition political groups in exile. His mother, Daw Hnin Pa Pa, was also sentenced in the same case.

**Political Party / Role / Place**    **NLD Youth / Mandalay**

**Sentence / Legislation**    /    **12 years' imprisonment / not known**

**Date of Arrest**            **December 2003**

**Prison Held**            **Mandalay Prison**

**Health  
Concerns****Torture  
Concern****Profession**            **University Student**

56.

**Name / Age**            **AUNG SOE MIN / Male, not known**

**Political Party / Role / Place**    **North Okkalappa Yangon**

**Sentence / Legislation**    /    **14 or 21 years / 1950 EPA, 5 [j]**

**Date of Arrest**            **02/09/98**

**Prison Held**            **Insein Prison**



were being denied reading and writing

**Health  
Concerns**

**Torture Concern** materials. He is being held at least 12 hours by train from his home.

**Profession**            **Student**

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

57.

**Name / Age**            **AUNG ZAW OO / Male, not known**    He was reportedly arrested in connection with demonstrations planned by opposition groups in exile and for possessing written materials that had not been approved by the official censor. He was transferred from Patheingyi to Tharawaddy for participating in a hunger strike in 2003 calling for the release of Aung San Suu Kyi.

**Political Party / Role / Place**    **ABFSU / Myingyan Mandalay Division**

**Sentence / Legislation**    **/ 14 years' imprisonment / 1950 EPA, 5j, PPRA, 17/20**

**Date of Arrest**            **1999**

**Prison Held**            **Tharawaddy Prison**

**Health Concerns**

**Torture Concern**

**Profession**            **Private Tuition Teacher**

58.

**Name / Age**            **AUNG AUNG (KO) / Not known**

**Political Party / Role / Place**    **NLD Youth / Mandalay**

**Sentence / Legislation**    **/ Seven years' imprisonment**

**Date of Arrest**            **December 2003**

**Prison Held**            **not known**

**Health Concerns**



He was reportedly sentenced with 10 others for allegedly passing news about the situation in the country to opposition political groups in exile.



**Torture  
Concern**

**Profession**      **Rice And Gold Rings  
Merchant**

59.

<b>Name / Age</b>	<b>AUNG GYI / m</b>	He was arrested in connection with student demonstrations for the formation of a student union in December 1996.
<b>Political Party / Role / Place</b>	<b>Yangon Division</b>	
<b>Sentence / Legislation</b>	<b>10 years' imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>20 December 1996</b>	
<b>Prison Held</b>		
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

60.

<b>Name / Age</b>	<b>AUNG MYO SAN, Male</b>	He was arrested with three other NLD members and another political activist. He was reported to have been denied access to family and lawyers, and to have been sentenced to life imprisonment in June 2005.
<b>Political Party / Role / Place</b>	<b>NLD member, Kamayut Yangon /</b>	
<b>Sentence / Legislation</b>	<b>Reportedly to life imprisonment</b>	
<b>Date of Arrest</b>	<b>December 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health</b>		

**Concerns**

**Torture  
Concern**

**Profession**

61.

<b>Name / Age</b>	<b>AUNG NAING (M), c. 26 years old</b>	His father, an opposition MP elect, U Kyaw Min is believed to have been arrested on account of his political activities. He was held incommunicado, and he, his mother, sister and brother were arrested in May 2005. They were sentenced to 17 years imprisonment on the basis that the authorities disputed their right to nationality. They are Rohingyas, Muslims from Western Myanmar. Many Rohingyas are discriminatorily denied nationality in Myanmar.
<b>Political Party / Role / Place</b>	<b>From Yangon and Buthidaung, Rakhine State,</b>	
<b>Sentence / Legislation</b>	<b>17 years citizenship law section 18</b>	
<b>Date of Arrest</b>	<b>May 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		
<b>Profession</b>		

62.

<b>Name / Age</b>	<b>AYE CHAN (MA) (f)</b>	In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that she had attended a meeting with the FTUB on the Thai-Myanmar border in December 2003. It was further stated that at the meeting she and seven others, including her husband and father in law were given training on labour issues and how to gather news. Her husband died in prison on 5 November 2005.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>	<b>Eight years, 1950 EPA 5 [[j], UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>28 June 2005</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>Former teacher</b>	

63.

<b>Name / Age</b>	<b>AYE THI KHAING (f)</b>	In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that she had attended a meeting with the FTUB on the Thai-Myanmar border in December 2003. It was further stated that at the meeting she and seven others, including her uncle, were given training on labour issues and how to gather news.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>	<b>Eight years, 1950 EPA 5 [[j], UAA 17 (1);</b>	
<b>Date of Arrest</b>	<b>July 2005</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>Former bank employee</b>	

64.

<b>Name / Age</b>	<b>BA CHIT / Male, dob 1951</b>	He was arrested in connection with planned demonstrations in Bago division and accused of being a member of the ABSDF. Persons arrested in this area were reportedly severely tortured.
<b>Political Party / Role / Place</b>	<b>NLD Division OC member / Bago Division</b>	
<b>Sentence / Legislation</b>	<b>29 years with hard labour / 1950 EPA, 5 [j], UAA, 17/1</b>	
<b>Date of Arrest</b>	<b>18/07/99</b>	
<b>Prison Held</b>	<b>Tharawaddy Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Merchant</b>	

65.

<b>Name / Age</b>	<b>BA CHIT / Male, c 70 years old</b>	He was arrested in connection with planned demonstrations in Bago division and accused by authorities of receiving leaflets produced by the opposition in exile. Persons arrested in this area were reportedly severely tortured.
<b>Political Party / Role / Place</b>	<b>/ Bago Division</b>	
<b>Sentence / Legislation</b>	<b>24 years with hard labour / 1950 EPA, 5 [j], UAA,</b>	

**Legislation** 17/1, PPRA 17/20  
**Date of Arrest** 18/07/99  
**Prison Held** Tharawaddy Prison  
**Health Concerns** Reported to be in a declining state of health, hypertension, mental health problems  
**Torture Concern**  
**Profession** Former army captain

66.

**Name / Age** BA MYINT (U)/ Male  
**Political Party / Role / Place** NLD Township OC chairman, Bahan Yangon /  
**Sentence / Legislation** / Reportedly to life imprisonment  
**Date of Arrest** December 2004  
**Prison Held** Insein Prison  
**Health Concerns**  
**Torture Concern**  
**Profession**

He was arrested with three other NLD members and another political activist. He was reported to have been denied access to family and lawyers, and to have been sentenced to life imprisonment in June 2005.

67.

**Name / Age** BA THIN  
**Political Party / Place** Shan New Generation Youth, Shan State  
**Sentence / Legislation** 79 years imprisonment  
**Date of Arrest** 8 February 2005  
**Prison Held**  
**Health Concerns**

He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.

**Torture Concern****Profession**

68.

<b>Name / Age</b>	<b>BA TINT (U)/ Male</b>	He was arrested with three other NLD members and another political activist. He was reported to have been denied access to family and lawyers, and to have been sentenced to life imprisonment in June 2005.
<b>Political Party / Role / Place</b>	<b>NLD member, Ahlone Yangon / Bahan</b>	
<b>Sentence / Legislation</b>	<b>Reportedly to life imprisonment</b>	
<b>Date of Arrest</b>	<b>December 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	

**Health Concerns****Torture Concern****Profession**

69.

<b>Name / Age</b>	<b>BO GYI (U)</b>	He was reportedly arrested with U Pe Tin for allegedly distributing leaflets legally printed and distributed by the NLD. The leaflets reportedly elections of speeches on democracy by Aung San, the father of Daw Aung San Suu Kyi. They were reportedly sentenced on 27 May.
<b>Political Party / Role / Place</b>	<b>NLD / Township secretary / Shwekyin Township, Bago Division</b>	
<b>Sentence / Legislation</b>	<b>7 years / 1962 PPRA 17/20, 1950 EPA 5 (j)</b>	
<b>Date of Arrest</b>	<b>13 May 2005</b>	
<b>Prison Held</b>	<b>Bago Prison</b>	

**Health Concerns****Torture Concern****Profession**

70.

<b>Name / Age</b>	<b>CHAN MYA AUNG (MA)</b> <b>female</b>	She was arrested in a crackdown on opposition activists and students in September 1998, after opposition calls for convening parliament, and student demonstrations. Many of those arrested at the time were reportedly tortured in detention. It is believed that up to 54 other activists were sentenced at the same time, among whom were at least 30 women students.
<b>Political Party / Role / Place</b>	<b>NLD Youth</b>	
<b>Sentence / Legislation</b>	<b>7 years / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>September 1998</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

71.

<b>Name / Age</b>	<b>CHIT MIN LAY AKA</b> <b>CHIT MIN NAY AKA</b> <b>CHIT MIN OO / Male, dob</b> <b>c. 1972</b>
<b>Political Party / Role / Place</b>	<b>ABFSU, Student and Youth</b> <b>Unity Front</b>
<b>Sentence / Legislation</b>	<b>31 years imprisonment /</b> <b>1950 EPA, 5 [j], UAA, 17</b> <b>(1)</b>
<b>Date of Arrest</b>	<b>17/09/98</b>
<b>Prison Held</b>	<b>Mawlamyine Prison</b>
<b>Health Concerns</b>	
<b>Torture Concern</b>	<b>YES</b>
<b>Profession</b>	<b>Student</b>



He was sentenced in connection with student demonstrations in favour of convening parliament. He also had reportedly formed a literary reading group. He was reportedly tortured in detention, and was held incommunicado for some time.

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

72.

<b>Name / Age</b>	<b>CHO MA HTWE</b>
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She was arrested

<b>Political Party / Role / Place</b>	<b>NLD, Kamayut Yangon</b>	in connection with NLD calls to convene parliament in September 1998.
<b>Sentence / Legislation</b>	<b>7 or 14 years / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>September 1998</b>	(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)
<b>Prison Held</b>	<b>Mawlamyine Prison</b>	
<b>Health Concerns</b>	<b>Hypertension, heart disease</b>	
<b>Torture Concern</b>		

**Profession**            **Trader**

73.

<b>Name / Age</b>	<b>HAN WIN AUNG (KO) / Male, not known</b>	Han Win Aung was arrested for distributing leaflets criticizing official plans for transition to democracy. He was reportedly penalized for taking part in a hunger-strike in Insein Prison in May 2005.
<b>Political Party / Role / Place</b>	<b>South Okkalappa 1 Yangon</b>	
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5[j]</b>	
<b>Date of Arrest</b>	<b>03/10/03</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>		

74.

<b>Name / Age</b>	<b>HLA AYE(U)</b>	He and his son were arrested under charges of obstructing civil servants carrying out their duties. They were reportedly prosecuted for being involved in an argument with firemen who allegedly asked them for money NLD lawyers stated that the pair were
<b>Political Party / Role / Place</b>	<b>NLD TOC vice-chairman Hlaingthaya, Yangon Division</b>	
<b>Sentence /</b>	<b>Two years and one month, MPC 332</b>	

<b>Legislation</b>		
<b>Date of Arrest</b>	<b>19 September 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		
<b>Profession</b>		

selectively prosecuted on the basis of their activities on behalf of the NLD. He is reported to have been taken to court from hospital, despite medical professionals' advice. He was reportedly being treated after having a stroke and high blood pressure. He is reportedly still in a bad state of health.

75.

<b>Name / Age</b>	<b>HLA MYINT (U), aka U Hla Myint Than</b>	
<b>Political Party / Role / Place</b>	<b>NLD member, Bago Division</b>	
<b>Sentence / Legislation</b>	<b>Eight years</b>	
<b>Date of Arrest</b>	<b>4 July 2005</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>lawyer</b>	

The authorities stated that he was among a group of activists recruited to gather “*all sorts of news*” including on peasants, workers as well as natural disasters and “*to exaggerate them with intent to destabilize the country and create unrest*” The authorities further stated that this news was used by opposition groups in exile to make complaints to the International Labour Office (ILO) “*to the liking of ILO itself and cohorts*” and that the ILO “*made lopsided and unjust accusations against Myanmar and put pressure on her*”. In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that a satellite phone had been found in U Hla Myint's possession. It was further stated that U Hla Myint had “*confessed*” that the phone had been sent to him by a political activist in exile.

76.

<b>Name / Age</b>	<b>HLA WIN (KO) / Male, 28 dob 1976</b>	
<b>Political Party / Role / Place</b>	<b>NLD / Bago Division</b>	
<b>Sentence / Legislation</b>	<b>25 years with hard labour / 1950 EPA, 5 [j], UAA 17(1)</b>	

He was arrested in connection with demonstrations planned in Bago division to support the NLD and the revision of civil servants' salaries. People arrested in this area were reportedly severely tortured.



**Date of Arrest**      **July 1999**  
**Prison Held**        **Tharawaddy Prison**  
**Health Concerns**  
**Torture Concern**  
**Profession**        **Student**

77.

**Name / Age**        **HNIN PA PA (F) / f**  
**Political Party / Role / Place**    **NLD / Mandalay**  
**Sentence / Legislation**    / **7 years / not known**  
**Date of Arrest**        **22 December 2003**  
**Prison Held**        **Mandalay Prison**  
**Health Concerns**  
**Torture Concern**  
**Profession**        **Dancer**

She was arrested, reportedly for communicating with opposition groups in exile, and sentenced in April 2004.

**Name / Age**        **HSO TEN (General); dob 1936**  
**Political Party / Role / Place**    **NLD / Shan State Peace Council, chairman**  
**Sentence / Legislation**        **106 years imprisonment; 121 (1); 124 (a), Law 5/96; PPRA 17/20.**  
**Date of Arrest**        **February 2005**  
**Prison Held**        **Khamti Prison**  
**Health Concerns**  
**Torture Concern**

He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.

**Profession** Former general and founder of Shan State Army

78.

**Name / Age** HTAY LWIN OO / Male, not known He was arrested with a group of NLD members and allegedly sentenced for passing information to opposition groups in exile

**Political Party / Role / Place** NLD / Mandalay

**Sentence / Legislation** Seven years

**Date of Arrest** December 2003

**Prison Held** Mandalay Prison

**Health Concerns**

**Torture Concern**

**Profession**

79.

**Name / Age** KHIN KHIN NU (f), c. 25 years old Her father, an opposition MP elect, U Kyaw Min is believed to have been arrested on account of his political activities. He was held incommunicado, and she, her mother, sister and brother were arrested in May 2005. They were sentenced to 17 years imprisonment on the basis that the authorities disputed their right to nationality. They are Rohingyas, Muslims from Western Myanmar. Many Rohingyas are discriminatorily denied nationality in Myanmar.

**Political Party / Role / Place** From Yangon and Buthidaung, Rakhine State,

**Sentence / Legislation** 17 years citizenship law section 18

**Date of Arrest** May 2005

**Prison Held** Insein Prison

**Health Concerns** Yes

**Torture Concern**

**Profession** Former student

80.

<b>Name / Age</b>	<b>KHIN KYAW (U)/ Male</b>	He was arrested with three other NLD members and another political activist. He was reported to have been denied access to family and lawyers, and to have been sentenced to life imprisonment in June 2005.
<b>Political Party / Role / Place</b>	<b>NLD member, Kamayut Yangon /</b>	
<b>Sentence / Legislation</b>	<b>Reportedly to life imprisonment</b>	
<b>Date of Arrest</b>	<b>22 December 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

81.

<b>Name / Age</b>	<b>KHIN KYAW / Male, not known</b>
<b>Political Party / Role / Place</b>	<b>Official of the Seamen's Union of Burma, Member of FTUB, ITF-affiliate of the International Transport Workers' Federation (IFT) / Yangon</b>
<b>Sentence / Legislation</b>	<b>17 years imprisonment / 1950 EPA, 5[j]. UAA, 17 (1)</b>
<b>Date of Arrest</b>	<b>13 June 1997</b>
<b>Prison Held</b>	<b>Tharawaddy prison</b>
<b>Health Concerns</b>	
<b>Torture Concern</b>	
<b>Profession</b>	



He was arrested in connection with his activities as executive committee member of the Free Trade Unions of Burma.

82.

<b>Name / Age</b>	<b>KHIN MAUNG AYE / Male, not known</b>	He is believed to have been arrested in a crackdown on political activists and
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**Political Party / Role / Place**

**Sentence / Legislation** / 7 years' imprisonment / 1950 EPA, 5[j]

**Date of Arrest** 02/02/98

**Prison Held** Insein Prison

**Health Concerns**

**Torture Concern**

**Profession** Lawyer

sentenced with c. 40 others, including individuals who participated in the writing of a history of the student movement in Myanmar.

83.

**Name / Age** KHIN MAUNG LWIN aka Nay Min Aung

**Political Party / Role / Place** Yangon

**Sentence / Legislation** / Ten or 21 years' imprisonment

**Date of Arrest** 1998

**Prison Held** Kalay

**Health Concern** Yes

**Torture Concern**

**Profession**

He was reportedly sentenced for writing a letter to Myanmar's state sponsored advisory committee on religious affairs, which is comprised of 47 monks. He is reported to have written appealing that they intervene to resolve problems of poverty in Myanmar. In November 2005 it was reported that he has been denied medical treatment.

84.

**Name / Age** KHIN WIN ALIAS BODAW KHWIN WIN / dob c. 1944

**Political Party / Role / Place** NLD, Yangon

**Sentence / Legislation** / 20 + 3 years / 1950 EPA, 5 [j]

**Date of Arrest** 2003

**Prison Held** Insein Prison

**Health** nerve damage to hands




He was arrested in 2003 for allegedly making connections with opposition groups in exile, receiving funds for "activities opposing the Government", forming "an illegal anti-government gang secretly", and planning to distribute documents to incite unrest. Authorities made a rare response to reports that he had been

<b>Concerns</b>		tortured, including by electroshock therapy, saying that Military Intelligence has no tradition of using such methods, and that the source of his nerve problems came from sleeping with his hands under his pillow. This is his second period of imprisonment
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>		

85.

<b>Name / Age</b>	<b>KHUN HTUN OO (U), dob 1943</b>	He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.
<b>Political Party / Role / Place</b>	<b>SNLD, Chairman and MP elect, Hsipaw 1, Shan State, United Nationalities Alliance spokesman</b>	
<b>Sentence / Legislation</b>	<b>93 years imprisonment, MPC 121 (1); 124 (a); 1950 EPA 5 [h]; 5 (23)</b>	
<b>Date of Arrest</b>	<b>8 February 2005</b>	
<b>Prison Held</b>	<b>Putta-O</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Former assistant to Indonesian military attaché</b>	

74.

<b>Name / Age</b>	<b>KYAW AYE NAING / Male, not known</b>		Authorities stated that he had received funds from political groups in exile to support political prisoners. He was given a second term in 2002 while imprisoned in connection with a skirmish that happened between two prisoners, and was denied legal assistance. He is being held more than 170 miles from his home, a journey of more than eight hours by road.
<b>Political Party / Role / Place</b>	<b>NLD Youth (dismissed) / Mayangone Yangon</b>		
<b>Sentence / Legislation</b>	<b>8+7 years / UAA 17 (1), 5[d]</b>		
<b>Date of Arrest</b>	<b>1999</b>		
<b>Prison Held</b>	<b>Mandalay Prison</b>		
<b>Health Concerns</b>			
<b>Torture Concern</b>			
<b>Profession</b>			

86.

<b>Name / Age</b>	<b>KYAW HTUN MIN (KO) / Male, dob c. 1979</b>	He was arrested in connection with demonstrations in support of the NLD in Bago division. Many people were arrested in this connection, and were reportedly particularly severely tortured in detention.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>	<b>25 years' imprisonment / 1950 EPA 5 [j], UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>23 July 1999</b>	
<b>Prison Held</b>	<b>Thayet Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

87.

<b>Name / Age</b>	<b>KYAW KYAW / Male, not known</b>	He was arrested for illegally distributing leaflets reportedly critical of the SPDC's political plans for transition to democracy. He was reportedly penalized for taking part in a hunger strike in Insein Prison in May 2005.
<b>Political Party / Role / Place</b>	<b>Mon state</b>	
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5[j]</b>	
<b>Date of Arrest</b>	<b>September 2003</b>	
<b>Prison Held</b>	<b>Not known</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>yes</b>	
<b>Profession</b>	<b>Student</b>	

88.

<b>Name / Age</b>	<b>KYAW KYAW LWIN AKA U MAUNG LWIN / Male, not known</b>	He is believed to have been sentenced for distributing leaflets with information about the attack on members of the NLD on 30 May 2003, during which a number of persons were killed and after which there
<b>Political Party /</b>	<b>NLD / Kawthaung</b>	

**Role / Place**            **Tanintharyi Division**            were widespread arrests of NLD members and supporters.

**Sentence / Legislation**    / **10 years' imprisonment / 1950 EPA, 5[j], 24 (1),**

**Date of Arrest**            **30/06/03**

**Prison Held**              **Kawthaung**

**Health Concerns**

**Torture Concern**

**Profession**

89.

**Name / Age**              **KYAW MIN THAN / Male, not known**

**Political Party / Role / Place**    / **Mandalay**

**Sentence / Legislation**    / **21 years' imprisonment / 1950 EPA, 5 [j], PPRA 17/20s**

**Date of Arrest**            **September 1998**

**Prison Held**              **Shwebo Prison**

**Health Concerns**

**Torture Concern**

**Profession**              **Student**



He is believed to have been sentenced in connection with student support for NLD calls to convene parliament.

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

90.

**Name / Age**              **KYAW MIN (U) / Male, not known**            He is believed to have been sentenced in connection with NLD calls to convene parliament.

**Political Party / Role / Place**    / **NLD Youth / San Chaung township Yangon**

**Sentence**                / **7 years' imprisonment / 1950**

**Legislation** EPA, 5[j]  
**Date of Arrest** 02/09/98  
**Prison Held** Mandalay Prison

**Health Concerns**

**Torture Concern**

**Profession**

91.

**Name / Age** KYAW SOE MOE / Male, not known

**Political Party / Role / Place**

**Sentence / Legislation** / 12 years' imprisonment

**Date of Arrest** 4 October 2003

**Prison Held** Insein Prison

**Health Concerns**

**Torture Concern** YES

**Profession** student



He was reportedly arrested for distributing leaflets criticising authorities' political plans for democracy.

92.

**Name / Age** KYAW TUN MIN (KO) AKA AUNG KYAW AKA KO KYAW TUN MIN SOE / Male, dob 1979

**Political Party / Role / Place** Bago Division

**Sentence / Legislation** / 25 years with hard labour / 1950 EPA, 5 [j], UAA 17(1)

**Date of Arrest** 04/08/99

**Prison Held** Thayet Prison

He was arrested in connection with planned demonstrations about civil servants' salaries and commodity prices in Bago Division. Persons arrested in this area were reportedly subjected to severe torture.



**Health Concerns****Torture Concern****Profession**      **Student**

93.

**Name / Age**      **KYI THA OO / Male, not known**      He was arrested in connection with student demonstrations in support of the convening of parliament.

**Political Party / Role / Place**      **Yangon**

**Sentence / Legislation**      **/ 14 years' imprisonment / 1950 EPA, 5 [j]**

**Date of Arrest**      **September 1998**

**Prison Held**      **Insein Prison**

**Health Concerns****Torture Concern****Profession**      **Student**

94.

**Name / Age**      **KYI THA TUN / Male, not known**

**Political Party / Role / Place**      **Yangon**

**Sentence / Legislation**      **/ 14 years' imprisonment / 1950 Emergency Provisions Act, Section 5 [j], PPRA 17/20**

**Date of Arrest**      **November 1998**

**Prison Held**      **Shwebo Prison**

**Health Concerns****Torture Concern**

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

He was arrested in connection with student demonstrations in favour of convening parliament.

**Profession**            **Student**

95.

**Name / Age**            **KYI LWIN AKA THET HTWE / Male, not known dob 1971**    He was arrested in connection with plans by the opposition in exile for mass demonstrations.

**Political Party / Role / Place**    **NLD / Tamway Yangon**

**Sentence / Legislation**    /    **21 years' imprisonment with hard labour / 1950 EPA, 5 [j], UAA 17(1), PPRA 17/20**

**Date of Arrest**            **02/11/99**

**Prison Held**            **Tharawaddy Prison**

**Health Concerns**

**Torture Concern**

**Profession**            **Student**

96.

**Name / Age**            **KYI TUN / Male, not known**    He was arrested in connection with student demonstrations.

**Political Party / Role / Place**

**Sentence / Legislation**    /    **14 years' imprisonment / 1950 EPA, 5 [j]**

**Date of Arrest**            **1996**

**Prison Held**            **Insein Prison**

**Health Concerns**

**Torture Concern**

**Profession**            **Student**

97.

<b>Name / Age</b>	<b>LWIN KO LATT / Male, not known</b>	He was arrested for illegally distributing leaflets reportedly critical of the SPDC's political plans for transition to democracy. He was reportedly penalized for taking part in a hunger strike in Insein Prison in May 2005.
<b>Political Party / Role / Place</b>	<b>ABFSU, Yangon</b>	
<b>Sentence / Legislation</b>	<b>Seven years' imprisonment / 1950 EPA, 5[j]</b>	
<b>Date of Arrest</b>	<b>26 September 2003</b>	
<b>Prison Held</b>	<b>Not known</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>yes</b>	
<b>Profession</b>	<b>Student</b>	

98.

<b>Name / Age</b>	<b>LWIN MOE MYINT (KO) AKA KO ZAR NI / Male, dob 1972</b>	He was sentenced for his alleged involvement in demonstrations to support the NLD and commemorate the 52nd anniversary of the assassination of independence leader General Aung San.
<b>Political Party / Role / Place</b>	<b>ABSFU / Bago Division</b>	
<b>Sentence / Legislation</b>	<b>Life imprisonment / 1950 EPA, 5 [j] UAA 17 (1), PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>19 July 1999</b>	
<b>Prison Held</b>	<b>Tharawaddy Prison</b>	
<b>Health Concerns</b>	<b>gastric ulcer</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student (Maths)</b>	

99.

<b>Name / Age</b>	<b>MAUNG MAUNG AYE / Male, not known</b>	Authorities stated in a press conference that he was arrested for alleged contact with the NLD and NCGUB in Thailand, allegedly bringing funds as assistance for former
<b>Political Party /</b>	<b>N. Okkalappa</b>	

**Role / Place**

**Sentence / Legislation** / 13 years' imprisonment (3 years + 5 years + 5 years / 1950 EPA, 5 [j] UAA 17 (1) & (2)

**Date of Arrest** February 2003

**Prison Held** Insein Prison

**Health Concerns**

**Torture Concern**

**Profession**

political prisoners and for political activities, including demonstrations, and allegedly bringing news to Thailand about the political situation

100.

**Name / Age** MAUNG MAUNG LATT (KO) / m

**Political Party / Role / Place** South Okkalappa 1 Yangon

**Sentence / Legislation** / Seven years / 1950 EPA, 5 [j]

**Date of Arrest** February 2004

**Prison Held** Insein Prison

**Health Concerns** crippled leg

**Torture Concern**

**Profession** Student

He was arrested in connection with four others, including Ne Min and Ye Thiha, for the alleged distribution of criticism of official plans for political transition and communication with opposition groups in exile. He has a crippled leg, and had been detained between 1996 and 2002 for alleged involvement in student demonstrations in December 1996 calling for the legitimisation of student unions and the release of political prisoners. He was released in 2002, a year before the expiry of his sentence, under section 401 of the Criminal Code. Other prisoners released under this condition have been rearrested for resuming political activities and have been made to serve the remainder of their original sentence.

101.

**Name / Age** MAUNG MAUNG MYINT / Male, not known

**Political Party / Role / Place** North Okkalappa Yangon

**Sentence / Legislation** / Life + 5/ 1950 EPA, 5 [j]

He was accused in a government press conference of planning to distribute leaflets that authorities stated "contained seditious and false statements against the government" that were "intended to mislead the people". This is his second period of imprisonment.



**Concern**

**Profession** Student (History)At Dagon University

104.

**Name / Age** MYAT THURA KYAW / He was arrested in connection with student demonstrations.  
**Male, not known**

**Political Party / Role / Place**

**Sentence / Legislation** / 14 years imprisonment / 1950 EPA, 5 [j], UAA, 17 (1)

**Date of Arrest** December 1996

**Prison Held** Insein Prison

**Health Concerns**

**Torture Concern**

**Profession** Student

105.

**Name / Age** MYINT LWIN, 77 years old He was arrested with his son and daughter in law. His son died in prison on 5 November 2005. In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that Myint Lwin was an “aboveground hardcore” , and that he and three others had “collected unfounded news and sent exaggerations through satellite phones so as to earn their livelihood.”The D-G further stated that the group had “confessed that they made interviews with the BBC and spread exaggerated news many times”. The D-G also stated that he was among a group of activists recruited to gather “all sorts of news” including on peasants, workers as well as natural disasters and “to exaggerate

**Political Party / Role / Place** Bago Division

**Sentence / Legislation** Eight years 1950 5 [j], UAA 17 (1)

**Date of Arrest** 28 June 2005

**Prison Held** Insein Prison

**Health Concerns**

**Torture** Yes

**Concern**  
**Profession**

*them with intent to destabilize the country and create unrest". It was further stated that this news was used by opposition groups in exile to make complaints to the International Labour Office (ILO) "to the liking of ILO itself and cohorts" and that the ILO "made lopsided and unjust accusations against Myanmar and put pressure on her". The authorities also accused him of attending a training session on "collecting local news...world's labour disputes, employer –employee issues" in Thailand in December 2003, and receiving 100,000 kyats from the FTUB.*

106.

**Name / Age** MYINT OO / Male, 35 years old, dob 1969

**Political Party / Role / Place**

**Sentence / Legislation** 25 years imprisonment with hard labour / 1950 EPA, 5 [j], UAA, 17(1), PPRA

**Date of Arrest** 22/08/99

**Prison Held** Tharawaddy Prison

**Health Concerns** gastric disease

**Torture Concern** YES

**Profession** Trader



He was sentenced in connection with plans made by political groups in exile for mass demonstrations.

107.

**Name / Age** MYINT THAN (U) aka Maths

**Political Party / NLD** New Generation Youth, member, Shan State,

**Role / Place**

He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan

**Sentence /** 79 years imprisonment

**Legislation**

**Date of Arrest** 8 February 2005

**Prison Held**

**Health**

**Concerns**

**Torture**

**Concern**

**Profession**

state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.

108.

**Name / Age** MYO AUNG / Male, 29 years old dob 1975

**Political Party / Role / Place** Bago Division

**Sentence / Legislation** 28 years' imprisonment or death / 1950 EPA, 5 [j], UAA 17 (1)

**Date of Arrest** May 2000

**Prison Held** Toungoo Prison

**Health Concerns** general health problems

**Torture Concern**

**Profession** Student

He was sentenced to death in connection with an alleged bomb plot against the SPDC. He was alleged only to have had leaflets, and to have had no involvement in any plot. He was transferred from Patheingyi Prison after he and a group of other prisoners, including his older brother Myo Thant, were involved in a hunger strike calling for the release of Daw Aung San Suu Kyi in 2003.

109.

**Name / Age** MYO AUNG / Male, not known

**Political Party / Role / Place**

**Sentence / Legislation** 14 years' imprisonment / 1950 EPA, 5 [j]



He was arrested in connection with student support for the convening of



**Date of Arrest**     **September 1998**                     parliament.

**Prison Held**        **Patheingyi Prison**

**Health Concerns**        **gastric ulcer**

**Torture Concern**

**Profession**            **Student**

110.

**Name / Age**            **MYO AUNG THANT / Male, not known**

**Political Party / Role / Place**     **Member of the All Burma Petrol-Chemical Corporation Union , executive committee member of Federation of Trade Unions-Burma (FTBU) / Member / Yangon**

**Sentence / Legislation**     **/ 30 years (20 years+3+7) / UAA (3), 1950 EPA, 5 [j]**

**Date of Arrest**        **13 June 1997**

**Prison Held**            **Myitkyina Prison**

**Health Concerns**

**Torture Concern**

**Profession**            **Trade Unionist**



He was arrested in connection with his activities as executive committee member of the Free Trade Unions of Burma.

111.

**Name / Age**            **MYO MIN HTIKE AKA MYO MIN HTAI / Male, dob 1976**

**Political Party / Role / Place**     **Bahan Yangon**

**Sentence**                **/ 52 years' imprisonment /**



He was sentenced in connection with student support for the convening of parliament. He is being held nearly

<b>Legislation</b>	<b>1950 EPA, 5 [j]</b>	400 miles from his home, a journey of at least 12 hours by train.
<b>Date of Arrest</b>	<b>September 98</b>	
<b>Prison Held</b>	<b>Myingyan Prison</b>	(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)
<b>Health Concerns</b>	<b>gastric ulcer</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

112.

<b>Name / Age</b>	<b>MYO THANT AKA MYO SAT / Male dob 1968</b>	Authorities in a press conference described him as a destructive element, and stated that he had been planning to plant mines. Opposition sources maintain that he had no involvement in plans for violence, but had political leaflets. He was reportedly ill-treated in January 2001 when authorities investigated a hunger strike in Insein Prison, and was held for a month in a cell designed to house military dogs. His younger brother, Myo Aung was also arrested in this case. He and his brother were moved to Taungoo after they reportedly went on hunger strike in 2003, calling for the release of Aung San Suu Kyi. This is his second period of imprisonment.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>	<b>Death + 8 years, possibly commuted to 25 years</b>	
<b>Date of Arrest</b>	<b>June 2000</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

113.

<b>Name / Age</b>	<b>MYO WIN TUN (U)</b>	He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.
<b>Political Party / NLD</b>	<b>Shan New Generation Youth, Shan State</b>	
<b>Role / Place</b>		
<b>Sentence / Legislation</b>	<b>79 years imprisonment</b>	
<b>Date of Arrest</b>	<b>February 2005</b>	
<b>Prison Held</b>	<b>Mandalay</b>	
<b>Health</b>		

**Concerns****Torture  
Concern****Profession**

114.

<b>Name / Age</b>	<b>NAY WIN NAING / Male, dob 1976</b>	He is believed to have been arrested in connection with student demonstrations in favour of convening parliament in 1998.
<b>Political Party / Role / Place</b>	<b>Yangon</b>	
<b>Sentence / Legislation</b>	<b>14 years imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>November 1998</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

115.

<b>Name / Age</b>	<b>NAY KYAW / Male, not known</b>	He was charged with contact with opposition groups in exile and the distribution of materials without the approval of the official censor. He was arrested during a period when opposition groups in exile were attempting to organize widespread protest against authorities.
<b>Political Party / Role / Place</b>	<b>NLD / Tamway Yangon</b>	
<b>Sentence / Legislation</b>	<b>14 or 17 years' imprisonment / 1950 EPA, 5 [j], PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>02/09/99</b>	
<b>Prison Held</b>	<b>Hpa'an Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		

**Profession**            **Student**

116.

<b>Name / Age</b>	<b>NAY MIN AKA WIN SHWE / 45/ male</b>	He was arrested for allegedly having contact with opposition groups in exile, and reportedly preparing information that criticized official plans for political reconciliation. He was previously imprisoned in 1974 and 1988, when authorities penalized him for speaking to foreign journalists.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>15 years' imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>February 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Lawyer and journalist</b>	

117.

<b>Name / Age</b>	<b>NYAN TUN LIN AKA YAN NAING / Male, not known</b>	He was arrested for allegedly having contact with opposition groups in exile, and reportedly preparing information that criticized official plans for political reconciliation. He was previously in exile in Thailand, where he worked on a monthly newspaper and daily news website with news in Burmese, and was charged with illegally leaving the country. He was imprisoned with four others, including former lawyer Ne Min.
<b>Political Party / Role / Place</b>	<b>ABFSU / Ahlone Yangon</b>	
<b>Sentence / Legislation</b>	<b>22 years' imprisonment / 1950 EPA 5 [j], PPRA 17/20, Immigration Act 13 (1)</b>	
<b>Date of Arrest</b>	<b>February 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Former Online News Editor</b>	

118.

**Name / Age** NYAN WIN / Male, c. 50 years old  
**Political Party / Role / Place** alleged ABSDF  
**Sentence / Legislation** 10 years' imprisonment / 5j, 17/1  
**Date of Arrest** January 1998  
**Prison Held** Tharawaddy Prison  
**Health Concerns** Gastric problems, colitis, heart problems  
**Torture Concern**  
**Profession**

Authorities stated that he had been involved in the instigation of unrest by "spreading rumours and sending false reports" on the situation in the country. This is his second term of imprisonment for political reasons.

119.

**Name / Age** NYI HTWE AKA SAN ZAW HTWE / Male, dob c.1977  
**Political Party / Role / Place** NLD or ABFSU  
**Sentence / Legislation** 21 years imprisonment with hard labour / 1950 EPA,5 [j], UAA17/1  
**Date of Arrest** 20/09/99  
**Prison Held** Taungoo Prison  
**Health Concerns** hypertension and other health problems  
**Torture Concern** YES  
**Profession** Student (Geography)



He was arrested in connection with plans by opposition political groups in exile for mass demonstrations. He is believed to have been severely tortured. He was believed to have taken part in a hunger strike in prison in 2001, and was reportedly badly beaten on his arrival in Taungoo Prison.

120.

**Name / Age** NYO AUNG AKA KO NYO AUNG / Male, not known  
**Political Party /** ABFSU

He was reportedly accused of organizing political movements. He was previously imprisoned for his part in 1988 demonstrations against one party rule,

**Role / Place** where he was required to work in a prison labour camp, causing his health to deteriorate.

**Sentence / Legislation** / **15 years with hard labour**

**Date of Arrest** **end 1999**

**Prison Held** **Insein Prison**

**Health Concerns** **deteriorating health**

**Torture Concern**

**Profession**

121.

**Name / Age** **NYI MOE**

**Political Party / Role / Place** **Shan New Generation Youth Shan State,**

**Sentence / Legislation** **79 years imprisonment**

**Date of Arrest** **8 February 2005**

**Prison Held**

**Health Concerns**

**Torture Concern**

**Profession**

He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.

122.

**Name / Age** **PAW LWIN / Male, not known**

**Political Party / Role / Place**

**Sentence / Legislation** / **12 years / 1950 EPA, 5 [j]**

He was arrested for allegedly having contact with opposition groups in exile, and reportedly preparing information that criticized official plans for political reconciliation.

**Date of Arrest**      **February 2004**

**Prison Held**        **Insein Prison**

**Health  
Concerns**

**Torture  
Concern**

**Profession**

123.

**Name / Age**        **PE TIN (U)**

**Political Party /  
Role / Place**      **NLD / Organising committee  
member / Shwekyin  
Township, Bago Division**

**Sentence /  
Legislation**        **7 years / 1962 PPRA 17/20,  
1950 EPA 5 (j)**

He was reportedly arrested with U Bo Gyi for allegedly distributing leaflets legally printed and distributed by the NLD. The leaflets reportedly selections of speeches on democracy by Aung San, the father of Daw Aung San Suu Kyi. They were sentenced on 27 May.

**Date of Arrest**      **13 May 2005**

**Prison Held**        **Bago Prison**

**Health  
Concerns**            **Yes**

**Torture  
Concern**

**Profession**

124.

**Name / Age**        **PHO THAR (KO) / Male,  
not known**

**Political Party /  
Role / Place**      **NLD / Lashio Shan State**

**Sentence /  
Legislation**        **Three years**

He was arrested in August 2004, with his uncle, Than Htay, and cousin, Than Htun Oo, and sentenced for alleged infringements under import and export legislation, relating to electronic goods. It is believed that he was sentenced in connection with Than Htay's political activism, and his refusal to cease political activities.

**Date of Arrest**      **August 2004**

**Prison Held**

**Health Concerns**

**Torture  
Concern**

**Profession**

125.

<b>Name / Age</b>	<b>PHO THAR (KO) / m</b>	He was arrested in connection with student demonstrations in December 1996. He is a student from Dagon University.
<b>Political Party / Role / Place</b>	<b>Yangon</b>	
<b>Sentence / Legislation</b>	<b>10 years / 1950 EPA, 5[j]</b>	
<b>Date of Arrest</b>	<b>December 1996</b>	
<b>Prison Held</b>	<b>Pathein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

126.

<b>Name / Age</b>	<b>RAJADAMMA (U) / Male, not known</b>	He was reportedly ill-treated for participating in a hunger strike in Insein Prison in May 2005.
<b>Political Party / Role / Place</b>	<b>Bahan Yangon</b>	
<b>Sentence / Legislation</b>	<b>Not known</b>	
<b>Date of Arrest</b>	<b>Not known</b>	
<b>Prison Held</b>	<b>Not known, possibly transferred from Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>yes</b>	
<b>Profession</b>		

127.

<b>Name / Age</b>	<b>SAI HLA AUNG</b>	He was arrested in connection with a
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<b>Political Party / NLD</b>	<b>SNLD Central Committee member Shan State</b>	discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.
<b>Role / Place</b>		
<b>Sentence / Legislation</b>	<b>79 years imprisonment</b>	
<b>Date of Arrest</b>	<b>13 August 2005</b>	
<b>Prison Held</b>	<b>Kyaukbyu Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

128.

<b>Name / Age</b>	<b>SAI NYUNT LWIN, aka Sai Nood, dob 1953</b>	He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.
<b>Political Party / NLD</b>	<b>SNLD, general secretary, Shan State</b>	
<b>Role / Place</b>		
<b>Sentence / Legislation</b>	<b>85 years imprisonment</b>	
<b>Date of Arrest</b>	<b>8 February 2005</b>	
<b>Prison Held</b>	<b>Kalay Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Publisher and writer</b>	

129.

<b>Name / Age</b>	<b>SAO OO KYA, c 60 years old</b>	He was arrested for infringing a law on
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<b>Political Party /</b>		
<b>Role / Place</b>		
<b>Sentence /</b>	<b>13 years' imprisonment, 1993</b>	tourism, reportedly for accepting a token donation from a tourist for the renovation of the Shan palace where he resides. He was also penalized for comments written by tourists in his guest book, which authorities interpreted as discrediting the state. He is the nephew of the last Shan prince. His cousin, U Khun Htun Oo and others were arrested for discussing the National Convention in February 2005. They were sentenced to up to 109 years' imprisonment in October 2005.
<b>Legislation</b>	<b>Myanmar Hotel and Tourism Law, 26 [a]; MPC 124</b>	
<b>Date of Arrest</b>	<b>3 August 2005</b>	
<b>Prison Held</b>	<b>Not known</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

130.

<b>Name / Age</b>	<b>SAW MIN HTEIK GYAW / Male, not known</b>	He was arrested in connection with the organization of a student commemoration of the death of Phone Maw, a student who was shot during demonstrations against one party rule in 1988.
<b>Political Party /</b>		
<b>Role / Place</b>		
<b>Sentence /</b>	<b>7 years' imprisonment</b>	
<b>Legislation</b>		
<b>Date of Arrest</b>	<b>2000</b>	
<b>Prison Held</b>		
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Metallurgy Student</b>	

131.

<b>Name / Age</b>	<b>SAW MYO HTUN / Male, not known</b>	He was arrested for allegedly taking part in a ceremony to commemorate the death of a Phone Maw, a student, in demonstrations in 1988. He was held in a cell designed for military dogs for a month in January 2001, after authorities cracked down on prisoners who went on hunger strike calling for dialogue between the NLD and the SPDC,
<b>Political Party /</b>		
<b>Role / Place</b>		
<b>Sentence /</b>	<b>7 years' imprisonment</b>	
<b>Legislation</b>		
<b>Date of Arrest</b>	<b>12 April 2000</b>	

<b>Prison Held</b>	<b>Myaungmya Prison</b>	reading materials, improvements to prison conditions and more family interviews. Members of the group, which also included criminal prisoners, were beaten and kicked, and regularly interrogated with force and held in leg shackles with iron bars, and made to race one another in the prison exercise yard while shackled. They were also made to strip by prison officials.
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student</b>	

132.

<b>Name / Age</b>	<b>SHWE HTOO (U) / Male, not known</b>	He was reportedly arrested for his alleged support for calls to convene parliament. He was charged with illegally possessing arms because there was an airgun used for shooting birds in his house. This is his second term of imprisonment. He was reportedly severely beaten after a demonstration for prisoners' rights in Mandalay Prison.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>42 years' imprisonment with hard labour / 1950 EPA, 5 [j], UAA, 17 (1), 124(A)</b>	
<b>Date of Arrest</b>	<b>July 1998</b>	
<b>Prison Held</b>	<b>Mandalay or Taunggyi Prison</b>	
<b>Health Concerns</b>	<b>deteriorating general health</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Tutor</b>	

133.

<b>Name / Age</b>	<b>SIT KO AUNG AKA NANDA SIT AUNG / Male, not known</b>	He was arrested for distributing leaflets that were critical of authorities' planned "roadmap" for political change. He was reportedly penalized for taking part in a hunger strike in Insein Prison in May 2005.
<b>Political Party / Role / Place</b>	<b>ABFSU</b>	
<b>Sentence / Legislation</b>	<b>17 years' imprisonment / 1950 EPA 5 [j], UAA, 17 (1), Immigration Act, 13 (1)</b>	
<b>Date of Arrest</b>	<b>4 October 2003</b>	

**Prison Held** H Pa'An Prison

**Health Concerns**

**Torture Concern** YES

**Profession** Student, ABFSU

134.

**Name / Age** SOE MOE NAING (KO) / He was arrested in connection with NLD calls to convene parliament.  
Male, not known

**Political Party / Role / Place** DPNS / Mandalay

**Sentence / Legislation** 21 years imprisonment / 1950 EPA 5 [j], UAA 17 (1)

**Date of Arrest** 1998

**Prison Held** Taungoo Prison

**Health Concerns** various health problems

**Torture Concern**

**Profession** Sweet Shop Owner

135.

**Name / Age** SOE LWIN / Male, not known

**Political Party / Role / Place** NLD Youth member / Yangon

**Sentence / Legislation** 21years' imprisonment / 1950 EPA, 5 [j], PPRA 17/20

**Date of Arrest** September

**Prison Held** Taungoo Prison

**Health Concerns**

**Torture Concern**



He was sentenced in connection with student demonstrations in favour of calling parliament.

(photograph from Myanmar TV broadcast of SPDC press conference on recent arrests, October 1998)

**Profession**

136.

<b>Name / Age</b>	<b>SOE LWIN (K0) / Male, not known</b>	He was arrested during a crackdown on political activists, and sentenced in a two day trial with 40 others, including individuals who were sentenced for their part in the preparation of a history of the student movement.
<b>Political Party / Role / Place</b>	<b>DPNS Pazundaung, Yangon</b>	
<b>Sentence / Legislation</b>	<b>14 years' imprisonment / 1950 EPA, 5 [j], UAA, 17 (1)</b>	
<b>Date of Arrest</b>	<b>February 1998</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

137.

<b>Name / Age</b>	<b>SONNY SWE, 36, (m)</b>	Sonny Swe was reportedly sentenced for infringements of censorship legislation. He was the Deputy Chief Executive Officer of the semi-independent publication <i>The Myanmar Times</i> . It is believed that he was sentenced because <i>The Myanmar Times</i> was published without the permission of the official censorship board, and because of his family's proximity to former Prime Minister Khin Nyunt.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>14 years, PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>November 2004</b>	
<b>Prison Held</b>		
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>businessman</b>	

138.

<b>Name / Age</b>	<b>SWE SWE WIN (MA)/ female, not known</b>	It is believed that Swe Swe Win's arrest is connected with student demonstrations and NLD calls to convene parliament in September 1998, which were followed by a large-scale crackdown on opposition activists. She is believed to have been held incommunicado for some time after her detention.
<b>Political Party / Role / Place</b>	<b>NLD Yangon</b>	
<b>Sentence / Legislation</b>	<b>7 years' imprisonment or 10 years' imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>02/09/98</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student</b>	

139.

<b>Name / Age</b>	<b>TI ZA (Daw) (f), c. 55 years old</b>	Her husband, an opposition MP elect, U Kyaw Min is believed to have been arrested on account of his political activities. He was held incommunicado, and she, their two daughters and a son were arrested in May 2005. She and her children were sentenced to 17 years imprisonment on the basis that the authorities disputed their right to nationality. They are Rohingyas, Muslims from Western Myanmar. Many Rohingyas are discriminatorily denied nationality in Myanmar.
<b>Political Party / Role / Place</b>	<b>From Yangon and Buthidaung, Rakhine State,</b>	
<b>Sentence / Legislation</b>	<b>17 years citizenship law section 18</b>	
<b>Date of Arrest</b>	<b>May 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>housewife</b>	

140.

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**Name / Age**            **THAN HTUN OO / Male, not known**

**Political Party / Role / Place**    **Lashio Shan State**

**Sentence / Legislation**    /    **Three years**

**Date of Arrest**            **August 2004**

**Prison Held**

**Health Concerns**

**Torture Concern**

**Profession**                **Electronic Shop Owner**

He was arrested with his father, U Than Htay, an NLD MP elect, and his cousin. He was reportedly sentenced for possessing television satellite equipment without the correct license. It is however believed that the motive for their prosecution is related to their peaceful political activities.

141.

**Name / Age**                        **THAN LWIN (U) OR WIN / Male, not known**

**Political Party / Role / Place**    /    **Yangon**

**Sentence / Legislation**            **12 years' imprisonment**

**Date of Arrest**                        **December 2003**

**Prison Held**

**Health Concerns**

**Torture Concern**

**Profession**

He was sentenced with a group of other NLD members for allegedly contacting political groups in exile.

142.

**Name / Age**                        **THAN OO, aka KO YE**

**Political Party / Role / Place**    /    **Bago Division**

**Sentence /**                                **Not known**

In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that he and three others had “*collected unfounded news and sent exaggerations through satellite phones so as to earn their livelihood.*” The D-G further stated that the group had “*confessed*”

<b>Legislation</b>		<i>that they made interviews with the BBC and spread exaggerated news many times". The D-G also stated that he was among a group of activists recruited to gather "all sorts of news" including on peasants, workers as well as natural disasters and "to exaggerate them with intent to destabilize the country and create unrest". It was further stated that this news was used by opposition groups in exile to make complaints to the International Labour Office (ILO) "to the liking of ILO itself and cohorts" and that the ILO "made lopsided and unjust accusations against Myanmar and put pressure on her".</i>
<b>Date of Arrest</b>	<b>4 July 2005</b>	
<b>Prison Held</b>	Insein Prison	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>		

143.

<b>Name / Age</b>	<b>THAN WIN HLAING (U)</b>	He was reportedly sentenced for writing about General Aung San, one of the architects of Myanmar's independence and father of opposition leader Daw Aung San Suu Kyi. Than Win Hlaing had reportedly included information on General Aung San in the 2 <sup>nd</sup> edition of a 1995 history of prominent figures of Burmese political history. Opposition sources report that the information had been approved by the official censor, and that he was arrested on the basis that publicising information about Aung San was an implied criticism of the present authorities. He is reportedly suffering from eye and other health problems.
<b>Political Party / Role / Place</b>	<b>Shwepittiya, Yangon</b>	
<b>Sentence / Legislation</b>	<b>7 years, PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>June 2000</b>	
<b>Prison Held</b>	<b>Thayawaddy</b>	
<b>Health Concerns</b>	<b>Yes</b>	
<b>Torture Concern</b>		
<b>Profession</b>	<b>Author</b>	

144.

<b>Name / Age</b>	<b>THANT ZIN MYO</b>	He and his father were arrested under charges of obstructing civil servants carrying out their duties. They were reportedly prosecuted for being involved in an argument with firemen who allegedly asked them for money. NLD lawyers stated that the pair were selectively prosecuted on the basis of their activities on behalf of the NLD. He is reportedly has health problems.
<b>Political Party / Role / Place</b>	<b>NLD TOC joint secretary, Hlaingthaya, Yangon Division</b>	
<b>Sentence /</b>	<b>Two years and one month,</b>	



**Legislation** MPC 332  
**Date of Arrest** 19 September 2005  
**Prison Held** Insein Prison  
**Health Concerns** Yes  
**Torture Concern**  
**Profession**

145.

**Name / Age** THEIN LWIN OO

In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that he had attended a meeting with the FTUB on the Thai-Myanmar border in December 2003. It was further stated that at the meeting he and seven others, including his two nieces, were given training on labour issues and how to gather news.

**Political Party /** Bago Division

**Role / Place**

**Sentence /** Eight years

**Legislation**

**Date of Arrest** 28 June 2005

**Prison Held** Insein

**Health Concerns**

**Torture Concern** Yes

**Profession**

146.

**Name / Age** THET HTUN AKA KO SAW  
 THET HTUN / Male, dob  
 1965

He was accused of agitating unrest and having contact with groups on the border. He had been released from a previous term of imprisonment for political reasons in 1997.

**Political Party /** Tamway Yangon  
**Role / Place**

**Sentence /** 36 years' imprisonment or 20  
**Legislation** years' imprisonment / 1950  
 EPA, 5[j], UAA 17(1)

**Date of Arrest** September 1999

**Prison Held** Tharawaddy Prison

**Health  
Concerns**

**Torture  
Concern**

**Profession**            **Student**

147.

<b>Name / Age</b>	<b>THET AUNG NAING</b>	He was arrested with four NLD members. He was reported to have been denied access to family and lawyers, and to have been sentenced to life imprisonment in June 2005.
<b>Political Party / Role / Place</b>	<b>Not known</b>	
<b>Sentence / Legislation</b>	<b>Reportedly to life imprisonment</b>	
<b>Date of Arrest</b>	<b>December 2004</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	

**Health  
Concerns**

**Torture  
Concern**

**Profession**

148.

<b>Name / Age</b>	<b>THET OO / Male, not known</b>	He was arrested in connection with student demonstrations in favour of the formation of a student union and the release of political prisoners. He was charged with collaboration with underground movements because he allegedly photocopied materials for use in student demonstrations in December 1996. He is reported to have been severely tortured during interrogation.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>14 or 26 years/ 1950 EPA, 5[j], UAA, 17 (1), PPRA 17/20</b>	
<b>Date of Arrest</b>	<b>December 1996</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	

**Health  
Concerns**

**Torture**            **YES**  
**Concern**

**Profession**            **Photocopy Shop Owner**

149.

**Name / Age**            **THU YA AUNG**            He was sentenced in connection with demonstrations organized by opposition groups in exile. This is his second period of imprisonment for political reasons

**Political Party / Role / Place** / **ABFSU; YASU / Bago Division**

**Sentence / Legislation**    / **25 years / 1950 EPA, 5 [j], UAA 17 (1)**

**Date of Arrest**        **25 August 1999**

**Prison Held**

**Health Concerns**

**Torture Concern**

**Profession**            **Artist**

150.

**Name / Age**            **THURA / Male, not known**            He was sentenced in connection with student support for convening parliament.

**Political Party / Role / Place**

**Sentence / Legislation**    / **14 years' imprisonment / 1950 EPA, 5 [j]**

**Date of Arrest**        **September 1998**

**Prison Held**            **Insein Prison**

**Health Concerns**

**Torture Concern**

**Profession**            **Student**

151.

**Name / Age**            **THURA AUNG / Male, dob 1978**            He was arrested in connection with student demonstrations to support the convening of parliament.

**Political Party /**    **Kamayut Yangon**

**Role / Place**

**Sentence / Legislation** / 7 or 29 years' imprisonment / 1950 Emergency Provisions Act, Section 5 [j]

**Date of Arrest** 24 August 1998

**Prison Held** Thayet Prison

**Health Concerns**

**Torture Concern**

**Profession** Student

152.

**Name / Age** THURA SOE / Male, 25 years old

**Political Party / Role / Place** Bago Division

**Sentence / Legislation** / 25 years' imprisonment

**Date of Arrest** 1999

**Prison Held** Toungoo Prison

**Health Concerns**

**Torture Concern** YES

**Profession** Household Goods Salesman

He was arrested in connection with plans by opposition groups in exile to hold demonstrations. He was reportedly tortured, including with electric shocks. He and co-defendants reportedly stated in court that they were tortured, and there was no response from the presiding judge. They also reportedly requested legal counsel, which was denied.

153.

**Name / Age** TUN AYE / Male, not known

**Political Party / Role / Place** North Okkalappa Yangon

**Sentence / Legislation** / 13 years' imprisonment, commuted to 10 years by SLORC amnesty 01/12/97,

He was sentenced with eight others for distributing leaflets, which authorities categorized as spreading rumours "with intent to create misleading impressions on [sic] the government and to cause panic". He was arrested during a crackdown on political activists after renewed political

**Date of Arrest** 02/06/96  
**Prison Held** Thayet Prison  
**Health Concerns** tuberculosis  
**Torture Concern**  
**Profession** Student

154.

activities by the NLD. He is reported to have suffered tuberculosis in prison. He is being held at least 340 miles from his home.

**Name / Age** TUN NYO  
**Political Party / NLD** Shan New Generation Youth member Shan State  
**Role / Place**  
**Sentence / Legislation** 79 years imprisonment  
**Date of Arrest** February 2005  
**Prison Held**  
**Health Concerns**  
**Torture Concern**  
**Profession**

He was arrested in connection with a discussion with other Shan political representatives on Shan National Day. The group reportedly discussed the National Convention and the political future of Shan state. They were held without access to family members, denied legal representation of their choice, and tried in camera. After their sentencing in November 2005, members of the group were transferred to distant prisons.

155.

**Name / Age** TUN ZAW HTAY / Male, not known  
**Political Party / Role / Place** Kamayut Yangon  
**Sentence / Legislation** 10 years / 1950 EPA, 5 [j], UAA 17 (1)  
**Date of Arrest** June 2000  
**Prison Held** Insein Prison  
**Health Concerns**



He was arrested in a crackdown on students, including individuals who authorities alleged were involved in a plot to plant bombs in Yangon. No allegations of violence are believed to have been made against Tun Zaw Htay, and it has been reported that one of the

<b>Torture Concern</b>		reasons he was arrested was because he allegedly assisted in the provision of financial assistance to former prisoners and student activists.
<b>Profession</b>	<b>Student (Maths)</b>	

156.

<b>Name / Age</b>	<b>WAI LIN</b>	In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that he and three others had “collected unfounded news and sent exaggerations through satellite phones so as to earn their livelihood.” The D-G further stated that the group had “confessed that they made interviews with the BBC and spread exaggerated news many times”. The D-G also stated that he was among a group of activists recruited to gather “all sorts of news” including on peasants, workers as well as natural disasters and “to exaggerate them with intent to destabilize the country and create unrest”. It was further stated that this news was used by opposition groups in exile to make complaints to the International Labour Office (ILO) “to the liking of ILO itself and cohorts” and that the ILO “made lopsided and unjust accusations against Myanmar and put pressure on her”. He was arrested after a satellite phone was found by members of security services in a well at the back of his house.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>	
<b>Sentence / Legislation</b>	<b>25 years, 1950 EPA 5 [j]; UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>28 June 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>yes</b>	

<b>Name / Age</b>	<b>WAI WAI NU (f), c. 20 years old</b>	Her father, an opposition MP elect, U Kyaw Min is believed to have been arrested on account of his political activities. He was held incommunicado, and she, her mother, sister and brother were arrested in May 2005. They were sentenced to 17 years imprisonment on the basis that the authorities disputed their right to nationality. They are Rohingyas, Muslims from Western Myanmar. Many Rohingyas are
<b>Political Party / Role / Place</b>	<b>From Yangon and Buthidaung, Rakhine State,</b>	
<b>Sentence / Legislation</b>	<b>17 years citizenship law section 18</b>	
<b>Date of Arrest</b>	<b>May 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	

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<b>Health Concerns</b>	<b>Yes</b>	discriminatorily denied nationality in Myanmar.
<b>Torture Concern</b>		
<b>Profession</b>	<b>student</b>	

157.

<b>Name / Age</b>	<b>WIN KYI / Male, not known</b>	He was arrested with a group of NLD members and allegedly sentenced for passing information to opposition groups in exile
<b>Political Party / Role / Place</b>	<b>NLD / Mandalay/Letwe</b>	
<b>Sentence / Legislation</b>	<b>22 years, 1950 EPA, 5 (j), UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>21/12/03</b>	
<b>Prison Held</b>		
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

158.

<b>Name / Age</b>	<b>WIN MIN THAN / Male, not known</b>	He was reportedly sentenced in connection with NLD calls to convene parliament.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>7 years / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>September 1998</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

159.

<b>Name / Age</b>	<b>WIN MYINT (U)</b>	<p>In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that he and three others had “<i>collected unfounded news and sent exaggerations through satellite phones so as to earn their livelihood.</i>” The D-G further stated that the group had “<i>confessed that they made interviews with the BBC and spread exaggerated news many times</i>”. The D-G also stated that he was among a group of activists recruited to gather “<i>all sorts of news</i>” including on peasants, workers as well as natural disasters and “<i>to exaggerate them with intent to destabilize the country and create unrest</i>”. It was further stated that this news was used by opposition groups in exile to make complaints to the International Labour Office (ILO) “<i>to the liking of ILO itself and cohorts</i>” and that the ILO “<i>made lopsided and unjust accusations against Myanmar and put pressure on her</i>”.</p>
<b>Political Party /</b>		
<b>Role / Place</b>	<b>Bago Division</b>	
<b>Sentence /</b>	<b>17 years</b>	
<b>Legislation</b>		
<b>Date of Arrest</b>	<b>4 July 2005</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>Cafe owner</b>	

160.

<b>Name / Age</b>	<b>YAN NAING MIN</b>	<p>It is believed that he was arrested in connection with student support for the convening of parliament</p>
<b>Political Party /</b>	<b>ABFSU, Mandalay</b>	
<b>Role / Place</b>		
<b>Sentence /</b>	<b>20 years, 1950 EPA 5 (j)</b>	
<b>Legislation</b>		
<b>Date of Arrest</b>	<b>1998</b>	
<b>Prison Held</b>	<b>Mandalay Prison</b>	
<b>Health Concerns</b>	<b>Hernia and other health problems</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student and poet</b>	



161.

<b>Name / Age</b>	<b>YE LWIN / Male, not known</b>	He was reportedly arrested in connection with student demonstrations in support of the creation of a student union.
<b>Political Party / Role / Place</b>	<b>Hlaingthaya</b>	
<b>Sentence / Legislation</b>	<b>18 years / 1950 EPA, 5 [j], UAA, 17 (1)</b>	
<b>Date of Arrest</b>	<b>20 December 1996</b>	
<b>Prison Held</b>	<b>Tharawaddy Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>	<b>Student (High School)</b>	

162.

<b>Name / Age</b>	<b>YE TUN MIN (KO) / Male, not known</b>	He was arrested with a group of NLD members for allegedly contacting opposition political groups in exile. His father, U Than Lwin, was also sentenced in this case.
<b>Political Party / Role / Place</b>	<b>Yangon</b>	
<b>Sentence / Legislation</b>	<b>12 years</b>	
<b>Date of Arrest</b>	<b>22 December 2003</b>	
<b>Prison Held</b>	<b>not known</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		

163.

<b>Name / Age</b>	<b>YE THIHA / Male, not</b>	He was sentenced in May 2004 for allegedly
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	<b>known</b>		having contact with opposition groups in exile, and reportedly preparing information that criticized official plans for political reconciliation. He was reportedly imprisoned in 1989 for his alleged former association with the ABSDF.
<b>Political Party / Role / Place</b>	<b>Yangon</b>		
<b>Sentence / Legislation</b>	<b>Seven years / 1950 EPA, section 5 [j]</b>		
<b>Date of Arrest</b>	<b>February 2004</b>		
<b>Prison Held</b>	<b>Insein Prison</b>		
<b>Health Concerns</b>			
<b>Torture Concern</b>			
<b>Profession</b>			
<b>164. Name / Age</b>	<b>YE MYINT</b>		In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that he had attended a meeting with the FTUB on the Thai-Myanmar border in December 2003. It was further stated that at the meeting he and seven others were given training on labour issues and how to gather news.
<b>Political Party / Role / Place</b>	<b>Bago Division</b>		
<b>Sentence / Legislation</b>	<b>Eight years</b>		
<b>Date of Arrest</b>	<b>July 2005</b>		
<b>Prison Held</b>	<b>Insein</b>		
<b>Health Concerns</b>			
<b>Torture Concern</b>	<b>Yes</b>		
<b>Profession</b>			
<b>165. Name / Age</b>	<b>YIN KYI (DAW) (f)</b>		In a press conference on 28 August 2005, detailing a series of accusations against opposition groups in exile, the Director General of Police stated that she had attended a meeting with the FTUB on the Thai-Myanmar border in December 2003.
<b>Political Party / Role / Place</b>	<b>Pantanaw, Ayeyarwaddy Division</b>		

<b>Role / Place</b>		It was further stated that at the meeting she and seven others, including her uncle, were given training on labour issues and how to gather news.
<b>Sentence / Legislation</b>	<b>Eight years, 1950 EPA 5 [[j], UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>July 2005</b>	
<b>Prison Held</b>	<b>Insein</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>	<b>Yes</b>	
<b>Profession</b>	<b>Junior assistant teacher</b>	
	166.	
<b>Name / Age</b>	<b>ZAW LIN TUN / Male, not known</b>	He was reportedly sentenced in February 2004 for allegedly distributing leaflets critical of the authorities announced plans for political transition.
<b>Political Party / Role / Place</b>	<b>ABFSU</b>	
<b>Sentence / Legislation</b>	<b>/ 17 years / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>October 2003</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		
<b>Torture Concern</b>		
<b>Profession</b>		
	167.	
<b>Name / Age</b>	<b>ZAW MIN HTIKE (KO) / Male, not known</b>	He was arrested in 1999 after being deported from Thailand. He was reportedly accused of being a member of an exiled political group and youth workers organization.
<b>Political Party / Role / Place</b>	<b>Hpa-an Kayin State</b>	
<b>Sentence / Legislation</b>	<b>/ 7 years' imprisonment / 1950 EPA, 5 [j]</b>	
<b>Date of Arrest</b>	<b>25 December 1999</b>	
<b>Prison Held</b>	<b>Insein Prison</b>	
<b>Health Concerns</b>		

**Torture  
Concern**

**Profession**            **Migrant Factory Worker In  
Thailand**

168.

**Name / Age**            **ZAW MIN NAING / Male, not known**    He was arrested with a group of NLD members and allegedly sentenced for passing information to opposition groups in exile

**Political Party / Role / Place**    **NLD / Yangon**

**Sentence / Legislation**    **/ 12 years**

**Date of Arrest**            **December 2003**

**Prison Held**

**Health Concerns**

**Torture  
Concern**

**Profession**

169.

**Name / Age**            **ZAW MIN OO / Male, not known**    He is believed to have been arrested in connection with demonstrations in support of the convening of parliament. He was reportedly badly beaten in Insein Prison in April 2005.

**Political Party / Role / Place**    **ABFSU Yangon**

**Sentence / Legislation**    **/ 14 years, 1950 EPA, 5 [j], UAA 17 (1), Immigration Act 13 (1)**

**Date of Arrest**            **September 1998**

**Prison Held**            **Not known**

**Health  
Concerns**

**Torture Concern**            **yes**

**Profession**

170.

<b>Name / Age</b>	<b>ZAW YE WIN (KO) / male dob 1972</b>	He was sentenced for alleged involvement in the organization of demonstrations in September 1999. He was previously imprisoned in 1990 for his involvement in the commemoration of the death of Phone Maw and imprisoned for three years.
<b>Political Party / Role / Place</b>		
<b>Sentence / Legislation</b>	<b>7 or 14 years / 1950 EPA, 5 [j], UAA 17 (1)</b>	
<b>Date of Arrest</b>	<b>28 August 1999</b>	
<b>Prison Held</b>	<b>Thayet Prison</b>	
<b>Health Concerns</b>	<b>heart disease</b>	
<b>Torture Concern</b>	<b>YES</b>	
<b>Profession</b>	<b>Student</b>	

## PRISONERS HELD WITHOUT CHARGE OR TRIAL UNDER THE 1975 STATE PROTECTION LAW

<b>Name / Age</b>	<b>AUNG SAN SUU KYI (DAW) / f, dob 1945</b>
<b>Political Party / Role / Place</b>	<b>NLD General Secretary</b>
<b>Sentence / Legislation</b>	<b>none / 1975 SPL, 10 [b]</b>
<b>Date of Arrest</b>	<b>30 May 2003</b>
<b>Prison Held</b>	<b>House arrest</b>
<b>Health Concerns</b>	
<b>Torture Concern</b>	



She has been detained since her and NLD members travelling on party business in Upper Myanmar were violently attacked, in what is believed to have been a state orchestrated operation. Authorities stated that she and other NLD members were being held under “*protective custody*.” She was held incommunicado in an undisclosed location for more than four months until September 2003 when she was put under house arrest after undergoing surgery. She was reportedly

informed in November 2004 that she was being held under the 1975 State Protection Law, which allows detention without charge or trial on executive order.

She was held under house arrest between July 1989 and May 1995 and between September 2000 and May 2002, and in intervening periods has had her movement severely restricted. She has never been charged or tried for any of these periods of detention. She was awarded the Nobel Peace Prize while under house arrest in 1991.

**Name / Age** MAY WIN MYINT (DAW)  
f, 54 yrs. old 08/03/1950

**Political Party / Role / Place** NLD / MP-elect / Mayagone  
2 Yangon Division

**Sentence / Legislation** / 6 years imprisonment /  
1950 EPA, 5[j], SPL 10 [a]

**Date of Arrest** 28 October 1997

**Prison Held** Insein Prison

**Health Concerns** heart disease, high blood  
pressure and arthritis

**Torture Concern** YES

**Profession** Medical Doctor



Daw May Win Myint was among a group arrested after an attempt by the NLD to hold a meeting with Daw Aung San Suu Kyi and the NLD Youth in Mayagone

township, which authorities characterized as "anti-government activities with a mob." She is reported to have been deprived of drinking water and to have been mistreated during interrogation. She is being detained under an administrative detention law beyond the expiry of her sentence.

**Name / Age** MYAT SAN

**Political Party / Role / Place** NLD / Pabedan township  
Yangon Division

**Sentence / Legislation** / 15 years; commuted to 10  
years 1.1.93 / 1950 EPA 5  
[j], SPL 10 [a]

**Date of Arrest** 11 December 1991

Myat San was sentenced for his participation in demonstrations to celebrate Aung San Suu Kyi receiving the Nobel peace prize. He is being held beyond the end of his sentence under section 10 a of the 1975 State Protection Law. He is being held at least 170 miles from his home, a journey of more than eight hours by road.

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<b>Prison Held</b>	<b>Taungoo Prison</b>
<b>Health Concerns</b>	<b>gastric ulcer, tuberculosis</b>
<b>Torture Concern</b>	
<b>Profession</b>	<b>Student</b>

**Name / Age**            **SHWE OHN (U) / 82 years old**

**Political Party / Role / Place**    **Democratic League for the National Races of the Shan State (abolished) / Shan veteran politician**

**Sentence / Legislation**        **Reportedly one year of house arrest / 1975 SPL 10 (B)**

**Date of Arrest**            **8 February 2005**

**Prison Held**                **House arrest**

**Health Concerns**

**Torture Concern**

**Profession**                **Lawyer and writer**



He was placed under house arrest for taking part in a Shan National Day meeting in Taunggyi on 7 February 2005. It was reported that participants discussed the future of the Shan State and the role of the ceasefire groups at the National Convention. He

was previously arrested in December 1992 and sentenced to one year imprisonment for writing and distributing an essay on the form the new constitution should take.

**Name / Age**                **SOE MYINT**

**Political Party / Role / Place**    **All Burma Youth League, allegedly CPB**

**Sentence / Legislation**        **20 years, commuted to 10 years imprisonment, currently SPL 10 [a]**

**Date of Arrest**            **November 1989**

**Prison Held**                **Mandalay**

**Health**                      **Not known**

He was reportedly sentenced for alleged links with the CPB. He is being held in a prison more than 12 hours by train from his family.

**Concerns**

**Torture Concern**                    **Not known**  
**Profession**                    **Not known**

**Name / Age**                    **THAN NYEIN (DR.) / 67 years old dob 1937 male**

**Political Party / Role / Place**    **NLD MP-elect / Kyauktan 1 Yangon**

**Sentence / Legislation**        **Seven years / SPL, 10 (a) 1950 EPA, 5 [j]**

**Date of Arrest**                **October 1997**

**Prison Held**                    **Pyay Prison**

**Health Concerns**                **chronic liver cirrhosis, heart disease, hypertension**

**Torture Concern**

**Profession**                    **Medical Doctor**



He was arrested for attempting to arrange a meeting of local NLD activists with the party's General Secretary, Daw Aung San Suu Kyi. He is being

held beyond the expiry of his sentence under an administrative detention law that allows authorities to hold prisoners without charge or trial. He went on hunger strike in October 2004 to protest this, and was reportedly transferred as a punishment to Tharawaddy Prison before being returned to Insein hospital. He has been repeatedly hospitalised during his imprisonment. He was moved for the fourth time since his sentence expired, in January 2005, to Pyay prison.

**Name / Age**                    **TIN OO (U) / aged 77 dob 1927**

**Political Party / Role / Place**    **NLD vice Chairman**

**Sentence / Legislation**        **1975 SPL**

**Date of Arrest**                **30 May 2003**



He was detained by authorities after he and other NLD officials and members were violently attacked in what is believed to have been a state orchestrated operation. He was



**Prison Held**      **house arrest**      held in Kalay Prison and transferred into house arrest in February 2004. He was held in Insein Prison between 1990 and 1995 on account of his peaceful political activities. He has also been made to remain under effective house arrest during successive crackdowns on NLD political activities, including in September 2000, after he and other senior officials of the NLD had been prevented from leaving the capital on party business. His detention was increased by a further year on 13 February 2005.

**Health Concerns**

**Torture Concern**

**Profession**      **Former Chief Of Staff Of Armed Forces And Former Minister Of Defence**

**Name / Age**      **YE NYUNT**      He was reportedly sentenced for alleged connections to the CPB. He is currently imprisoned at least 12 hours travel by train from his family.

**Political Party / Role / Place**      **Alleged CPB, Yangon**

**Sentence / Legislation**      **Not known. Currently SPL, 10 [a]**

**Date of Arrest**      **1989**

**Prison Held**      **Mandalay Prison**

**Health Concerns**      **Not known**

**Torture Concern**      **Not known**

**Profession**      **Not known**

(KEY TO TABLE REFERENCES)

1) Political Groups

ABFSU	All Burma Federation of Student Unions
ABSDF	All Burma Students Democratic Front
ALD	Arakan League for Democracy
CPB	Communist Party of Burma, also known as the BCP
CRPP	Committee Representing the People's Parliament
DPNS	Democratic Party for a New Society
FTUB	Federation of Trade Unions - Burma

MNDF	Mon National Democratic Front
NCGUB	National Coalition Government of the Union of Burma
NLD	National League for Democracy
NPF	National Politics Front

**Roles**

MP-elect: elected as Member of Parliament in the 1990 elections  
 TOC - Township Organizational Committee  
 DOC: Divisional Organizational Committee

**Legislation**

1950 EPA	<p>1950 Emergency Provisions Act</p> <p>Section 5 [e] of the 1950 Emergency Provisions Act allows authorities to imprison up to seven years, or fine, or both, anyone who <i>“causes or intends to spread false news, knowing beforehand that it is untrue”</i></p> <p>Section 5 [j] of the 1950 Emergency Provisions Act allows authorities to imprison for up to seven years and/or fine anyone who <i>“causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security and stability of the Union.”</i></p>
1975 SPL	<p>1975 State Protection Law</p> <p>Anyone who is suspected of having committed, or who is committing, or who is about to commit, any act which <i>“endangers the sovereignty and security of the state or public peace and tranquillity”</i>, can be imprisoned for up to five years without trial on the orders of the executive, without any legal appeal to the detention.</p>
1985 TV and Video Law	<p>This provides for the compulsory licensing of television sets and video recorders, and for the mandatory censorship of all video tapes. Under this law copying, hiring, distributing or showing a video tape that has not been approved by censors is punishable with imprisonment for up to three years, or a fine, or both.</p>
Penal Code	<p>Under Section 122/1, <i>Whoever commits High Treason within the Union of Burma shall be punished with death</i></p> <p>Under Section 122/2 <i>Whoever, being a citizen of the Union of Burma or ordinarily resident within the Union, commits High Treason outside the Union shall be punished with death.</i></p> <p>Under Section 505, anyone who <i>makes, publishes or circulates any statement, rumour or report...</i></p> <p><i>[b] with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity</i></p> <p>may be punished with two years' imprisonment and a fine</p>
PPRA	<p>The 1962 Printers and Publishers Registration Act requires all books, magazines, periodicals, song lyrics and film scripts to be approved by censors prior to publication or distribution: anyone breaching it may be punished with up to seven years' imprisonment and a fine.</p>

UAA	<p>Unlawful Associations Act (India Act XIV, December 11 1908)</p> <p>Section 17/1 allows the imprisonment of a minimum of two years, and a maximum of three, and a fine, of anyone who is a member of an association considered unlawful by authorities, or who <i>contributes, receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of such an organization.</i></p> <p>Section 17/2 allows a minimum term of three years' imprisonment, and a maximum term of five years' for anyone who <i>manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members.</i></p>
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**Place Detained**

Insein	Insein Prison, Yangon Division
Kalay	Kalay Prison, Sagaing Division
Katha	Katha Prison, Sagaing Division
Mandalay	Mandalay Prison, Mandalay Division
Mawlamyine	Mawlamyine Prison, Mon State
Myitkyina	Myitkyina Prison, Kachin State
Patheingyi	Patheingyi Prison, Ayeyarwady Division
Tharawaddy	Tharawaddy Prison, Bago Division
Thayet	Thayet Prison, Magway Division
Toungoo	Toungoo Prison, Shan State

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